

Facilitating Restorative Group Conferences

RGC

Trainer's Guide Lesson 2: Conferencing and Restorative Justice

Minnesota Department of Corrections
with technical assistance from the
National Institute of Corrections

January, 2003

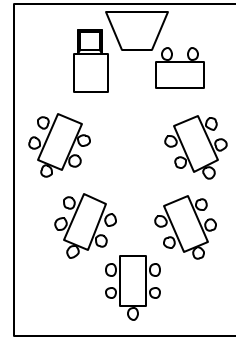
TABLE OF CONTENTS

TRAINER PREPARATION	2
TRAINER PRESENTATION	5
LESSON OBJECTIVES	5
OPTIONAL VIDEO	5
VALUES AND CONCEPTS OF RESTORATIVE JUSTICE.....	6
PRIMARY STAKEHOLDERS.....	9
WHERE CONFERENCING FITS	13
SIGNPOSTS.....	14
PRACTICES/ MEASURES ACTIVITY.....	15
VICTIM OFFENDER MEDIATION (DIALOGUE)	17
FAMILY GROUP CONFERENCING.....	19
COMMUNITY PANELS	21
LARGE GROUP CONFERENCING.....	23
PEACEMAKING CIRCLES	24
GOALS OF RESTORATIVE CONFERENCING.....	28
SIMPLE/ CHALLENGING/ OUTRAGEOUS ACTIVITY	30
TRANSITION.....	32
WORKSHEETS	32

TRAINER PREPARATION

ROOM SETUP

The ideal room setup is chairs around tables allowing for 5 or 6 people at each, with tables placed at an angle to allow for easy viewing of video and overhead projection.



EQUIPMENT NEEDED

- Overhead projector and screen, or LCD projection unit with a computer and screen.
- VCR and monitor large enough for the entire group to see.
- Easel pad with markers.

MATERIALS NEEDED

- Trainer's Guide.
- Participant's Guides.
- Program-specific manual, workbook, or packet of sample materials for conferencing facilitators.
- Overhead transparencies or computer slide show.
- Video: Restoring Justice, a 1-hour documentary by the National Council of Churches from the Presbyterian Church Distribution Center, 800-524-2612, \$5 + shipping and handling; or Restorative Justice: For Victims, Communities, and Offenders, a 25-minute edit of the video above, Center for Restorative Justice and Mediation, School of Social Work, University of Minnesota, 612-624-4923, \$50.
- Copies of the Restorative Justice Practices pages for the Practices/Measures Activity.

RELATED REFERENCES

Materials in this lesson are taken or adapted from these references.

- Victim Offender Conferencing in Pennsylvania’s Juvenile Justice System, by Lorraine Stutzman Amstutz and Howard Zehr, 1998. Available from the Mennonite Central Committee Office on Crime and Justice.
- Balanced and Restorative Justice Training, 1998. Available from the Community Justice Institute at Florida Atlantic University.
- Restorative Justice: Principles, Practices and Implementation, 1998. Available from the National Institute of Corrections Academy Resource Center.
- Signposts Bookmark, 1997. Available from the Mennonite Central Committee.
- Restorative Measures, 1998. Available from the State of Minnesota Department of Children, Families, and Learning.
- Changing Lenses by Howard Zehr, 1990. Available from the Herald Press.

TIME ALLOCATION Approximately 2 hours or 120 minutes

TENTATIVE SCHEDULE

Day One

- 9:15-9:45 Values and concepts of restorative justice, Primary stakeholders, Conferencing participants,
- 9:45-10:00 (Break)
- 9:45-10:15 Risks & Benefits Activity, Where conferencing fits, Signposts, Current face to face practices – practices/measures activity, Evolution of conferencing, Goals of

conferencing

11:00-11:30 Simple, Challenging, Outrageous Activity.

METHODS

- Lecture enhanced with overhead transparencies.
- Optional video.
- Group demonstration activity.
- Small group activity.
- Large group brainstorming activity.

PERFORMANCE OBJECTIVES

At the end of this lesson, participants will be able to:

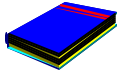
- Understand and articulate the values and principles of restorative justice.
- Understand accountability within the framework of conferencing.
- Identify the benefits and risks of conferencing.
- Explain similarities and differences between some face-to-face restorative practices.
- Explain the history of victim/offender processes.
- Explain how conferencing relates to or fits within the restorative justice framework.

TRAINER PRESENTATION

LESSON OBJECTIVES



OV 2.2: Objectives



PG 2.2: Lesson Objectives

Refer participants to their Participant's Guide and use the overhead transparency to **introduce** the Lesson Objectives.

