

THE LOUISIANA PUBLIC BROADCASTING

Legal

EASE



RESOLVING CONFLICTS

THE TEACHER'S GUIDE FOR THE VIDEO SERIES

Legal EASE

"Resolving Conflicts"

Instructional Guide

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OVERVIEW

Resolving Conflicts is the sixth program in the LegalEASE series produced by Louisiana Public Broadcasting. It is a fifteen minute video which aims to educate young viewers about non-violent ways in which they can resolve conflicts and mediate disputes.

In today's world, violence is everywhere. We *learn about* the consequences of violence from reports in newspapers and magazines and on TV and radio. We *see* violence in movies, television programs, cartoons and video games, and *hear* about it in popular music. We *experience* violence in our communities. Even worse, many children and teenagers become victims of violent acts in places that have traditionally been safe havens, their homes and schools. With violence permeating every aspect of our lives, what can we do to turn the tide? The first step in any change process is heightened awareness of the problem. The next step is learning and practicing alternative ways to resolve conflicts and to keep disputes from escalating into violent acts. This LegalEASE program looks at violent behavior, the consequences of violence, and ways to mitigate it.

LPB recommends that this video be viewed by teenagers, individually or in groups, in the presence of a concerned adult who has reviewed and become familiar with the information offered in this guide. This program is intended to stimulate discussion and provide some basic information on strategies for reaching non-violent solutions to problems.

While LegalEASE provides a wealth of information on various aspects of violence

prevention, these materials are NOT intended to be a sole or complete source of information on any of the topics covered. Adults using this video are cautioned to avoid giving legal advice to students and should steer discussion away from specific personal or family references when appropriate. At the same time, adults should familiarize themselves with the range of resources available in their communities so that they can direct young people to programs that can provide appropriate help if needed.

The on-air program host is basketball great Durand "Rudy" Macklin, who came to Louisiana State University in 1976 and, as a freshman, was voted AP and UPI All-American. Macklin made the ALL SEC First Team during his sophomore, junior and senior years, and led the LSU Tigers to the Final Four in Philadelphia in 1981. Macklin went on to play professionally for the Atlanta Hawks, the New York Knicks and the Los Angeles Clippers before a career-ending injury forced him to retire from professional sports. He now devotes much of his time to counseling youth on the importance of physical fitness and to working with young people to prevent underage drinking and the use of other drugs.

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THE CONSEQUENCES OF VIOLENCE

The Problem of Violence

What is the price of violence in our society? The annual economic cost to society is staggering — an estimated \$160 billion (\$60 billion for federal, state, and local criminal justice expenditures and a cost of \$100 billion to victims).¹ In addition to the enormous costs of enforcement, court trials, and incarceration, one must consider the senseless deaths, injuries and loss of personal freedoms, not only for the perpetrators of violence, but also for its victims.

Until recently, violence has been considered a purview of the criminal justice system, but now it is recognized as a serious public health problem requiring widespread involvement. More than 6 million violent victimizations occur each year.² The U.S. Department of Justice reports that Americans are more likely to become victims of violent crime than to be injured in motor vehicle accidents.³

Every day:⁴

- 60 persons are murdered,
- 250 women are raped,
- 2500 people are assaulted,
- 1400 people are robbed, and
- more than 5000 people suffer injuries from violent conflicts.

Who is at greatest risk of being victimized? Children, adolescents, young adults,⁵ the elderly, those who are poor, and those who are intoxicated. The perpetrators of violence are more likely to be someone the victim knows — an acquaintance, a friend, or a relative.

Drugs and Crime

Among the findings of a 1995 national poll on drug abuse⁶ was that the public is particularly concerned about the threat of drug use and the crime associated with it. This concern is definitely supported by the facts.⁷

- 79% of state prison inmates say they have used drugs at one point in their lives, and more than 60% used drugs regularly.
- Drug possession and distribution are crimes. More than half of all federal inmates are behind bars for drug offenses.
- About 85% of females and almost 50% of males who are arrested for prostitution resort to that activity to support their drug habit, and test positive for illicit drugs when arrested.

Drugs are involved in many violent crimes. At least half of the people arrested for major crimes such as homicide, theft, and assault were using illicit drugs around the time of their arrest. About half of the people incarcerated in state prisons for committing violent crimes report that they were under the influence of alcohol or other drugs at the time of their offense.⁸ One in three juvenile detainees were under the influence of drugs at the time of their offense.⁹ Drinking and the use of other drugs is associated with:¹⁰

- 68% of manslaughter charges
- 62% of assaults
- 52% of rapes
- 50% of spousal abuse cases
- 49% of murders
- 38% of child abuse cases.

Violence and Young People

FACT:

*Violence has replaced foreign wars as the greatest danger to the young men and women of America.*¹¹

FACT:

*More teen males now die of gunshot wounds than of all natural causes.*¹²

Violence by and against young people in particular is deadly serious. By 1990, crimes of violence had become a larger component of all crime committed by young people. And since then the problem has gotten worse.¹³ Today, violence and injury,¹⁴ often related to substance abuse, are responsible for 75 percent of adolescent deaths.¹⁵ A study of ninth and tenth grade male students found that "juvenile drug sellers were more likely to have carried concealed weapons and to have committed violent offenses than were juveniles who only used drugs or were drug free."¹⁶ Research also suggests that "involvement in drug trafficking results in higher delinquency rates, regardless of whether the juvenile is a user or not."¹⁷ While drugs and delinquency are often related, one does not necessarily cause the other. Although we can't say definitively that drugs **cause** crime or vice versa, it is not unreasonable to say that one can be a **predictor** for the other. The strongest predictors of violence are other serious delinquency and problem school behavior.¹⁸ Researchers believe that the same underlying risk factors, which will be discussed in another section, contribute to each problem.¹⁹

Teenagers "represent only about 15 percent of the population, yet they are arrested for roughly one-third of all crimes and more than one-quarter of violent crimes."²⁰ In 1992, for example, there were 129,600 arrests of juveniles for violent crime (murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault).²¹

