

RESTORATIVE CONFERENCING

SESSION ONE

This curriculum was developed by the IIRP Graduate School.
For more information, please visit www.iirp.edu.



International Institute
for Restorative Practices

WORLDWIDE INFLUENCE



LEARNING OUTCOMES

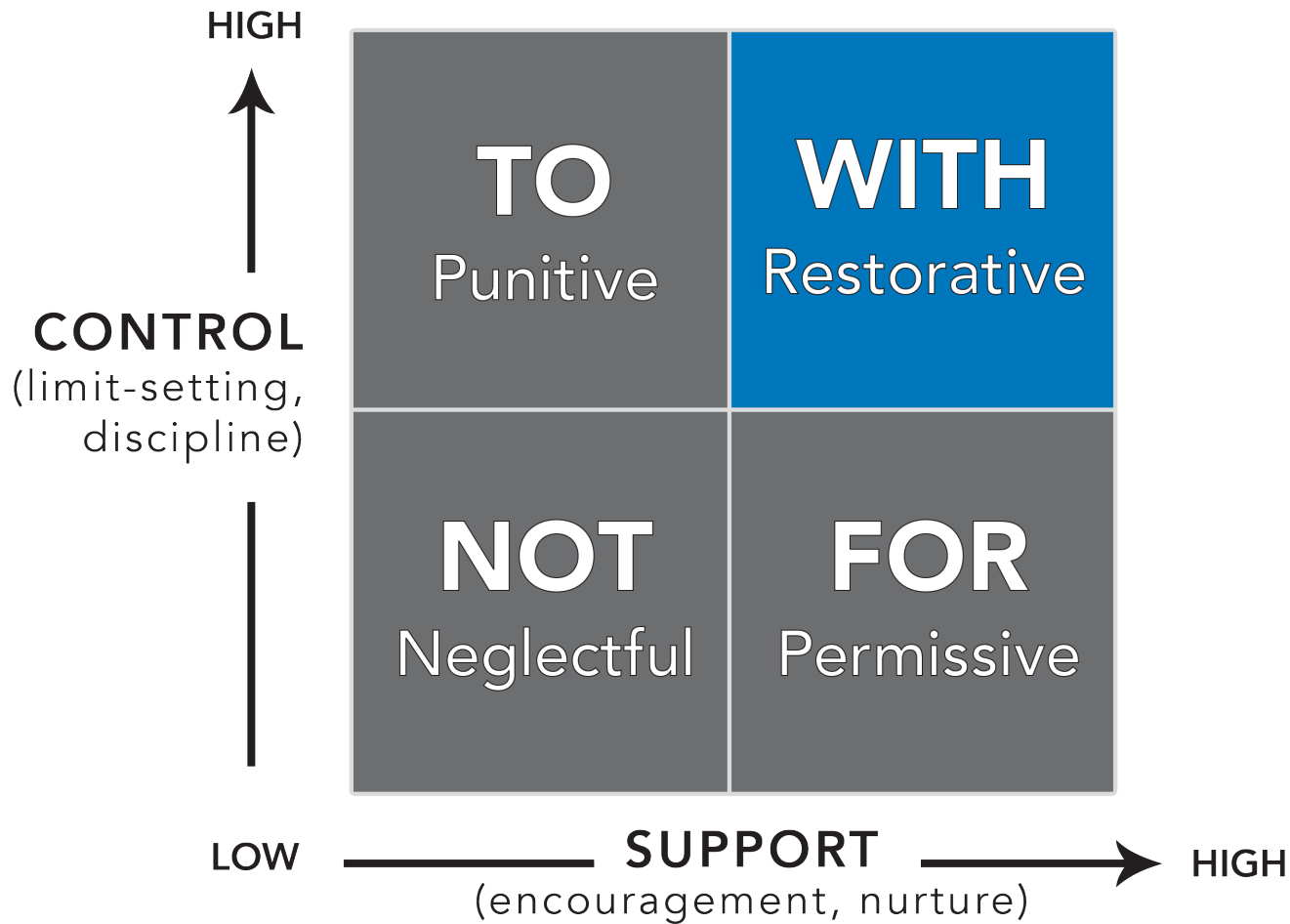
By the end of the day, participants will be able to:

- Describe the key concepts of restorative practices.
- Reflect on how restorative practices may impact participants' professional and personal lives.
- Apply the restorative practices continuum.

REFLECTIONS

- “We just keep talking until there's nothing left but the obvious truth. Once ‘the obvious truth’ has been found, there is no need for a ‘decision.’ Such truth not only sets people free – it allows a group or community to self-organize..”
(Oren Lyons, Faith keeper of Turtle Clan, member of the Seneca and Onondaga Nations, of the Haudenosaunee Confederacy)
- “If systems are not innately restorative, then they cannot hope to effect change simply by providing an occasional restorative intervention. Restorative practices must be systemic, not situational.”
(Ted Wachtel)
- “Restorative justice is not simply a way of reforming the criminal justice system; it is a way of transforming the entire legal system, our family lives, our conduct in the workplace, our practice of politics. Its vision is of a holistic change in the way we do justice in the world.”
(John Braithwaite)
- “It is easier to build strong children than to repair broken men.”
(Frederick Douglass)