- Understand and articulate the values and principles of restorative justice.
- Understand accountability within the framework of conferencing.
- Identify the benefits & risks of conferencing.
- Explain similarities and differences between some face-to-face restorative practices.
- Explain the history of victim offender processes.
- Explain how conferencing relates to or fits within the restorative justice framework.

Explain to participants that conferencing is one process that fits under a framework known as restorative justice.

Tell participants that this lesson is intended to introduce them to restorative justice and show them how conferencing fits into it.

Note that there is more information in their Participant's Guide and in the appendix than they will go over in the class, and encourage them to read more at their leisure.

OPTIONAL VIDEO



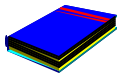
Restoring Justice or *Restorative Justice: For Victims, Communities, and Offenders*

You may choose to **introduce** the topic by showing a small portion of the video *Restoring Justice* if you didn't show it at the end of Lesson 1. The first 6 minutes of the longer video available from the Presbyterian Church is a good start. Or, select a portion of the shorter video, *Restoring Justice: For Victims, Communities and Offenders*, as edited by the University of Minnesota, 612-624-4923.

VALUES AND CONCEPTS OF RESTORATIVE JUSTICE



OV 2.3: When faced with harm or wrongdoing



PG 2.3: When faced with harm or wrongdoing



OV 2.4: Revenge



OV 2.5: Retribution



OV 2.6: Restoration

Trainer's Note: Prior to presenting this content, you will want to read Chapter 4 of *Victim Offender Conferencing* in Pennsylvania's Juvenile Justice System, found in the Appendix. Although you have already mentioned the Appendix to participants, you may want to highlight this article as one of special value to this topic.

Refer participants to the Participant's Guide and use the overhead transparency to describe the values and concepts of restorative justice.

Note that restorative justice is a set of values and concepts or a philosophy, a framework, more than a fully developed theory.

Explain that, when faced with harm or wrongdoing, there are basically three options:

- Revenge – people taking justice into their own hands. (including vigilantism)
- Retribution – justice of the western legal system, which encourages human rights and the rule of law. Its weaknesses include tendencies to be punitive, impersonal and state-centered; to encourage denial of both responsibility and empathy on the part of the offender; to leave out the victim and not identify or address their needs; and to exacerbate rather than heal wounds by separating justice and healing.
- Restoration – justice with an ancient history, which emphasizes harms and the obligations that result, keeps central the needs and rights of the victim, and encourages the offender to understand and take responsibility for the harm caused. It is a process that involves a dialogue between the victim, the offender, and the community. The community includes both individuals and organizations such as

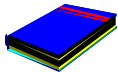
victim assistance, faith communities, the criminal justice system, the business community, etc. Restorative justice is justice that promotes individual and societal healing.

Note that restorative and traditional/retributive justices are ideal types on two ends of a continuum. The goal is not to use one type to exclusion of the other, but rather, to move the current system closer to the restorative ideal.



OV 2.7: Retributive lens

OV 2.8: Restorative lens



PG 2.4: Lenses

Tell participants that another way to see the difference between restorative and retributive justice is to think of them as the lenses through which we view wrongdoing. In the current, more retributive model we see that:

- Crime is essentially a violation of the law, and the state is the victim.
- The aim of justice is to establish blame (guilt) and administer sanctions (punishment).
- The process of justice is a conflict between adversaries in which the offender is pitted against the state, and rules and intentions outweigh outcomes.

Or, **explain** that it might be seen as three questions that are currently asked:

1. What laws were broken?
2. Who did it?
3. What punishment do they deserve?

Explain that in restorative justice, the lens is:

- Crime is primarily harm done to people and relationships. Such harm results in obligations.
- The aim of justice is to identify obligations

and promote restoration or healing.

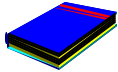
- The process of justice/resolution should involve the victim, the offender, and the community in an effort to identify obligations and solutions, maximizing the exchange of information (dialogue, mutual agreement) between them.

In restorative justice the questions are:

1. Who has been hurt by this event?
2. What are their needs?
3. What are the obligations and whose are they?



OV 2.9: Core principle
1



PG 2.5: Core principles
of restorative justice

Introduce the two core principles: that restorative justice is both harm-focused and is based upon engagement.

Discuss being harm-focused. Note that restorative justice is concerned with the harm involved in wrongdoing. Acting in response to what laws have been broken is less important than acting in response to how people have been harmed.