The increase in homicides in the past few years is tied to the use of guns.²² Incarcerated juveniles and high school students "report that they acquire guns for self-protection and obtain them (cheaply and easily) through illegal and informal street sources."²³ Five out of six guns used in crimes are illegally obtained—many stolen from residences.²⁴ Juveniles are also responsible for 42 percent of arsons and 23 percent of property crimes. In contrast to older criminals, juveniles are more likely to commit crimes in groups.²⁵ Before getting involved in criminal activities, juveniles need to know that the penalties can be very serious. All states allow juveniles to be tried as adults in criminal court under certain circumstances.²⁶

Some of the most tragic stories are those in which children are killed in their own homes or neighborhoods by stray bullets or from accidental shootings when a young person is playing with a gun. Adolescents between the ages of 12 and 17 are much more likely to be victims than are persons past their mid-twenties.²⁷ Compared to other juveniles, African-American youth are more likely to be victimized by violent crime. The greatest increase in juvenile homicides has been in large cities.²⁸ But no child is immune to violence. Any child anywhere is at risk of becoming a victim, and a sad fact is that many of these crimes go unreported.²⁹ Violent crime against teenagers and young adults goes unreported for various reasons—fear of retaliation, distrust of the criminal justice system, lack of proof or witnesses, recovery of stolen property, the offender is unsuccessful, or the victimization is viewed as a private or personal matter. "When an incident is associated with gang activity, the rate of non-reporting appears to soar."³⁰

Sometimes violent outcomes are the result of things getting out of hand, particularly when groups of youth are involved. Arguments over issues related to turf, male-fe-

male relationships, personal insults, and gossip can escalate into violence. The taking of property, like name-brand clothing, can precipitate a fight that can lead to more serious actions. Or a prank that is meant to be harmless can result in violence against individuals or property. If the young people involved believe that violence is a way to solve problems, the consequences can be devastating.

What is the outlook on juvenile crime? While juveniles are not responsible for **most** violent crime, the increasing rate of violent crimes committed by them does not bode well for the future. If violent crime by juveniles continues to increase as it has in the past ten years, it is estimated that by the year 2010, the number of arrests for violent crimes will more than double and the number of arrests for murder will increase nearly 150%.³¹

Violence at Home

Violence in the home is usually domestic violence between husbands and wives (or persons living together) and/or child abuse. When guns are accessible, as they are in half of the households in this country,³² they can lead to accidental deaths, especially when the guns are within reach of children.

Child Abuse and Neglect

Growing up in the world today can be risky for all children, but some live in environments that are more risky than others. Children can become victims at the hands of a parent or another person in their own homes. Child abuse, including sexual abuse, can be physical or emotional. In the case of physical abuse, there also are emotional or psychological scars. Drug abuse is implicated in about one-third of child abuse cases. Child neglect is the failure of caregivers to provide for the child's basic needs.

FACT:

Children are more likely than are older juveniles to be killed by their parents. Fifty-nine percent of homicide victims under age 10 were killed by parents (more often the father). Fists or feet were the most common weapons, used in forty-five percent of such killings. Eighteen percent of these younger children were killed by a firearm.³³

While many abused or neglected children grow up to be happy, healthy, and productive members of society, others suffer from depression or related ailments. There is increasing evidence that a tendency toward violence can be transmitted from generation to generation. "One research study found that youths who have been abused or neglected are 38% more likely to be arrested for a violent crime by the time they are adults than those who have not been mistreated."³⁴ Another study on the connection between families and youth violence found that children growing up in violent homes (physical or sexual abuse or neglect, violence between parents, or a family climate of hostility) were more than twice as likely to participate in violence than children growing up in nonviolent homes.²⁵ Even if children are not being physically hurt, seeing their mother be abused³⁶ can cause problems. They may feel badly about themselves or be fearful, angry, sad, and scared. They may have trouble in school or have difficulty in their own relationships. Because living in a home where their mother is abused can cause children psychological problems or put them in jeopardy of being physically abused, mothers are urged to use the law to protect their children and themselves.³⁷

Domestic and Other Violence Against Women

FACT:

*Domestic violence is the leading cause of injury to women in the United States.*³⁸

Women are more likely to be victimized by intimates, such as husbands, ex-husbands, boyfriends and, to a much lesser degree, by other relatives, than by acquaintances or strangers. Many women victimized by intimates do not report their violent victimization to police because of shame or fear of reprisal. Because it occurs in private and is under-reported, domestic (or family) violence, including battering, is difficult to measure. On average each year, females experience 572,032 violent victimizations at the hands of an intimate, compared to 48,983 incidents committed against men. While women with lower education levels and family income are more likely to be the victims of domestic violence, the location where a woman lives (urban, suburban, or rural) does not decrease a woman's risk of experiencing an act of violence by an intimate.³⁹

African-American and Hispanic women are at high risk of experiencing a crime of violence (domestic or otherwise). So are young adult women (age range 20-24), economically disadvantaged women, women living in inner cities, and women who were never married or are divorced or separated. While males committed most of these crimes, about one-fourth of all assaults against females were perpetrated by other females.⁴⁰ When weapons were used, strangers were more likely to be armed with guns. Intimates and other relatives were more likely to be armed with knives or other sharp instruments.⁴¹

Rape is more likely to be committed against a woman by someone who is known to them than by a stranger. Women were more likely to be raped in urban areas than

in suburban or rural areas. Female victims of rape and aggravated assault were significantly more likely to perceive their attackers to be under the influence of drugs or alcohol than females who experienced a robbery or simple assault. Rapes are more likely to take place after dark between 6 p.m. and midnight.⁴²

Violence at School

School violence is a problem in every part of the country and in every type of community — rural, suburban, and urban. At many schools today, there are signs of the times—metal detectors, parent patrols, armed security, clear plastic school bags, and self-defense training seminars for staff. These and other strategies are making schools much safer places for students. Nonetheless, many students, especially those attending schools that have not taken steps to reduce violence, are afraid to go to school or to drive or walk through areas around school. Students who bring weapons to school are likely to do so for the purpose of protection or to show off.⁴³ Weapons brought to school by students, even children in elementary schools, include guns, knives, clubs, bats, metal knuckles, slingshots, razor blades, chemicals, explosives, and other sharp-pointed instruments.⁴⁴

Violence in the Community

No community is immune from crime, but some are much more susceptible than others. In the most extreme cases, communities can be war zones. This level of violence is often associated with drugs — users committing crimes to support a habit, the violent behavior of people under the influence of drugs, violence between drug dealers, and gang warfare.