SOCIAL DISCIPLINE WINDOW

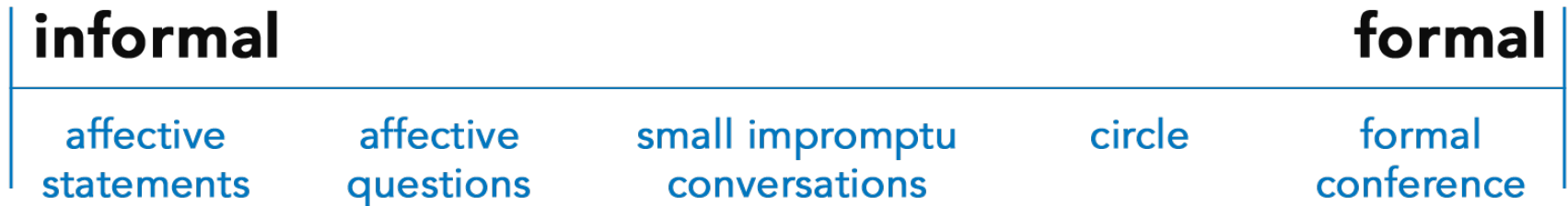


Adapted by Paul McCold and Ted Wachtel from Glaser, 1969

Page 229 in *Restorative Justice Conferencing*

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RESTORATIVE PRACTICES CONTINUUM



Page 232 in *Restorative Justice Conferencing*

SYSTEM GOALS

In groups, discuss:

- Within your system, what is the accountability practice?
- What is the goal of that accountability practice?
- Is the goal being achieved?

DOING THE RIGHT THING

Why do most people do the right thing most of the time?

- Brainstorm
- Discuss
- Rank top 3 reasons

BRAITHWAITE'S HYPOTHESIS

Separating “the deed from the doer”

Restorative Practices allow:

The act (unacceptable behavior) to be rejected because the person failed to meet expectations or standards

While:

Acknowledging the intrinsic worth of the person and their potential contribution to society

Pages 173-174 in *Restorative Justice Conferencing*

STIGMATIZING VS. REINTEGRATIVE SHAME

Stigmatizing Shame:

Pushes the offender out of the community and labels them. The offender is now a 'bad person' who committed a crime or harm. This label may follow them their whole lives. Since the offender is pushed out of the community, it encourages their participation in a criminal subculture.

Reintegrative Shame:

Expresses disapproval but does not push the offender out of the community. This type of shame rejects the act but not the person and allows for the person to be reintegrated back into the community.

Page 173 in Restorative Justice Conferencing

NEEDS OF THOSE HARMED

- Think about a time you were harmed.
- What needs did you have?
- To what extent were those needs met?

(If you would rather not participate, please refrain.)

VICTIM NEEDS

- **Opportunity** to express emotions
- **Acknowledgment** from loved ones
- **Assurance** what happened was unfair and undeserved
- **Offender** held accountable
- **Financial** restitution
- **Possible contact** with those who created the harm
 - apology
 - questions
 - assurance of safety

Pages 183-184 in *Restorative Justice Conferencing*

CONFERENCING APPLICATIONS

- Prevention
- School discipline
- Alternative to court
- After court
- Probation and corrections
- College campus
- Workplace

Chapters 11-16 in *Restorative Justice Conferencing*

CONFERENCE FACILITATORS

- Professionals as part of their jobs
- Specialists hired as full-time facilitators
- Trained volunteers
- Peers

CONFERENCE PROCESS

- Preamble
- Three phases
 - Those who created harm talk about the incident
 - Others relate how they have been affected
 - Participants decide how to repair the harm (the agreement phase)
- “Breaking of bread” after the conference

Pages 165-168 in *Restorative Justice Conferencing*

PAY ATTENTION TO

- The seating plan
- The facilitator's behavior
- The order of people speaking
- What questions are consistently asked

Refer to the conference script

AFFECTS, FEELINGS, AND EMOTIONS

- **Affects**

Nine innate, biological programs triggered in response to specific stimulus conditions