Explain that this leads to other principles. Including the following:

- Identifying the victims and responding to their interests is central to the process.
- Offender accountability: take responsibility to make amends and make right the harm done; as much as possible understand the extent and effect of their behavior.
- Repairing the harm is a central concern, rather than punishment.
- The community has also been harmed, and has responsibility to both the victim and

the offender to participate in helping to repair the harm.



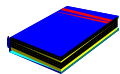
OV 2.10: Core principle 2

Discuss engagement. Note that restorative justice assumes that the offender, the victim and the community must be actively involved as partners in the process of justice, or resolution of the harm, as much as possible.

PRIMARY STAKEHOLDERS



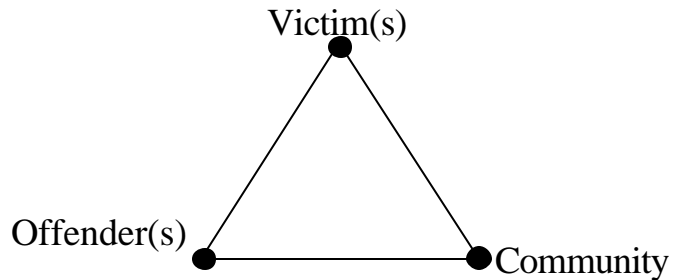
OV 2.11: Primary stakeholders



PG 2.6: Primary stakeholders

Refer participants to their Participant's Guide and use the overhead to talk about restorative justice.

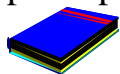
Explain that restorative measures address the concerns of and involve the victim, the offender, and the community.



OV 2.12: Restorative measures

Note that when there is an incident - a conflict, a problem, or some harm is done - a restorative process allows us to talk it through, identify solutions, and restore order.

OV 2.13: Conferencing participants: victims



PG 2.7, 2.8: Participants in a conference

Explain that participants in a conference include people harmed and their supporters:

- The primary (direct) victim or victims.
- Secondary (indirect) victims include people adversely affected by the event of the harm or crime, even if they are not direct victims, such as the victims' family members.
- Affected parties are people who, because of their position, role or responsibilities have to

deal with the result of the harm, such as arresting officers, school administrators, probation officers, etc.

- Supporters for the victim can provide a sense of safety and concern that makes facing the offender worth trying. They may include family members, friends, neighbors, teachers, counselors, etc. Peers and younger or older siblings can sometimes provide a stronger sense of support than adults can.

Supporters can help to elaborate on the harm that the victim has experienced by talking about it from their vantage point. They can be resources for problem solving and for post conference support.



OV 2.14: Conferencing participants: offenders

Tell participants that offenders and their supporters may include:

- The person or persons who committed the crime or caused the harm.
- Friends, peers or associates who were not actively involved in the harm, but perhaps knew about it or did nothing to stop it.
- Supporters, including family members, friends, neighbors, teachers, counselors, peers and siblings, etc.

Supporters for the offender can also provide a sense of safety and concern that makes taking responsibility for the harm and facing the offender worth trying. They can help to provide encouragement for behavior change, challenge excuses while reminding the offender of their strengths. They can be resources for problem solving and for post-conference support.



OV 2.15: Conferencing participants: other community

Explain how community can be identified for a restorative justice conference. The community has been affected by harm and would benefit in being part of the resolution.

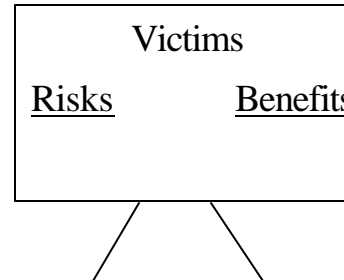
- Community may be defined as any group of people that shares a common interest, geography or topic. It can be a school, a facility, a workplace, a neighborhood or a whole city or town.
- When the harm is a crime or happens in a school, the authorities are often an automatic part of the community that needs to be involved in the resolution.
- When the harm takes place in a location such as a school or neighborhood, the inhabitants are to be consulted as members of the community because they are affected, even if the victim and offender are from some other place.
- There are organizations that serve victims or offenders or a geographic or topical community, and should be considered as possible participants in a conference. These include victims' services, the faith community, human services, the criminal justice system, business community, or other agencies that may help to support either victim or offender.
- In some instances, the leaders of a community may not have a formal title or position. Even so, clan leaders, elders or cultural leaders give insight or support or have been affected.

RISKS AND BENEFITS ACTIVITY



OV 2.16: Potential risks and benefits activity

Write on Easel Pad:



Ask the whole group to suggest: 1) the potential risks a victim is taking when doing a conference with the offender (write their list on pad); and 2) the potential benefits a victim might get out of doing a conference.