Children living in environments characterized by chronic⁴⁶ violence can suffer from

symptoms similar to those associated with Post-Traumatic Stress Disorder. Based on the findings of studies and reports, children living in such situations may be expected to exhibit such behaviors as: difficulty concentrating in school because of lack of sleep and

"flashbacks,"⁴⁷ impaired memory, fearfulness of being left alone, more aggressive play, "acting tough" as a way of dealing with their fear, acting in an uncaring way toward others, and limiting activities for fear of re-experiencing trauma.

NOTES

CONFLICT RESOLUTION

Conflict resolution and peer mediation programs are being implemented in schools throughout the country to address the serious problem of violence in our schools and society. Conflict resolution programs provide information to young people and adults on nonviolent alternatives for resolving conflicts. Peer mediation programs teach young people strategies for intervening or assisting others in resolving conflicts or disputes. These programs teach young people to solve problems with their hearts and heads rather than with their hands.

There are three approaches to conflict resolution in the schools:

- (1) peer mediation programs
- (2) conflict resolution curricula
- (3) staff development training in conflict resolution skills

These approaches, however, are not mutually exclusive. Combining the three can help to achieve the goal of a safe and peaceful school environment. Their purpose is to provide information for breaking the cycle of violence in families, schools and communities. In many families, hitting, intimidation, and verbal abuse are seen as a normal way of relating to one another. Children learn by this example and imitate what they have seen when resolving their own conflicts with others. Conflict resolution and peer mediation programs teach children and teenagers that there are alternatives, besides passivity and aggression, for resolving conflicts. Such programs provide skills young people need to prevent arguments from escalating and to settle differences in ways that do not cause harm. An important component of peer mediation and conflict resolution is the development of trust in self and others.

In these programs, teachers or other responsible adults, acting as facilitators, emphasize the fact that stress, anger, and conflict are a natural part of life, and that it is important to learn ways of dealing with feelings and situations which do not automatically lead to violent behaviors. Whether a fight is physical or verbal, it might seem that one person wins and another loses, but in actuality both lose. The aim of conflict resolution programs is a win-win solution in which both parties are satisfied, knowing that they have been heard and their feelings considered.

Children are less likely to become violent if they develop particular skills, attitudes and patterns of behavior.⁴⁸

The skills, attitudes and patterns of behavior young people need to have to approach problems nonviolently are:

- **Problem-solving and reasoning skills:** Children who think that there are only two ways to solve problems — fight or give up — are more likely to become either perpetrators or victims of violence. Children's ability to reason well can lead to a wider variety of options than just fighting or running. Children who are more proficient at generating and evaluating options in academic and social settings are less likely to choose violent ways of solving conflicts.
- **Social capacities:** These include development of empathy, effective communication, humor, and attachment to positive, non-violent individuals or groups. Understanding another person's point of view and having concern for others can

help students generate a wider variety of options—some of which may be mutually acceptable. Students must be able to both listen with understanding and be understood. The ability to laugh and create moments where others, too, feel more light-hearted can often become one of the most successful options to reducing violent responses. However, humor can sometimes be biting or sarcastic. The ability to be a friend and have friends can create a stronger desire to find non-violent ways to solve conflicts.

A productive sense of purpose, independence, and power: Children who are more likely to resort to violence have no hope in the future. Conversely, children who believe they can conduct themselves in positive and productive ways are more likely to seek non-violent means to resolve conflict.⁴⁹

Conflict Resolution Programs

Most programs that focus on ameliorating disputes non-violently are called conflict resolution programs. Other similar programs are called conflict management or dispute resolution programs. For a conflict resolution program to work best, there needs to be a "buy-in" from everyone in the school community — administrators, faculty, and students. Every group should be on board from the beginning and work together to develop a plan that is appropriate and workable for their school.

Common elements of conflict resolution programs are:

- teaching young people the terms and concepts they can use to discuss conflict and come to a resolution,
- teaching young people that anger and conflict are normal,
- teaching young people the terms and

concepts for discussing feelings and behaviors,

- teaching young people the reasons that people fight, the ways that people deal with anger and conflict and that the best (and only acceptable) ways are those that do not involve any form of violence,
- teaching young people good communication skills (both listening and speaking), and
- providing opportunities for young people to practice, through role-play, resolving disputes nonviolently and talk about their feelings,

The content and methods of teaching should be appropriate for the age of the individuals involved, and the responsible adult should assume the role of facilitator and employ strategies that involve the students in the learning process. Conflict resolution programs should start early—in kindergarten. While it may be difficult to teach this process to young children in the primary grades, starting early can lay the groundwork for important learning in later grades. Primary grade teachers can use puppets, art, games and stories. Children can be given opportunities to think and talk about their feelings. Teachers can help children develop problem-solving skills by using situational stories that are familiar to them, generating ideas for solutions and explaining the role of peer mediators at the school.⁵⁰

In order to internalize conflict resolution skills, students need to learn to differentiate between three styles of conflict.⁵¹

Denial (or passivity)

- happens when one person is angry because of conflict, and that individual denies or pretends that he or she doesn't have a problem.
- conflict doesn't really end because the other person never knows what is wrong or why the first person is angry with him or her.