- **Feelings**

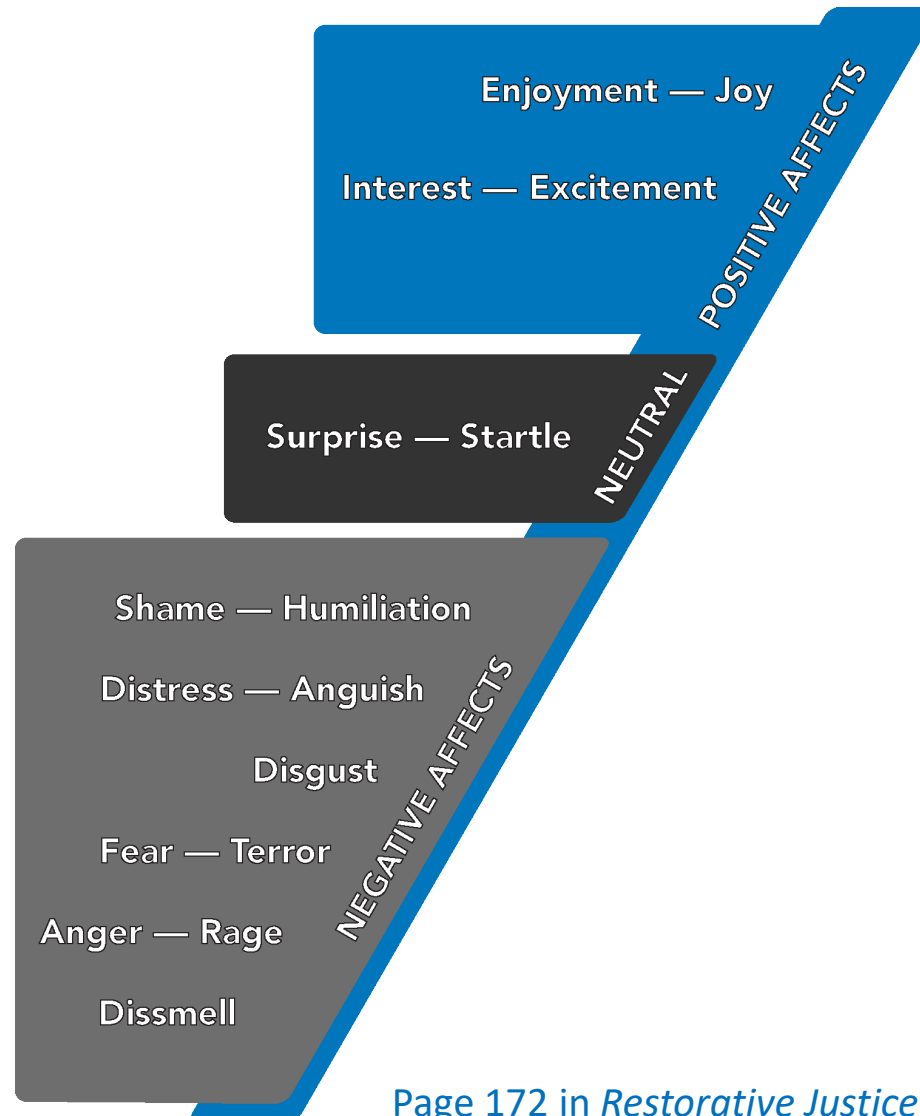
The awareness an affect is present

- **Emotions**

Scripted responses learned over a lifetime of the triggering of affects by environmental forces that surround us

(Basch as cited in Nathanson, 1992, pp 48-51)

THE NINE AFFECTS



Page 172 in *Restorative Justice Conferencing*

COMPASS OF SHAME



Nathanson, 1992

Page 175 in *Restorative Justice Conferencing*

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RESPONDING TO SHAME

Respond to others experiencing shame by:

- Listening to what they have to say
- Being present with them without trying to problem solve
- Reflecting on what has caused the shame feeling
- Acknowledging their feelings
- Encouraging them to talk about their experience

THE CENTRAL BLUEPRINT

Individuals are healthiest and at their best when they:

- Maximize positive affect
- Minimize negative affect
- Minimize inhibition of affect
- Do as much of the above three as possible

(Tomkins, 1961, 1962)

INTERPERSONAL RELATIONSHIPS

Healthy intimacy and positive emotional connections occur when two people agree to:

- Maximize and Mutualize positive affect
- Minimize and Mutualize negative affect
- Minimize and Mutualize the inhibition of affect
- Do as much of the above three as possible

(Kelly, 2012, pp. 110-111)

COMMUNITY

Community is when multiple people agree to:

- Maximize and Mutualize positive affect
- Minimize and Mutualize negative affect
- Minimize and Mutualize the inhibition of affect
- Do as much of the above three as possible

Nathanson, 1995

O'CONNELL 2014

Restorative Process	Conference Process	Actions	Emotions
PAST Storytelling	<ul style="list-style-type: none">• Person responsible for harm• Victim and their support• Family/Supporters of person responsible	<ul style="list-style-type: none">• Acknowledgment• Listening• Validating• Ownership	<ul style="list-style-type: none">• Distress• Disgust• Anger• Shame• Anxiety