Then **do** the same for Offenders page, and (optional) same for Community page, and discuss. **Tell** participants that a similar list is at the end of Lesson 2 in their Participant's Guide and additional information is in their Appendix at pages 7.8-7.12: an excerpt from Victim/Offender Conferencing in Pennsylvania's Juvenile Justice System, by Howard Zehr and Lorraine Stutzman Amstutz.

WHERE CONFERENCEING FITS



OV 2.17: Criminal justice system

OV 2.18: Schools

PG 2.9: Where conferencing fits in

In restorative justice, victims have:

- A choice in how they want to proceed
- An opportunity to talk about what happened
- A voice in how to right the wrongs done to them
- A way to feel some power, safety or reassurance
- A chance to get questions answered

In restorative justice, offenders have:

- A chance to take responsibility for their actions
- An opportunity to right their wrongs
- A chance to be a part of the solution
- A chance to learn from what happened
- An opportunity to develop empathy
- Assistance to alter or change behavior
- A chance to put this behind them
- A chance to connect with community



OV 2.19: Participation is based on:

Explain that participation in restorative group conferences is based upon:

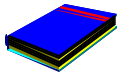
- Choice – it is voluntary for victims and at least partly voluntary for offenders. An offender can be offered the choice of a conference or the traditional sanctions. If the offender decides not to conference, or does not complete agreements, then the other sanctions and processes can be enforced.
- An admission of harm done.
- A willingness to problem solve.

- Awareness that any participant can stop at any time.
- Participants decide outcome.

SIGNPOSTS



OV 2.20: Signposts



PG 2.10: Signposts

Introduce the signposts as a set of guidelines to use in determining whether or not a program is working within a restorative framework. Keep in mind that justice refers to a fair resolution of a harm, whether or not it is criminal. Howard Zehr and Harry Mika remind us that:

We are working toward restorative justice when we ...

1. Focus on the harms of wrongdoing more than the rules that have been broken.
2. Show equal concern and commitment to victims and offenders, involving both in the process of justice.
3. Work toward the restoration of victims, empowering them and responding to their needs as they see them.
4. Support offenders while encouraging them to understand, accept and carry out their obligations.
5. Recognize that while obligations may be difficult for offenders, they should not be intended as punishment and they must be achievable.
6. Provide opportunities for dialogue, direct or indirect, between victims and offenders, as appropriate.



OV 2.21: Signposts continues



OV 2.22:
Signposts continues

7. Involve and empower the affected community through the justice process and increase its capacity to recognize and respond to community bases of crime (elements within the community that contribute to crime).
8. Encourage collaboration and reintegration rather than coercion and isolation.
9. Give attention to the unintended consequences of our actions and programs.
10. Show respect to all parties including victims, offenders, and justice colleagues.



OV 2.23: Signposts continues

OV 2.24: Crime is a wound

Crime wounds . . . justice heals.

Harry Mika and Howard Zehr, May 1997

TRANSITION

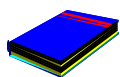
Transition: In the next segment we'll look at the history of restorative face-to-face practices to show where conferencing fits in.

**PRACTICES/
MEASURES
ACTIVITY**



OV 2.25: Some current face-to-face practices

Explain to participants that there are a wide variety of practices that are restorative measures. Conferencing is only one, and even the term "conferencing" is broad. It's important to be familiar with the history of face-to-face restorative practices to know where conferencing comes from and how the various practices are similar to and different from conferencing.



PG 2.11: Examples of face to face practices

List some of the current face-to-face restorative practices (OV 2.25) (PG 2.11).

Note that in each of the face-to-face practices we

will walk through:

- Participation of the victim has to be totally voluntary
- The offender has admitted responsibility and probably has a choice of either participating in the restorative practice or going through a traditional process, and
- Any agreement they reach must be something that feels fair to all and that all can live with.
- There is a trained facilitator/mediator/keeper who has no authority to decide the outcome and who is “equally partial” to all participants while acknowledging the harm done by the offender.

Use this activity to help people understand the similarities and differences of several of the restorative measures or practices.

Allow 15-30 minutes for this activity. **Remind** them that for more information about these practices see the fact sheets on each practice in the Appendix.

TRAINER'S NOTE: This activity may give some participants more information than they really want or need about other practices. You may choose to do the physical activity - getting people to come forward in roles for each practice - but not give the more detailed information, e.g. history or examples of actual cases. Or, you may choose to do the physical activity with the more detailed information only for the practices used in that geographic area. Or, you may choose to refer them to the fact sheets in the Appendix and only briefly discuss the other practices, focusing more on the one practice of conferencing. If you do use the activity in its entirety, remember that it is intended to be a quick overview with a little physical activity so you must keep it moving.