Confrontation

- occurs when one person is angry and attacks another person either verbally (with words) or physically (with fists or weapons),
- those involved are not willing to listen to both sides, and
- one person attacks or "puts down" the other person's ideas.

Problem Solving

- happens when both sides talk about their problems without putting others down or blaming others,
- both sides acknowledge there is a problem and work together to figure out solutions, and
- both sides are willing to look for the solution which works best **for all**

The teaching of nonviolent conflict resolution skills focuses on achieving resolution through verbal communication, leading to a win-win solution. As students learn and practice these skills in elementary, middle, junior high and high school, they are very likely to carry them into their homes and other settings throughout their lives.

Peer Mediation

Peer mediation programs take the conflict resolution process one step further by putting young people in the role of peer teachers. *In* these programs, a group of students, called peer mediators or conflict managers, are identified and trained in the peer mediation process and serve as third-party mediators to help other students resolve their differences in mediation sessions. In some programs, these students are called dispute managers. Students who are having a disagreement are referred to as disputants and peer mediation sessions are called mediations. In addition to the process steps, which we'll discuss shortly, peer mediators learn the need to show respect and to try to put

themselves in the other person's shoes. The students must trust the mediators to respect them and trust that they will keep confidences, except for certain circumstances that will be discussed later. Mediators must learn about cultural and gender differences and understand that these differences must be considered when mediating a dispute.

When disagreements reach a point at which there is a conflict or dispute between two or more parties, nonviolent conflict resolution can assist them in resolving their conflicts or settling their disputes before they escalate into violence. Peer mediation is one approach to conflict resolution. The purpose of mediation is to intervene in (interrupt) a disagreement or argument before it gets out of hand. Anger management teaches students to identify situations that make them feel angry and to learn alternative strategies for dealing with their anger. Left alone, anger can build and lead to conflicts and violence. One strategy is timeout, in which a person leaves the anger-producing situation and has some time alone to sort out his or her feelings. Often the first step in peer mediation is a brief period before the mediation actually begins which serves as a "cool down" time.

Because peer pressure is a powerful force that begins in early adolescence, peer mediation is an excellent way to provide positive peer influence. Any young person can learn mediation skills and become a mediator.

Students who become mediators go through a special training program which teaches them how to mediate conflicts. Others in the school (students, faculty and administrators) receive training on the conflict resolution and mediation process. In each mediation session there are usually two mediators. When they are on "duty," the peer mediators often wear a hat or vest (usually bright orange) that identifies them as people

who can be called upon to assist in settling a conflict.⁵² Much of the training of peer mediators involves simulations (role playing) of mediations. In these mediations, the mediators are not only helping to resolve conflicts, they are also modeling the process for the disputants, who may pick up strategies to use on their own.

There are 5 steps involved in the peer mediation process.⁵³

STEP I: Introductions

The mediator introduces himself or herself to the disputants and asks their names. The mediator thanks them for being a part of the process (whether it is occurring at the location where the conflict is occurring or at a designated site on campus). The mediator then explains that there are four rules that will help make the mediation work. The rules are:

1. agree to solve the problem
2. no name calling or physical fighting
3. no interrupting while another person is speaking
4. tell the truth

After listing the rules, the mediator asks the disputants if they agree to them. If they agree, the mediator explains that everything said in this session is confidential, except for information on physical abuse, suicide, drugs, weapons or alcohol on school property or at school events.

STEP II: Listening to What Happened

Listening is probably the most difficult, but the most important part of the process. Teachers can help by including listening skills in lessons on communication. Active listening involves eye contact, body language and comments that demonstrate interest and caring, and restatement of the speaker's thoughts and feelings. The mediator decides who will speak first and asks person #1 to tell his or her story. The mediator then repeats what he or she heard by stating the facts and reflecting the disputant's feelings. The process is repeated with person #2.

STEP III: Defining Problems and Concerns

Sometimes after the disputants tell their stories, the problems or concerns can be identified right away. If not, the mediator asks additional questions to help determine the problems or concerns. When these have been identified, the mediator makes a statement to each disputant that reiterates his or her concerns. The mediator addresses each disputant by name and says something like: "I heard you say thus and so were your concerns. Is that right? Did I miss anything?" When everyone understands what the concerns or problems are, they go on to the next step.

STEP IV: Finding Solutions

In this step, the mediator will help the disputants find an immediate solution to the problem or concern, but will also help them to identify ways to resolve the problem should it arise in the future. The mediator asks both disputants for their ideas on ways to solve the problem and what they could do differently in the future should the same problem arise. The mediator helps the disputants through the process in which a mutually agreeable solution is reached. The solution should be specific. The mediator asks both disputants if they can do what they say and reviews with them the way the problem will be resolved.

STEP V: Wrap Up

At the beginning of this final step, the mediator asks each person to tell his or her friends that the conflict has been resolved. The purpose of this is to prevent rumors and maintain confidentiality. With the conflict having been resolved, the mediator congratulates the former disputants on their accomplishment. The mediator then completes a report form. If an agreement was reached, the mediator writes it on the form. When the form is completed and the former disputants leave, the mediator should offer self-congratulations for a job well done!

The steps in the peer mediation process are meant to be youth-to-youth, but the process can be adapted to resolve conflicts between any two people, like a parent and teenager, a student and teacher, or two adults. Necessary in the process are: (1) identifying the problem, (2) communicating about the problem (that includes listening), (3) coming up with options, (4) selecting a solution that meets the needs of both parties, and (5) firming up the agreement, which means that both parties understand what they have agreed to do and then agree to do it.