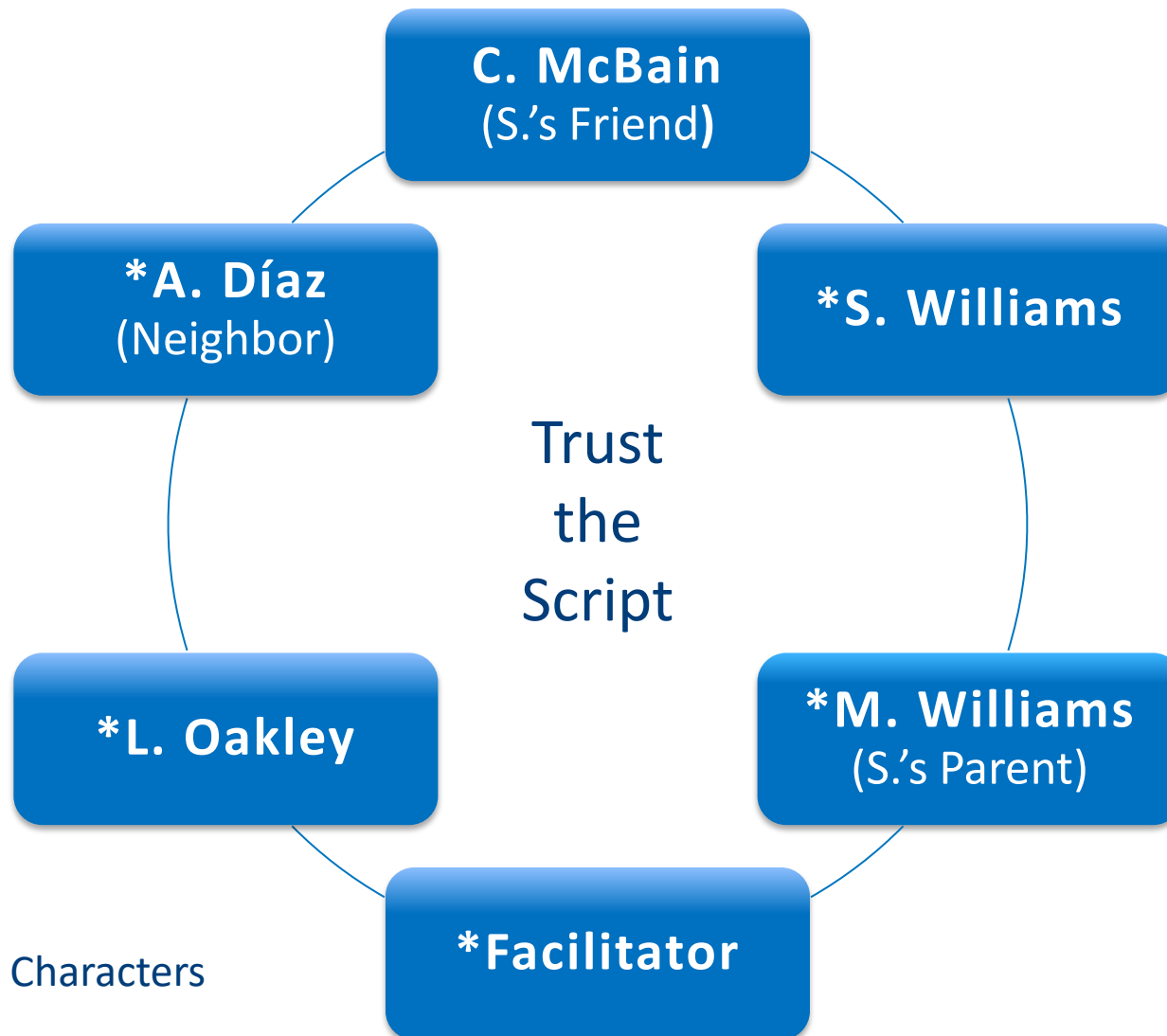
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PRESENT Reflection	Person responsible for harm: “Anything to say?”	<ul style="list-style-type: none">• Remorse• Reflection	<ul style="list-style-type: none">• Surprise• Interest

O'CONNELL 2014

Restorative Process	Conference Process	Actions	Emotions
PAST Storytelling	<ul style="list-style-type: none"> • Person responsible for harm • Victim and his/her support • Family/Supporters of person responsible 	<ul style="list-style-type: none"> • Acknowledgment • Listening • Validating • Ownership 	<ul style="list-style-type: none"> • Distress • Disgust • Anger • Shame • Anxiety
PRESENT Reflection	Person responsible for harm: “Anything to say?”	<ul style="list-style-type: none"> • Remorse • Reflection 	<ul style="list-style-type: none"> • Surprise • Interest
FUTURE Planning	<ul style="list-style-type: none"> • Ask all participants what needs to happen • Agreement Phase • Closure and Reintegration Phase 	<ul style="list-style-type: none"> • Acknowledgment • Attribution • Reflection • Normalization • Change of Status • Relationship Building 	<ul style="list-style-type: none"> • Interest • Excitement • Enjoyment • Contentment

SEATING PLAN: MINI ROLE PLAY 1, BURGLARY



* Required Characters

MINI ROLE PLAYS

1. Run the role play.
2. Give the facilitator feedback on how well they:
 - Followed the script
 - Fostered offender's acceptance of responsibility
 - Allowed for the free expression of emotion
3. Tell your group how you felt in your role.
4. Tell your group one way in which you are different from the role you played.

PREPARATION PRACTICE

1. In triads, run role play (7 minutes)
 - Facilitator
 - Observer
 - Conference participant
 - S. Williams
 - L. Oakley
 - A. Díaz, M. Williams, **or** C. McBain
2. Give facilitators feedback (3 minutes)
3. Switch roles and repeat

PREPARATION ROLE PLAY 1: PERSON WHO CREATED HARM

1. Assign roles
 - Facilitator
 - Observer
 - S. Williams
2. Run the role play
 - Begin the conversation using the handout
 - 7 minutes for conversation
 - 3 minutes for feedback

PREPARATION ROLE PLAY 2: PERSON HARMED

1. Assign roles
 - Facilitator
 - Observer
 - L. Oakley
2. Run the role play
 - Begin the conversation using the handout
 - 7 minutes for conversation
 - 3 minutes for feedback