Place one copy of each specific RJ Practices Worksheets from the end of this Lesson on individual participant chairs prior to the training, or distribute them at the beginning of the exercise. (The masters of these worksheets follow this section. You may select school-related or non school-related examples.)

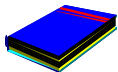
Mix the practices so that the participants for any given practice are spread throughout the room. Each page has the name of a practice (Victim Offender Dialogue, Family Group Conferencing, Large Group Conferencing, Community Panels, Peacemaking Circles, Corrections Reentry Program) at the top of the page, and a description of a participant in the process.

VICTIM OFFENDER MEDIATION (DIALOGUE)



OV 2.26: Victim offender mediation

OV 2.27: Victim offender mediation diagram



PG 2.12: Roots of modern restorative group conferencing

PG 2.13: Some current face-to-face restorative practices

Call the participants with Victim Offender Dialogue to the front of the room, display the OV2.26: Victim Offender Mediation (history) and reference the Participant Guide page.

Give a brief overview of the practice (see notes below) and tell participants that this material is from Chapter 3 of *Victim Offender Conferencing in Pennsylvania's Juvenile Justice System*, and is in their appendix.

Ask the group to stand up in a circle at the front of the room and then ask each person to tell the larger group whom they represent.

Complete the introduction of the practice with an example of a possible outcome of the process (again, see notes below).

Repeat the steps for the other three practices.

Process by asking for questions and/or general observations.

Victim/Offender Mediation (Dialogue)

Give a brief overview of the practice. Victim Offender Mediation has been practiced in the United States for 20+ years. Some programs were originally called Victim Offender Reconciliation Projects, but that implies victims should reconcile with offenders, which is not something to be assumed. Some programs were called Victim Offender Mediation, but that implies the participants are on equal moral ground as with dispute mediations, which is not true.

(OV 2.26: History): The Kitchener and Elkhart programs are generally accepted as the first victim offender mediation programs in Canada and the United States.

- First program: 1974, Kitchener, Ontario, Canada
- Joint program – probation and the Mennonite Central Committee
- First in U.S: 1978, Elkhart, Indiana, U.S.
- Operated by probation first, then transferred to non-profit community organization
- Elkhart program included adult offenders, Kitchener included only juveniles
- Cases of severe violence take more training and preparation

Victim offender mediation (dialogue) is typically a communication between the victim and the offender, with secondary participation by a supporter for each of them, and facilitation by a trained facilitator. In schools it is often used after a student was sent out of the classroom, perhaps after detention or suspension, before the student returns to the class. In communities it is often used to give victims of property crimes or minor assaults an opportunity to meet with their offender to exchange information and come to an

agreement about how the offender will make amends to the victim. The participants sit either around a table or in a circle.

Display OV 2.27: Victim/Offender Mediation - Seating chart.

Ask the Participants to come up and read their worksheets.

Sample Outcome: In a case of a crime, the victim may feel better just to be able to face the offender, ask why they did it, and tell them how the crime affected them. The offender may or may not seek forgiveness, but he or she is held accountable for their behavior when they face the victim. They may arrange financial or other restitution by coming to an agreement both feel is fair and that they're able to live with.

In a school, the outcome may be an agreement on how to avoid the problem in the future, an apology (sometimes on both sides), an agreement to tell the class what they talked about, or some restitution. For instance, in the school situation, a student may help the teacher change the bulletin boards.

Facilitators report anecdotally that students and teachers who dialogue are less likely to have another problem that results in dismissal from the classroom. It seems that a respectful resolution to conflict and harm helps to enhance their relationship with each other.

FAMILY GROUP CONFERCING



OV 2.28: Family group

Family Group Conferencing
(Wagga Wagga, Australia Model)

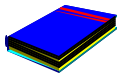
Display OV 2.28: Family Group Conferencing - history, reference Participant Guide page, and give a brief overview: Based on the justice of the Maori People of New Zealand, this form of

conference

OV 2.29: Family group
conference diagram

restorative justice was brought to Australia by the members of Transformative Justice Australia and developed into the Wagga Wagga model of family group conferencing. The Wagga Wagga model of conferencing was brought to the United States in 1995 by Ted Wachtel, his REAL Justice organization and Transformative Justice Australia. The Maori believe that a person should not stand and receive justice alone. If you truly want someone to make amends and take responsibility for their behavior, they need the support of their family. Family can hold people accountable and give them help to make things right.