Teens, Crime, and the Community

The *Teens, Crime, and the Community* program began in 1985 with the formation of a national partnership between the National Crime Prevention Council and the National Institute for Citizen Education in the Law, and with sponsorship from the U.S. Office of Juvenile Justice and Delinquency Prevention. *Teens, Crime, and the Community* is a locally-implemented nationwide effort to

reduce the incidence of teen victimization by crime and engage teens as crime prevention resources in their schools and communities. The basic premise of the program is that teens, when made aware of the problem and informed about individual and community crime prevention strategies, can and will act to reduce crime and improve the quality of life for themselves, their family, and their friends. *Teens, Crime and the Community* uses a combination of education and action. The first component is the curriculum unit, based on eleven textbook chapters on crime, victims, crime prevention, and victim assistance. One of the chapters focuses specifically on conflict management. The material has been used as a part of social studies, law-related education, health, or other subject area classes in middle, junior, and senior high schools. The second component of the program features youth action projects conducted in the school or neighborhood by the students themselves. Projects center on involving students in crime prevention or victim assistance activities that address local needs.

Benefits of Conflict Resolution Programs

While conflict resolution is a relatively recent approach to addressing the problem of violence in schools and communities, the benefits are already being felt. In schools that have implemented a conflict resolution program, students are benefiting from a safer and more peaceful school environment, one that is conducive to learning. Benefits for mediators include improved communication skills, self-esteem, leadership and interpersonal skills. Other students involved in programs are benefiting from personal growth and improved communication skills.

Several benefits for students and schools are reductions in:⁵⁴

- fights and other forms of violence
- vandalism
- disciplinary referrals to the principal's office
- chronic absenteeism
- suspension

There are benefits for students who are at risk of dropping out or getting in trouble at school and being suspended or expelled. Conflict resolution programs teach these students, as well as others, more than how to resolve conflicts—it teaches them how to build relationships. By building positive relationships, students can see reasons for staying in school and not getting involved in negative peer groups like gangs. While peer relationships can be particularly troublesome for young people, especially at the stage of early adolescence, those relationships are becoming the most important things in their lives.⁵⁵

What can teachers and parents do to foster nonviolent conflict resolution?

Expect young people to do their best. If key individuals give clear and consistent signals that violence is unacceptable, children will be more likely to develop

non-violent patterns of behavior. Teach skills for solving conflicts peaceably and give opportunities to practice resolving conflicts in this way.

Recognize positive accomplishments and appropriate behaviors. Give positive feedback, as it is very effective. Be a positive role model. All children need at least one adult whom they recognize as caring about them. Knowing that respected adults support non-violence and value a peaceable resolution to conflict can further encourage children to seek non-violent solutions to disputes.⁵⁷

In addition to conflict resolution and peer mediation, schools can provide other programs and initiatives to reduce violence at school, in homes, and in the community:

- education to prevent injuries from firearms,
- programs to educate parents on violence prevention,
- "big buddy" and mentor programs,
- after school programs,
- preschool programs like Head Start,
- home visitation,
- crisis management programs,
- recreational activities, and
- work study and job training programs for older youth.

CONCLUSION

This segment of LegalEase has focused on conflict resolution and peer mediation programs being used in schools and community settings to teach young people skills necessary for non-violent resolution of conflicts. For more information on these programs or other efforts to prevent violence, contact the agencies listed in this guide, or contact your local school board or other agencies in your area. If we are to turn the tide on violence in our families, schools, and communities, it is vital that everyone learn about solutions and ways in which they can help.

"Nonviolence is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence."

"Man must evolve for all human conflict a method which rejects revenge, aggression, and retaliation. The foundation for such a method is love."

*Martin Luther King, Jr.
Speech accepting the Nobel Peace Prize
December 11, 1964*

CLASS DISCUSSION QUESTIONS

Throughout this LegalEASE video, a variety of questions appear on the screen to stimulate group discussion. In order to make it easier for teachers, counselors, or other adults viewing this program with teen audiences to encourage a meaningful dialogue, those questions are repeated here, along with brief answers which adults can use as starting points for discussion.

Does violence have to come out of every conflict?

When does conflict become violence?

If two students get into an argument, does violence begin when they start yelling at one another? When they start making threats? When they shove each other? Hit each other?

Violence is not the inevitable consequence of conflict. Conflict is merely the voicing of differences of opinion. It can be as simple as a disagreement, or as life-threatening as a war.

Conflict can result from misperceptions (for example, "I thought she said the light was green, and you thought she said it was red"); from different viewpoints (for example, "You think the Republicans are the only party that has the solutions for the next century; I think only the Democrats have the right solutions"); or from a disagreement about tactics (for example, "You think that the way to win the Student Government election is to have lots of campaign posters with a platform; I think the only way to win is to go and talk to everybody one-on-one.")

Verbal disagreements can be civil and polite. Loud arguments and personal insults

often instigate violence; when people confuse having a disagreement with being disagreeable, violence can result. It is one thing to question someone's viewpoints; it is quite another to question their ethnicity, their heritage, their race, their nationality, their religion, or their gender.

Raising your voice, yelling and screaming are not violence, in and of themselves, but any one of these can lead to violence. When you get angry, you lose your rationality and self-control. You are more prone to act without considering the consequences.

Violence results when verbal disagreements escalate into physical disagreements. A touch can be "violence," for it violates a person's body. An unwanted touch can be viewed as a violent act, just as much as a shove or a punch.

If you were going to help two people resolve a conflict, where would you begin?

What would you say?

What do you think you could achieve in just talking things through?

The remainder of the show is dedicated to answering these questions. The point of the questions here is to let teens begin to explore their own views of what are appropriate methods of conflict resolution.

One of the things you can do is to elicit ideas without commenting on them. Try to list as many ideas as possible on the board. Get the students to verbalize their thoughts.

Then, after there are a number of ideas listed on the board, ask the teens to try and see if there is a way to group the topics.

Their ideas could be grouped into a few general ideas:

- The "one-to-one" approach — talking things out between the parties.

If they're arguing now, how can they be made to cool down enough to talk about things rationally? Is there a "loss of face" if one side shows a willingness to negotiate? How can you handle a "loss of face" without resorting to violence?

- The "judicial" mode — presenting the argument to a third person who will declare one side right and one side wrong.