PREPARATION ROLE PLAY 3: SUPPORTERS

1. Assign roles
 - Facilitator
 - Observer
 - A. Díaz, M. Williams, **or** C. McBain
2. Run the role play
 - Begin the conversation using the handout
 - 7 minutes for conversation
 - 3 minutes for feedback

RESTORATIVE CONFERENCING

SESSION TWO

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REFLECTION

- “Conflict is inevitable, but combat is optional.” (Max Lucado)
- “Justice cannot be for one side alone, but must be for both.” (Eleanor Roosevelt)
- “In matters of truth and justice, there is no difference between large and small problems, for the issues concerning the treatment of people are all the same.” (Albert Einstein)
- “It's relationships, not programs, that change children...Young people thrive when adults care about them on a one-to-one level, and when they have belonging to a caring community.” (Bill Milliken)
- “There are different kinds of justice. Retributive justice is largely western. The African understanding is far more restorative – not so much to punish as to redress or restore a balance that has been knocked askew.” (Desmond Tutu)

APPROPRIATE CONFERENCES

Primary questions:

1. Has the person who caused harm admitted the offense?
2. Has the incident adversely affected or harmed anyone?
3. Is there a need to repair the harm?
4. Does the person harmed want to participate?

If all 4 are answered affirmatively, then you could run a conference.

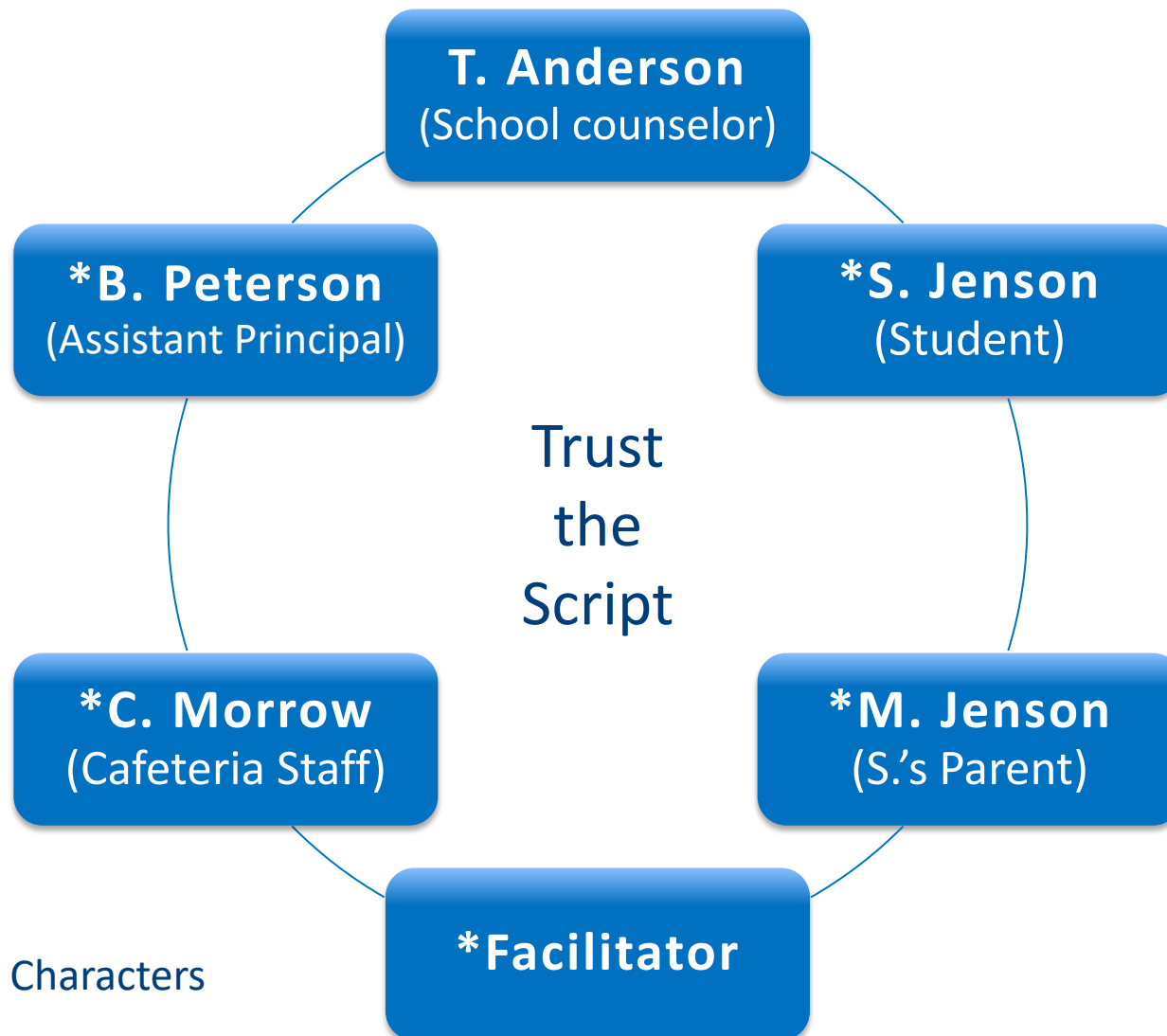
- But would you?
- Other considerations?