The same thinking is used with the victim: they need the support and help of their family to face the person who hurt them, to be supported and validated and to help them on their healing journey. Therefore with family group conferencing, look for family and affected community members as well as other supporters.



PG Appendix: 7.35:
Implementing
community
conferencing

A type of conferencing has also been developed by the Central City (Minneapolis, MN) Neighborhoods Partnership to deal with “victimless” crimes: crimes which have no single, identified victim. It is currently being used with prostitute solicitation, public urination, public drunkenness, open bottle and other crimes. See the related article *Implementing Community Conferencing* by Gena Gerard in the Appendix beginning on page 35 for more details.

In New Zealand, they use a different model to deal with child protection issues and juvenile delinquency. This training is about the Wagga Wagga model, which should not be used for child protection issues without additional training and consideration.

Display OV 2.29: Family Group Conference –

seating chart.

Ask the eight participants to come up and read their worksheets.

Sample Outcome: In a case of theft or of a person who vandalized property, the outcome might include the offender repairing the damage or working for the owner or a charity for free, as well as financial restitution. It might include a commitment from a parent to spend a specific amount of time with a youth that did harm. It might include helping the offender to find a job, as well as helping the victim to get continuing support.

In a school, in one real case, two boys were harassing a third. One boy "got it": he understood that what he did hurt the other boy's feelings and sometimes his body and made it difficult for him to be in school and concentrate on his classes. He apologized and the behavior stopped. The second boy did not seem to understand, but did sign an agreement to stop the behavior. Both boys agreed to further sanctions if they did not stop the harassment. While the second boy's behavior did not improve, he and his mother had agreed to the sanctions, and it was easier to deal with him when he violated the agreement. In this case, the boy who did not "get it" was playing hockey for a high school. When he violated his agreement, and harmed the boy again, administrators could consider another conference adding participants that he respects, such as a coach, the captain of the varsity squad, or a member of the athletic leadership program who can share the sportsmanlike behavior expectations of the team and school.

COMMUNITY

Community Panels

PANELS



OV 2.30: Community panels

Give a brief overview, display OV 2.30: Community Panels (seating chart), and reference Participant Guide page. Community panels were developed in different states, starting in the 1990's, from restorative justice and chemical dependency intervention models. Some of the current projects are Reparative Probation Boards (statewide in Vermont), Community Accountability Boards (e.g., for juvenile offenses in Denver, CO and Arizona, and for transitioning dual diagnosis adult offenders into the community in the Sixth Judicial District, Iowa), Neighborhood Accountability Boards (e.g., Florida), and Community Response to Crime (Bemidji, MN). Community panels most often deal with the harm of a specific crime – either as a diversion from court or after going through court – or else with the transition of an adult or juvenile offender from incarceration back to the community. School panels are also being formed in Vermont to deal with incidents in schools. In a community panel model, trained community volunteers and a facilitator (who may be staff or a community member) meet with an individual offender and supporter(s), with or without the direct victim, to tell the offender how she or he harmed the community and to work out an agreement for restitution and/or future behavior of the offender. The more restorative projects make more effort to involve direct victims, to include supporters for victims and offenders, to treat offenders as well as victims with full respect, and to involve offenders in consensus decision-making about the resulting agreement.

Ask the five participants to come up, stand in a panel, and read their worksheets.

Sample Outcome: In a case like the example of drunk driving without an injury where anger

issues were raised, the agreement might include a chemical dependency evaluation with an agreement to comply with any resulting recommendations, participation in an anger management course, an apology to the community (perhaps an anonymous one published in the local newspaper), maybe an apology from the offender to his girlfriend for his behavior, some community service, and a promise not to drive while intoxicated (although the time limit on that would be the time limit of the agreement).

LARGE GROUP CONFERENCEING



OV 2.31: Large group conferencing diagram

Large Group Conferencing

Give a brief overview, display OV 2.31: Large Group Conferencing (seating chart), and reference Participant Guide page: Carolyn McLeod, former Director of the Washington County (MN) Community Justice Program developed this format for use in situations with many participants, affected parties and supporters. Imagine this layout in a large meeting room or school auditorium. The panel members, representing the victims, the offenders and the community, are seated on stage with the main facilitator. The rest of the people constitute an audience with assistant facilitators seated at the end of each row. The panel speaks first with the facilitator managing the discussion. The assistant facilitators gather comments from the audience to help represent everyone's opinions and ideas.

Ask the five participants to come up, stand in a panel, and read their worksheets.