If a conflict results from disagreement, does "declaring" one person right and the other wrong allow either side to try to understand the basis of the conflict or the other side's position? Does it solve anything, or does it make the "winner" feel superior and the "loser" even more bitter?

The judicial mode is the one society has chosen for the court system. In the judicial structure, however, there is an enforcement mechanism (the police, the ability of the court to hold someone in contempt, the ability to render a money judgment) that is lacking in personal relationships. In a school setting, is a judicial mode appropriate? If so, what is the enforcement process associated with it?

- The mediation approach.

This involves talking things out with an impartial mediator whose job is not to find out who is "right" and

who is "wrong," but rather to lead the parties to a discussion where they voice their feelings, attempt to find common ground and resolve their differences.

Issues that must be addressed before the mediation approach include: Should each side be talked to separately at first? Should the discussion be with both sides first? Should the discussion that exists one-on-one be confidential?

Talking things out is the best way to resolve conflict, especially if the discussion is "controlled," so that each side is able to speak without the other interrupting. Having some type of "referee" present allows each party to speak without feeling that he or she is having to make the first move. Mediators can help both sides see that potential solutions really are achievable.

Do you think people should keep their word when they sign an agreement?

Do you think peer mediation helped Marlana and Temika?

What do you think each of them still needs to do to avoid conflict?

The mediation session in the program was real; the problems were real, the people were real, and the situation was not "staged" or "scripted."

These questions are designed to elicit a discussion about whether viewers think that peer mediation is enough. Do the students believe that Marlana and Temika will keep their word?

Why is it important to put the agreement in writing? Because putting it in writing forces people to concentrate on the words they are

using and the import of their commitment. Writing is permanent; each side can refer back to it. It doesn't change, like the memory of a conversation might. If Marlena and Temika want to make the agreement more specific, they can do so in writing, and each side can see exactly what is being agreed to.

If someone is in personal trouble, how can we help them?

What are the resources in your school or community that can help us resolve conflicts within ourselves, or with others?

Teenagers feel safe confiding in their peers; they are concerned that talking to an adult is a show of weakness or immaturity.

These questions are designed to focus discussion on the fact that teenagers do not necessarily have the tools they need to really help each other through serious problems; they may be able to recognize the problems, but often do not have the training or experience to resolve them.

When a teenager spots another in difficulty, it is important that both know of a safe and reliable source of information, help or support.

Some schools have staff members who are capable of handling this problem. Other resources might be the student's church or synagogue, local mental health professionals, guidance and drug counselors, or others.

It would be advisable to make a list of phone numbers and addresses of local resources available to help teens resolve conflicts. Such a list could be handed out to the class so teens would not have to ask for the information. For many students, even having to ask is so embarrassing that they don't seek help.

Why do you think there is so much violence in our society?

Were things less violent in the past?

Why do so many TV shows and movies have anger and violence as part of the plot?

Does watching anger and violence on TV and in movies make people more likely to commit violent acts?

A sense of history is important for teenagers. There is a great fear of violence, and much of that fear may be justified in some communities. But violence is nothing new.

Until this century, it was common that when wars were fought, the conquering army plundered the land, took captives, and destroyed the enemy with abandon. War and violence have been an unfortunate constant in every decade. There have been wars in every part of the world.

Violence in the home and on the street are also common. There have always been certain areas in every community that are considered "unsafe;" that is one reason why every society has some form of police power to enforce law and order.

Even in the early and mid-part of this century, there were violent acts in every part of the country, whether they were riots, lynchings, or battles between management and labor.

Violence seems more prevalent today because it is now more random. You are more likely now than in the past to be injured by someone who does not mean to inflict harm directly upon you, but who nonetheless does so (the stray bullet, the drunk driver, the drug dealer).

TV shows and movies use violence because it is a convenient dramatic device. Shakespeare's plays had murders (think of Julius Caesar's death, or the fight scene in *Romeo and Juliet*); Greek tragedies had violent intrigue. Many myths and legends revolve around violent events (think of the Roman and Greek gods, the Egyptian gods, or the Norse tales). Violence is often stylized on television and made to look dramatic. Violence is also used for comedic effect (think of James Bond or Arnold Schwarzenegger movies where the bodies pile up amid one-liners). But in movies and on TV we know that it's just acting.

Perhaps one difference between television and other forms of entertainment is that television is available to us in our homes, twenty-four hours a day. A play or movie is an event; you have to leave your home to view it. It is "special." Is violence on television somehow different because it comes directly into your home?

If we see violence every day on the TV screen, are we more likely to commit violent acts? Advertisers believe that if they show you something on the screen frequently enough, it will influence your behavior. Is the same true for violent acts? What do you think?

Does thinking about how others feel help us to control anger or violence?

Are conflict and anger the same thing?

Once we empathize with someone — understand not merely what they think, but what they feel — it is harder to be angry with them or react violently to them. When we understand someone else's feelings at an emotional level, we begin to put ourselves in their shoes. That causes us to re-think our own positions.

Thinking is the key; the failure to think—the failure to contemplate our actions and their consequences in advance — is a primary cause of violence.

People can engage in conflict without being angry. Think of a formal debate — a political debate, for example. People can disagree with each others' viewpoints without being angry with each other for holding those views. For example, two people might never convince one another that one religion is "right" and another religion is "wrong," and they can disagree upon the tenets of their faiths, without being angry with one another or believing that it is necessary to change the other person's mind.

LegalEASE encourages teenagers to think before they act, and gain control of themselves and their emotions so that when they find themselves a party to conflict they can resolve the problem rationally, without resorting to violence.