FACTORS THAT WEIGH AGAINST A CONFERENCE

- Adverse political climate
- Facilitator's lack of experience
- Inappropriateness of a single conference to address longstanding abuse
- Issue already addressed restoratively

Pages 182-183 in *Restorative Justice Conferencing*

SEATING PLAN: MINI ROLE PLAY 2, MISBEHAVIOR



* Required Characters

MINI ROLE PLAYS

1. Run the role play.
2. Give the facilitator feedback on how well they:
 - Followed the script
 - Fostered offender's acceptance of responsibility
 - Allowed for the free expression of emotion
3. Tell your group how you felt in your role.
4. Tell your group one way in which you are different from the role you played.

PREPARATION PRACTICE

1. In triads, run role play (7 minutes)
 - Facilitator
 - Observer
 - Conference Participant
 - S. Jenson
 - C. Morrow
 - B. Peterson, M. Jenson, **or** T. Anderson
2. Give facilitators feedback (3 minutes)
3. Switch roles and repeat

PREPARATION ROLE PLAY 1: PERSON WHO CREATED HARM

- Assign roles
 - Facilitator
 - Observer
 - S. Jenson
- Run the role play
 - Begin the conversation using the handout
 - 7 minutes for conversation
 - 3 minutes for feedback

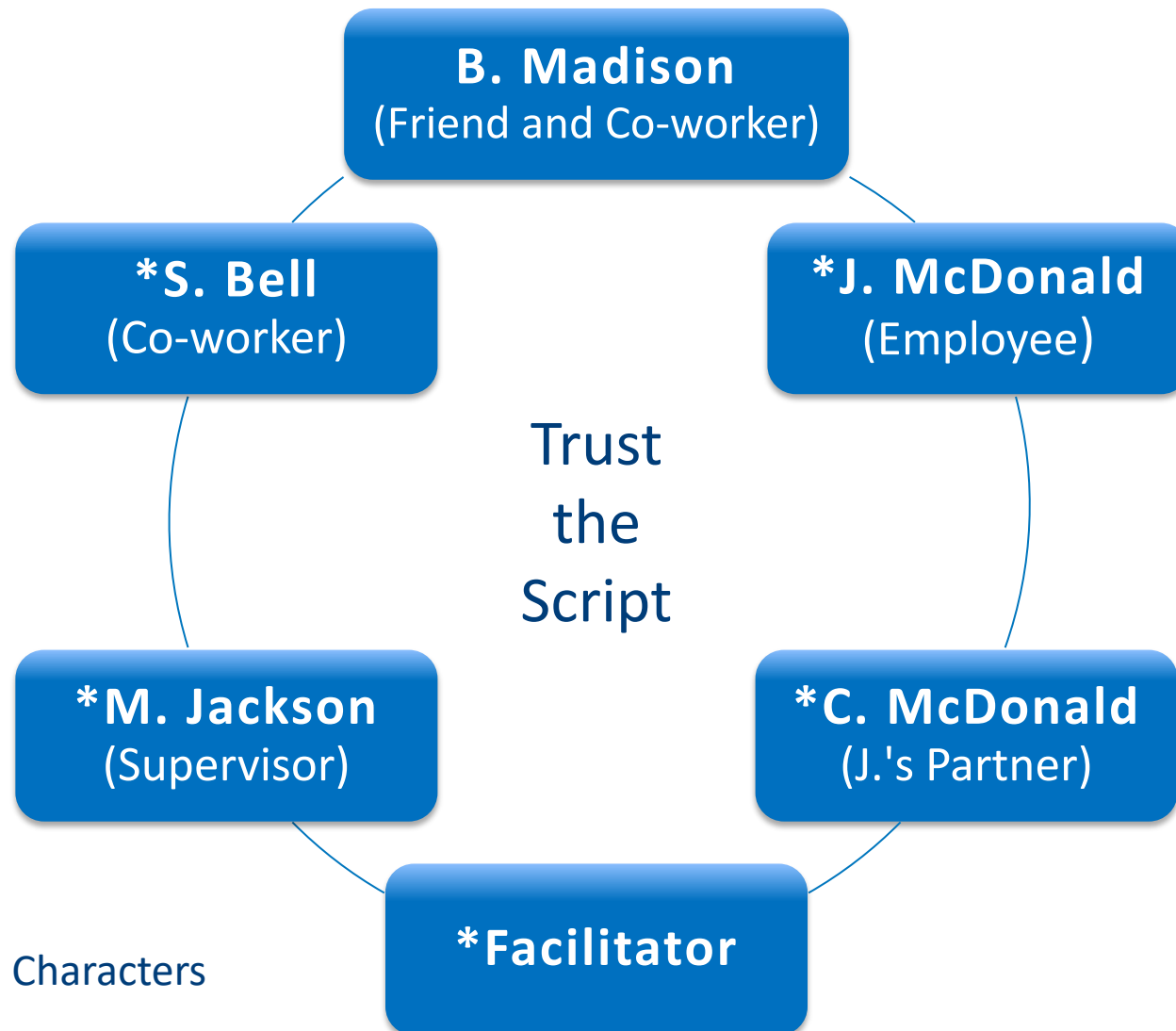
PREPARATION ROLE PLAY 2: PERSON HARMED

1. Assign roles
 - Facilitator
 - Observer
 - C. Morrow
2. Run the role play
 - Begin the conversation using the handout
 - 7 minutes for conversation
 - 3 minutes for feedback