Explain a Sample Outcome: In a community with widespread gang graffiti activity, the group could be very large. It might result in specific agreement to paint over or clean off graffiti or to

otherwise support the community. It might also result in community members agreeing to support some other action important to the gang leaders. It might include the offenders repairing damage at the park and working without pay, as well as finding a way to get those who harmed back in school or productively involved in the park program.

In one case, 200 people attended the conference, which was about widespread racial and sexual harassment in a high school. The conference was highly emotional, and at one point, one of the boys who had intimidated one of the girls walked across the stage and asked her for forgiveness. One of the outcomes was that a group of parents and students went to the school board to request that conferences be used for all harassment cases.

Caution participants that doing a Large Group Conference is similar to doing a face to face process with a crime of severe violence in that more care and diligence needs to be taken in preparing the participants. In increasing the number of participants the risk of harming participants can also increase. Do not try doing a Large Group Conference without specialized training, the involvement of someone with experience, and considerable preparation. Look at your goals in considering which model(s) to use with a case or incident.

PEACEMAKING CIRCLES



OV 2.32: Circles diag.

Peacemaking Circles or Circles of Understanding

Display OV: Circles of Understanding (seating chart), reference Participant Guide page, and give a brief overview: This core practice has been used as long as there have been people and a fire pit. Aboriginal peoples have used it for thousands of years to make collective decisions, solve problems and conflicts, provide support

and education, and to generate ideas. In the 1990's sentencing circles were developed by First Nation people, including Harold Gatenby, Mark Wedge and Rose Wilson, working with Judge Barry Stuart of the Yukon (Canada) Territorial Court to be a community-directed process for developing appropriate sentencing plans in partnership with the court. It was transplanted from the Yukon Territory to the United States in the mid 1990's. In the Yukon, the circle is used with criminal cases of chronic offenders so the community and criminal justice professionals can reach them and the victims in ways the court system has not been able to. Typically, separate healing circles are held for the victim and the offender; accountability is a strong component of the latter.

The process may go on for months, with the offender completing requirements of a social compact with the Community Justice Committee. The sentencing circle, the judge, prosecutor, defense lawyer, victim, offender, their supporters and any other community members who want to attend, participate as equals in determining the sentence. It is a court process done out in the community with the talking circle process used to draw people out and to build consensus.

In a school, talking circles process can be used to resolve a specific incident or to gather up affected parties to discuss a problem. Other current uses include child abuse/neglect cases, staff meetings, workplace conflicts and discrimination complaints, trainings, and community reintegration after incarceration or placement.

Ask participants to read their worksheets.

Sample Outcome: A circle may result in a variety of requirements for the offender, from taking

courses, to participating in counseling, to drug tests, to jail or prison time in criminal cases, to community service and restitution. And the circle may require others in the community to help the victim and to assist the offender carrying out the agreement.

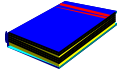
In one criminal case in the United States, the longer circle process was used after a man killed his sister's pet while they quarreled after drinking together for one long day. The healing circles brought the offender his first understanding of the extent of his chemical dependency, isolation and anger problem, and brought both he and his sister a greater understanding of their love for each other. As a result of the circles, the offender accompanied his sister and her partner to A.A. meetings, received counseling in anger management and grief processing related to his grandfather's death, did service to pay back the human and animal communities, turned his life around, and became a member of the Community Justice Committee.

In one school case, girls who had stolen snacks from a local park's refreshment stand suggested that they sell snacks at the park during the after-school program. They got help from park staff, they made some money, they got respect from boys who bought the snacks, and they learned about inventory, counting change and other aspects of business.

In addition to restorative processes, circles can be used to teach pro-social skills on a daily basis, to discuss difficult topics, such as how people feel after a tragedy (like the Columbine High School shootings in Colorado in 1999), or to discuss a short story.



OV 2.33: Evolution of conferencing



PG 2.16: Evolution of conferencing

Summarize this section and remind participants that this training will give them skills in restorative group conferencing (same as Wagga Wagga model of family group conferencing).

Highlight the evolution of conferencing:

- As programs and expertise grow, more now include adults and take on personal as well as property crimes and conflicts.
- As adaptations of the models emerge, many enlarge the circle of participants in the conference to include more supporters and community members.
- Adaptations are also expanding the scope of what is addressed beyond simply restitution to other parts of restoring the harm.
- Adaptations are broadening the use to a variety of settings beyond the justice system, including schools and workplaces.
- There are hundreds of programs now in North America and even more in Europe.