INFORMATION, REFERRAL, AND ASSESSMENT RESOURCES AND SERVICES

National

Office of Juvenile Justice
and Delinquency Prevention
635 Indiana Avenue, N.W.
Washington, DC 20531
(202) 307-5914

Juvenile Justice Clearinghouse
P.O. Box 6000
Rockville, MD 20849-6000
(800) 638-8736

National Teens, Crime and Community
c/o National Institute for Citizen
Education in the Law
711 G Street, S.E.
Washington, DC 20003
(202) 546-6644

National Crime Prevention Council
1700 K Street N.W.
Second Floor
Washington, DC 20006
(202) 466-1356

National Center for Injury Prevention and Control
Mail Stop F-36
4770 Buford Highway, N.E.
Centers for Disease Control and Prevention
Atlanta, GA 30341-3724
(404) 488-4646

Local

Compile your own list of local resources for information on violence prevention and education: social service agencies, juvenile

court, and the schools. Each of these contacts may lead you to other resources that can be helpful.

<i>Contact</i>	<i>Type of Service</i>	<i>Address</i>	<i>Telephone</i>

GLOSSARY

Assault - Assault means the intentional inflicting of injury on another person.

Juvenile - A juvenile is a young person under the age of 18.

OJJDP - OJJDP is an acronym for the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.

Crime victim - A crime victim is a person who is hurt and experiences a loss or injury (psychological, physical, or financial) as a result of someone else's act that constitutes a crime under federal, state, or local law.⁵⁸

Violent crime - Violent crime refers to the criminal behavior that may result in death, bodily injury or psychological injury or behavior that involves the threat of death or injury. Acts such as homicide, robbery, sexual assault, assault, and dating violence are violent crimes often committed on or near school property.⁵⁹

ENDNOTES

¹ Breaking the Cycle: Predicting and Preventing Crime. National Institute of Justice Research Report, U.S. Department of Justice, 1994.

² Criminal Victimization in the United States, 1992: A National Crime Victimization Survey Report, Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, March 1994, p.4. This statistic is based on 1992 data of 6.6 million violent victimizations for that year.

³ Highlights from 20 years of Surveying Crime Victims: The National Crime Victimization Survey, 1973-1992, Washington, D.C., U.S. Department of Justice, Bureau of Justice Statistics, p.5.

⁴ (a) Breaking the Cycle: Predicting and Preventing Crime. National Institute of Justice Research Report, U.S. Dept. of Justice, 1994. The statistics given are: In one day, about 60 persons are murdered and more than 250 women are raped; in one hour, 120 persons are assaulted, and every minute a person is robbed. The FBI reported that 22,540 murders were committed nationwide in 1992. Source: "Violence between Intimates," Bureau of Justice Statistics Report, United States Department of Justice, November 1994. (b) Source for the reference to injuries: The Prevention of Youth Violence: A Framework for Citizen Action. National Center for Injury Prevention and Control, Atlanta, GA: Centers for Disease Control, 1993.

⁵ Advance Report of Final Mortality Statistics, 1991, Monthly Vital Statistics Report, 42,2, August 31, 1993 Supplement, Centers for Disease Control and Prevention/National Center for Health Statistics. Homicide is the leading cause of death among African-American men.

⁶ Peter D. Hart Research Associates conducted the survey of a representative cross section of 1003 Americans age 18 and over to explore attitudes toward drug abuse and drug policy in the United States. Results of the survey were reported in the Drug Strategies Fact Sheet and Survey 1995 by JOIN TOGETHER, a national organization based in Boston.

⁷ Source: Substance Abuse: The Nation's Number One Health Problem. Institute for Health Policy, Brandeis University, 1993, pp. 42-43.

⁸ Source: Substance Abuse: The Nation's Number One Health Problem. Institute for Health Policy, Brandeis University, 1993, pp. 42-43.

⁹ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, p. 64.

¹⁰ Sources: (1) National Institute on Alcohol and Alcoholism, 1994; (2) Booklet: "OSAP Mobilizes

to Combat A National Crisis," Office (now Center) for Substance Abuse Prevention, Spring 1991, p.1.

¹¹ National School Safety Center Newsjournal. Spring 1993, p. 9.

¹² Source: Substance Abuse: The Nation's Number One Health Problem. Institute for Health Policy, Brandeis University, 1993, pp. 42-43.

¹³ In one year (1992-93), for instance, juvenile arrests for violent crimes increased nearly 6 percent. Juvenile arrests for homicide increased 14 percent and juvenile arrests for weapons violations increased by 12 percent. "Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders," Office of Juvenile Justice and Delinquency Prevention's Update on Programs Juvenile Justice Bulletin, June 1995, p.1.

¹⁴ This statistic includes injury resulting from traffic crashes.

¹⁵ Source: Substance Abuse: The Nation's Number One Health Problem. Institute for Health Policy, Brandeis University, 1993, pp. 42-43.

¹⁶ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, p. 64. Findings were drawn from a 1988 self-report study conducted in Washington, DC by Altschuler and Brounstein.

¹⁷ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, p. 64. Findings were drawn from a 1988 self-report study conducted in Washington, DC by Altschuler and Brounstein.

¹⁸ Salts, C.J., et al., "Predictive variables of violent behavior in adolescent males," Youth and Society, 26,1995, pp. 377-399. Summary printed in Prevention Abstracts. Southeast Regional Center for Drug-Free Schools and Communities, Winter 1996, p.19.

¹⁹ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, p. 63.

²⁰ Teens, Crime, and the Community. Teacher's Manual (second edition), National Institute for Citizen Education in the Law and National Crime Prevention Council, St. Paul, MN: West Publishing Co., 1992, p. v.

²¹ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, p. 2.

²² (a) Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, p. 22. (Data reported by Snyder and Sickmund was for the year 1991.) (b) The first comprehensive compilation of juvenile crime data reported by the U.S. Department of Justice, printed in the Drug Policy Report: Narcotics and Crime Control News. September 1995. In this report, it was noted that guns had been used in eight out of ten murders committed by juveniles in 1991, and that the number of gun-related murders tripled between 1984 and 1991.

²³ Sheley, Joseph, and James. D. Wright, Gun Acquisition and Possession in Selected Juvenile Samples. Research in Brief, Washington, D.C., U.S. Department of Justice, National Institute of Justice and Office of Juvenile Justice and Delinquency Prevention, December 1993.