PREPARATION ROLE PLAY 3: SUPPORTERS

1. Assign roles
 - Facilitator
 - Observer
 - B. Peterson, M. Jenson, **or** T. Anderson
2. Run the role play
 - Begin the conversation using the handout
 - 7 minutes for conversation
 - 3 minutes for feedback

SEATING PLAN: MINI ROLE PLAY 3, WORKPLACE



* Required Characters

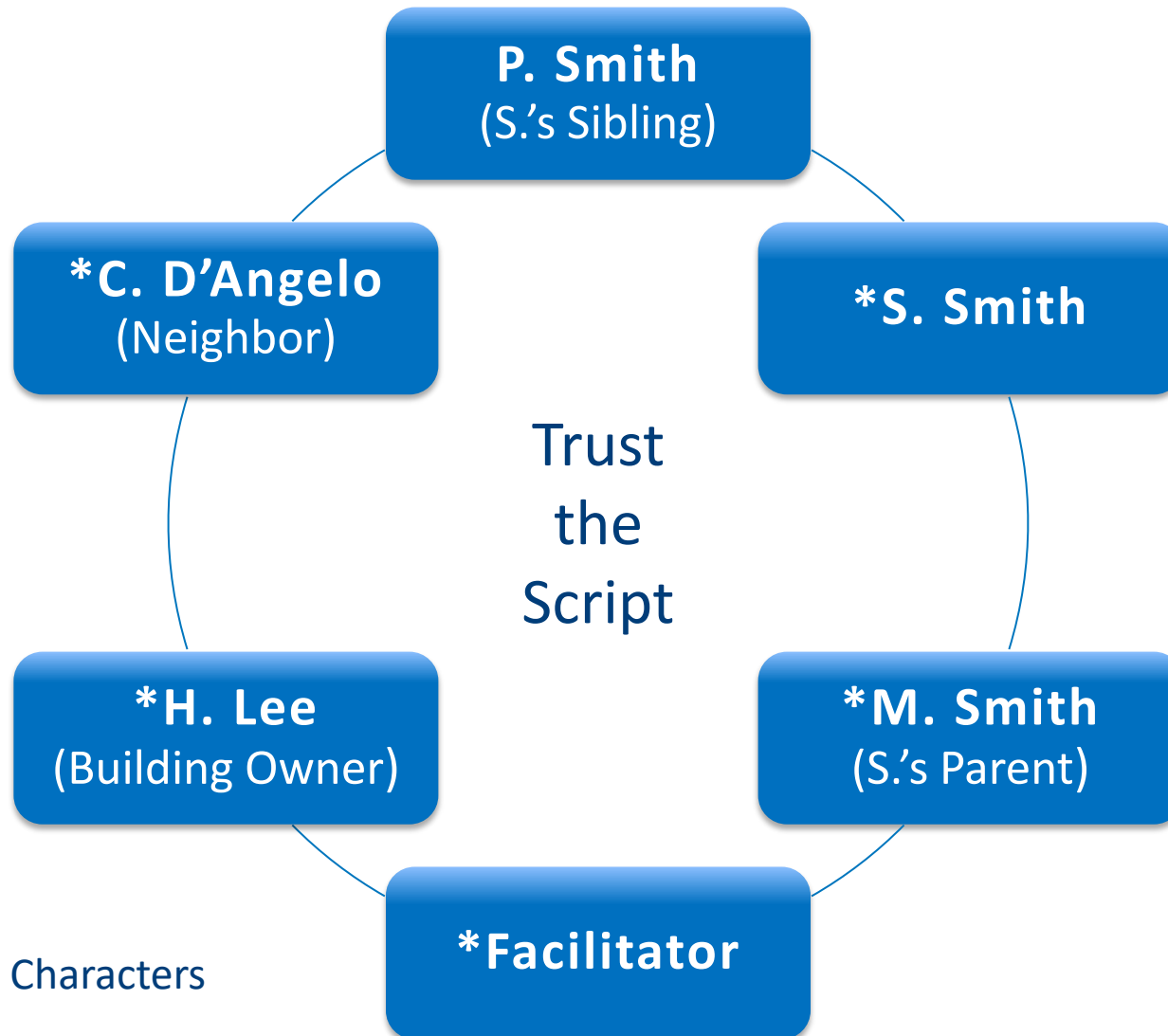
MINI ROLE PLAYS

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4. Tell your group one way in which you are different from the role you played.

MINI ROLE PLAY: GENERAL CONFLICT

1. Identify who will be the facilitator.
2. Pick a scenario to address from the list.
3. Run role play
 - Facilitator follows script.
 - Participants play a realistic role.
 - Allow for the group to move through the conflict.
4. Debrief
 - Tell your group how you felt in your role.
 - How was this process different from the previous role plays?
 - How could you use this process in your workplace?