OV 2.34: Cases of severe violence

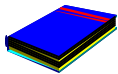
Stress that some programs deal with cases of severe violence, but this *takes more intense training and preparation, including:*

- ⇒ Specialized expertise related to working with victims who have been severely traumatized
- ⇒ Special considerations for dealing with offenders in incarceration
- ⇒ Slower moving process, dealing with grief and healing

GOALS OF RESTORATIVE CONFERCING



OV 2.35: Goals of conferencing: offender accountability



PG 2.17: Goals of restorative conferencing

Explain that in restorative conferencing our goals include offender accountability as defined:

- Understanding better the harm done and those affected
- Being accountable to the victim
- Being accountable to the community
- Having responsibility to repair the harm



OV 2.36: Community accountability

Explain that accountability also includes the community being held accountable for:

- Attending to the victim's wounds
- Participating in a resolution
- Providing opportunities for offender's community service/restitution earning
- Identifying and addressing underlying community conditions



Explain that in a restorative justice framework,

OV 2.37: Victim opportunities

conferencing provides victims with these opportunities:

- Choice in how they want to proceed
- Opportunity to talk about what happened
- Voice in how to right the wrongs
- Way to feel some power, safety, reassurance
- Chance to have questions answered



OV 2.38: Community protection/safety

Explain that in conferencing, community protection and safety is promoted by:

- A timely response to the offense
- Reassertion of community expectations
- Individual, parental and community responsibilities being stressed
- A possible reduction in recidivism
- Strengthening community by building relationships and providing opportunities for empathy between all participants



OV 2.39: Competency development

Explain that competency development resulting from conferencing includes:

- Direct community involvement that creates community competency and builds relationships
- Offenders agreeing to processes aimed at developing their competencies

**SIMPLE/
CHALLENGING/
OUTRAGEOUS
ACTIVITY**



OV 2.40: Simple,
challenging, outrageous

Write as three headings on the top of a flip pad or blackboard: *Simple*, *Challenging*, and *Outrageous*.

Organize the participants into small groups. **Ask** them to spend 5 minutes listing situations in which they think using a restorative group conference would be simple, challenging, or outrageous; ask them to try to come up with at least one situation for each of the 3 categories.

Processing: **Ask** each group to share one situation for the simple category and write 1-2 word descriptions of their situations as a vertical list under the simple heading on the flip pad/blackboard.

Do the same thing for challenging and outrageous.

Ask participants what they see when they look at the lists. (Note: It's easier for everyone to read if you use a different color marker for each column.)

Trainer's Points:

- **Different groups may list similar situations differently** (e.g., school hazing may be “simple” or “outrageous”). Some people see possibilities in the same situation that others may feel is impossible to conference.
- **“Simple” to a facilitator may be very serious to a conference participant.** For instance: a pencil stolen from a grade school boy may seem like a simple matter to an adult. But to the boy, it may be the 10th time his stuff has been stolen in school. It may be the final straw in trying to make it at school. It may have been a very special and meaningful pencil to him (one of the last gifts his grandmother

gave him before she died).

- **Restorative conferencing is an intervention and a prevention process.** By intervening at young ages and with lower level offenses, the process has the potential to prevent more serious harms. Choose situations which correspond to the 3 lists or use this one:

If we don't intervene with a child who is calling someone names (a "simple" situation in most eyes), that child is much more likely to escalate to a more serious level such as hazing, and without intervention that same behavior can later become a hate crime. By intervening respectfully to teach the child about the harms caused, we can stop her or him from committing much more harm in the future.

- **Restorative face-to-face processes are being used for all crimes.** All of the examples listed have a comparable case in real life that is being processed with a restorative face to face practice, including crimes of severe violence – here in Minnesota, Ohio, elsewhere in the states, and internationally. In Texas there are a few state employees and trained volunteers (in victims' services) who do victim offender dialogues and conferences at victims' requests in crimes of severe violence; many of those crimes were murder, and there's a backlog of 300 people waiting to meet their offender. On an international level, restorative processes are being used to try to resolve wartime harm in Bosnian communities, and to address the harm of apartheid through the South Africa Truth and Reconciliation Commission.
- **Extra training is required to facilitate**

examples in the *Outrageous* column. The more severe the crime, the more experience, training and professional support the facilitator must have, and the more preparation and resources needed.

TRANSITION

Ask if participants have any questions about the content covered.

Answer any questions they may have or refer them to a time or place where the questions can be answered.

Tell participants that the next lesson will be about understanding the primary participants in a conference.

WORKSHEETS

Worksheets for the Practices Activity follow here.