²⁴ Reiss, Albert J., Jr., and Jeffery A. Roths, eds., Understanding and Preventing Violence. Washington, D.C., National Academy Press, 1993:52.

²⁵ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, pp. 1 and 3. The rate of violent crimes committed by juveniles reported in different sources ranges from 13-20 percent.

²⁶ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, p. 26.

²⁷ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, p. 14.

- ²⁸ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, pp. 16 and 19. Statistic from 1991 study.
- ²⁹ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, p. 16. Statistics from 1991 study.
- ³⁰ Evenrud, Loren A., "Crime victims and the gang subculture," National School Safety Center Newsjournal, Spring 1993, pp. 28-29.
- ³¹ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, p. iv. Between 1988 and 1992, juvenile arrests for violent crimes increased by nearly 50%.
- ³² Reiss, Albert J., Jr., and Jeffery A. Roths, eds., Understanding and Preventing Violence. Washington, D.C., National Academy Press, 1993:52.
- ³³ Snyder, Howard N. and Sickmund, Melissa, "Juvenile Offenders and Victims: A National Report," National Center for Juvenile Justice, Office of Juvenile Justice and Delinquency Prevention, August 1995, p. 20. Statistics from 1991 study.
- ³⁴ Widom, Cathy Spatz, "The Cycle of Violence/ Research in Brief, Washington, D.C.: U.S. Department of Justice, National Institute of Justice, October 1991:1. The U.S. Department of justice has also reported a link between child abuse and neglect and future delinquency and crime. Source: The first comprehensive compilation of juvenile crime data reported by the U.S. Department of Justice, printed in the Drug Policy Report: Narcotics and Crime Control News, September 1995.
- ³⁵ Thornberry, Terence P., "Violent Families and Youth Violence," Fact Sheet #21, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, December 1994. In this study, conducted in Rochester, New York, the researchers relied on self-reported data from youth.
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- ³⁷ The Justice You Deserve: How the Law Can Protect You From Abuse, guide on domestic abuse prevention, Association of Trial Lawyers of America and Louisiana Coalition Against Domestic Violence, 1994, p.1.
- ³⁸ Stark, E., and A. Flitcraft, "Violence Among Intimates: An Epidemiological Review," in Haslett et al., eds., Handbook of Family Violence. 1987.
- ³⁹ Bachman, Ronet, "Violence against Women," A National Crime Victimization Survey Report, United States Bureau of Justice, Bureau of Justice Statistics, January 1994.
- ⁴⁰ Bachman, Ronet, "Violence against Women," A National Crime Victimization Survey Report, United States Bureau of Justice, Bureau of Justice Statistics, January 1994.
- ⁴¹ Bachman, Ronet, "Violence against Women," A National Crime Victimization Survey Report, United States Bureau of Justice, Bureau of Justice Statistics, January 1994.
- ⁴² Bachman, Ronet, "Violence against Women," A National Crime Victimization Survey Report, United States Bureau of Justice, Bureau of Justice Statistics, January 1994.
- ⁴³ Arnette, June Lane, "Weapons: A Deadly Role in the Drama of School Violence: Solutions and strategies for detecting and eliminating weapons at school," Update on Law-Related Education. Vol. 19, No.2, 1993, p.2.
- ⁴⁴ Arnette, June Lane, "Weapons: A Deadly Role in the Drama of School Violence: Solutions and strategies for detecting and eliminating weapons at school," Update on Law-Related Education. Vol. 19, No.2, 1993, p.30.
- ⁴⁵ Chronic violence means violence that occurs frequently and over a long period of time.
- ⁴⁶ Osofsky, Joy, D., et al, "Chronic Community Violence: What Is Happening to Our Children?" Psychiatry, 56, 1993, pp. 36-45, and Osofsky, Joy D., "The Effects of Exposure to Violence on Young Children," American Psychologist, September 1995, pp. 782-788.
- ⁴⁷ The term "flashbacks" replaced the authors' description of "intrusive imagery."
- ⁴⁸ Pereira, Carolyn, "Linking Law-Related Education to Reducing Violence By and Against Youth," ERIC Digest, ERIC Clearinghouse for Social Studies/Social Science Education, September 1995, p.1.

⁴⁹ Pereira, Carolyn, "Linking Law-Related Education to Reducing Violence By and Against Youth," ERIC Digest. ERIC Clearinghouse for Social Studies/Social Science Education, September 1995, p.1.

⁵⁰ "Resolving Conflict," Guide for Activities Grades K-3, Albuquerque, New Mexico: New Mexico Center for Dispute Resolution.

⁵¹ Training Guide for Conflict Resolution in the Schools, Natchitoches Parish School Board, Natchitoches, Louisiana, 1995.

⁵² "Rationale for Starting a Program," Amherst, Massachusetts: National Association for Mediation in Education.

⁵³ "Implementing a School-Based Mediation Program," Ithaca, New York: Community Dispute Resolution Center. While there may be some variation in the steps and procedures in different peer mediation programs, they are similar to the ones listed here.

⁵⁴ Davis, Albie and Porter, Kit, "Tales of Schoolyard Mediation," p.27. The article is included in a packet

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⁵⁵ Longabaugh, Fritz, "School Mediation and Dropout Prevention," The Fourth R. The Newsletter of the National Association for Mediation in Education, Vol. 16, August/Sept. 1988,

⁵⁶ Longabaugh, Fritz, "School Mediation and Dropout Prevention," The Fourth R. The Newsletter of the National Association for Mediation in Education, Vol. 16, August/Sept. 1988,

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⁵⁸ Lowe, Kip, "Youth Violence: Its Victims and Impact," Update on Law-Related Education. Vol. 19, No.2, 1995, p.23.

⁵⁹ Lowe, Kip, "Youth Violence: Its Victims and Impact," Update on Law-Related Education. Vol. 19, No.2, 1995, p.23.

NOTES