SEATING PLAN: MINI ROLE PLAY 4, VANDALISM

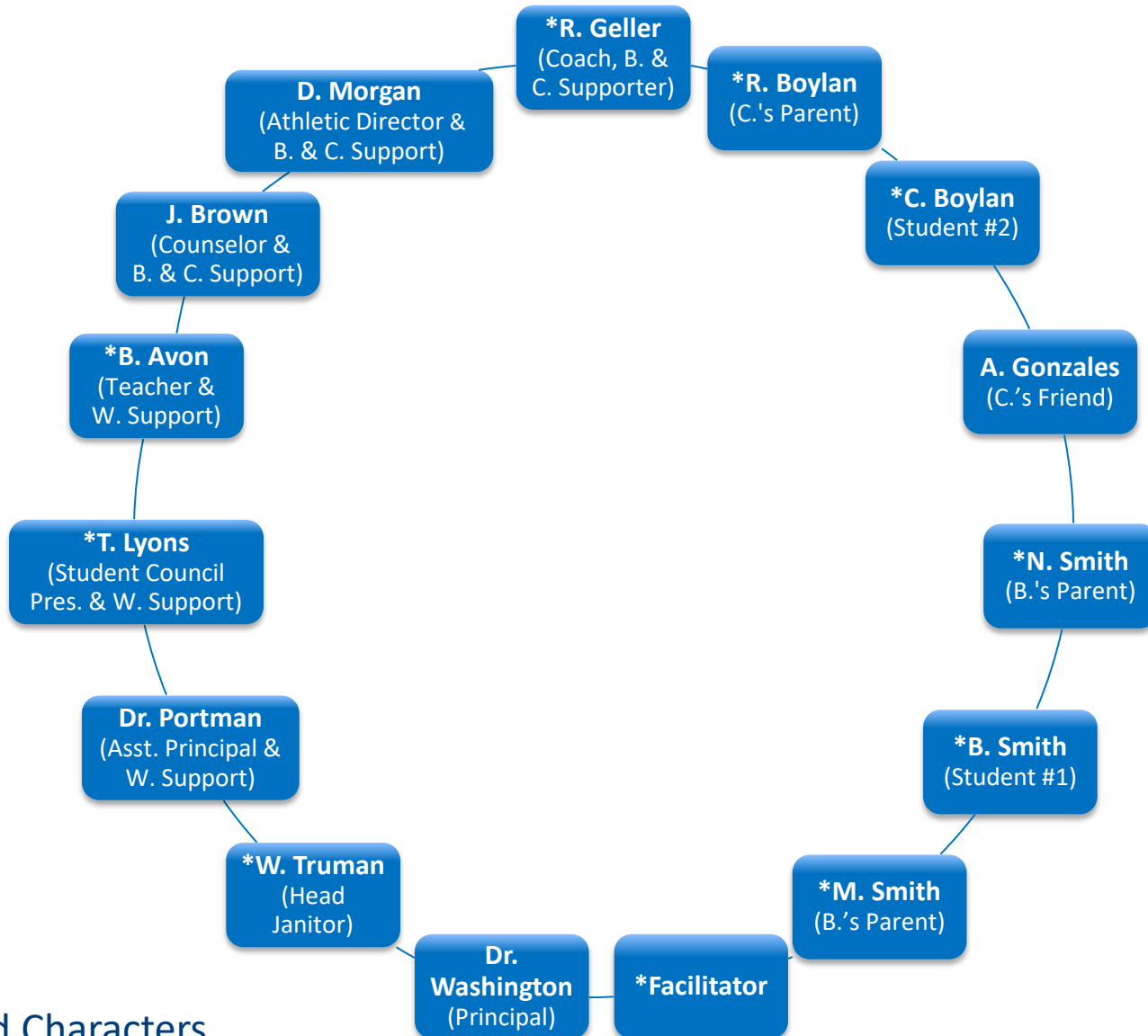


* Required Characters

MINI ROLE PLAYS

1. Run the role play.
2. Give the facilitator feedback on how well they:
 - Followed the script
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 - Allowed for the free expression of emotion
3. Tell your group how you felt in your role.
4. Tell your group one way in which you are different from the role you played.

SEATING PLAN: LARGE ROLE PLAY, SCHOOL PRANK



* Required Characters
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LARGE ROLE PLAY

1. Run the role play.
2. Give the facilitator feedback on how well they:
 - Followed the script
 - Fostered offender's acceptance of responsibility
 - Allowed for the free expression of emotion
3. Tell your group how you felt in your role.
4. Tell your group one way in which you are different from the role you played.

THE IIRP REMINDS YOU...

This is a 2-day training.

- The IIRP encourages you to start small and run conferences for low-level offenses until you have gained experience and feel comfortable moving to more serious situations.
- The IIRP discourages you from facilitating conferences for serious offenses involving severe trauma for people who have been harmed, unless you have appropriate experience and co-facilitation.

IMPLEMENTATION: QUESTIONS FOR CONSIDERATION

- How has this experience impacted you professionally?
- What changes do you plan to make to your practice that can be immediate?
- What changes would you like to make but will require more time and support?
- What needs to happen to make and sustain these changes?
- How has this experience impacted you personally?
- How can you be more purposefully restorative?
- How can you be restorative with yourself (self-care)?

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