

---

# Conference Preparation

---

Careful preparation is crucial to facilitating successful conferences. Through preparation, facilitators can understand the incident, build rapport with participants and begin to envision how the conference may unfold. Use the Facilitator's Preparation Checklist at the end of this chapter as a reference.

## **A Note on Language**

The terms “victim” and “offender” help facilitators keep track of participants and organize conferences. It would be unwieldy to keep saying “the person who was harmed” or “the person who caused the harm.” However, facilitators should never use the terms “victim” and “offender” with conference participants because those terms can be stigmatizing. People should be referred to by their actual names whenever possible.

The terms “incident” and “offense” are used here interchangeably. In reality, for some cases and settings the term “offense” may

seem extreme or legalistic. Conversely, for other cases and settings the term “incident” may seem minimizing or euphemistic. Facilitators should judge which term is appropriate.

### **Choosing a Time and Place**

Facilitators should seek a conference room that is readily available or that they can reserve in advance. The room should be large enough for the expected number of participants, be private and free from interruptions and have access to restrooms. If possible, rooms should also have access to a copy machine for duplicating the conference agreement.

The conference location will depend on the jurisdiction but should be convenient, safe and easily accessible. Possibilities include the police station or community policing substation, the courthouse, a public or government building, a community center or school. To preserve the perceived fairness of the process, conferences are rarely held in the homes of conference participants. However, after consulting with the victim, offender and others, facilitators may occasionally deem this appropriate.

Scheduling the conference can sometimes be complicated, especially if there are multiple offenders or victims. Facilitators need a tentative time and date for the conference before contacting possible participants. Facilitators may shuttle between victims and offenders to find a mutually agreeable time. The victims’ preference for a meeting time should be given the greatest weight.

### **Selecting and Inviting Participants**

As a courtesy to victims, facilitators should first contact offenders and ensure their willingness to participate in a conference. This will save the victims any disappointment should the offenders decline. If there are multiple offenders, facilitators may begin inviting victims after one offender has agreed.

At a minimum, offenders should admit to the offense to be eligible for a conference, although some offenders may minimize or displace responsibility. Facilitators should address the offenders' need to take full responsibility during a preconference meeting.

When contacting people, facilitators explain the conference process and its benefits, answer questions, encourage and secure attendance at the conference, and build rapport and trust. It is *vital* for facilitators to speak with *all* participants before the conference, including victims, offenders, their supporters and others. Conferences where facilitators have not built rapport with all participants are much more likely to be problematic.

Facilitators must tailor their approach to offenders, victims and each set of supporters. Facilitators may create a brochure or information sheet that they can mail or give to people during their preconference meetings. The information for victims and their supporters may differ from that provided for offenders and their supporters.

People sometimes express concern that other participants will be disrespectful or offensive during the conference. In response, facilitators can explain that because participants usually feel conferencing is humane and trust the process, they tend to bring their "best selves" to the circle and participate in a constructive manner.

In many cases telephone contact is sufficient to explain the process and build rapport. Often facilitators will prefer to meet with victims and offenders in person. This is more time-consuming and not always feasible. However, when the offense is more serious or has complicated dynamics, an in-person meeting may raise participants' trust in the facilitator, improve the quality of the conference and more fully meet victims' needs. A personal visit may also ensure offenders take full responsibility for the incident, as well as increase the likelihood that victims, offenders and their families will participate. Personal visits are necessary when dealing with more serious offenses, and even with less serious offenses when victims are particularly upset.

When offenders are juveniles, facilitators may be legally required to contact their parents or guardian about the conference and perhaps gain their permission before speaking with the offender. However, if the offenders are of legal age, it may be considered a violation of their privacy to contact their parents without their permission, even if the offender is still in high school or attending a university or college.

Determining who to invite as supporters is an important part of conference preparation. Victims and offenders may nominate anyone they choose. Facilitators may also invite individuals who do not clearly fall into the category of victim, victim supporter or offender supporter, but who have been directly affected by the incident in some way—perhaps someone who witnessed the incident or an investigating police officer. Sometimes victims and offenders make the initial contact with their nominated supporters to tell them about the conference and to let them know the facilitator will call.

Young children may participate in conferences, if they can speak and basically understand what is going on. Even if the conference deals with severe offenses, children can still participate because they have been harmed by those offenses and need healing as much as adults. Script questions may need to be adapted slightly to a child's level of understanding.

Offenders and victims should not have legal counsel at the conference. The facilitator should advise any attorneys who want to be involved that a conference is not a legal proceeding and that they may attend only as a supporter, like other supporters who are connected to the victim or offender, or as a silent observer sitting outside the circle.

Facilitators should know local laws regarding whether disclosures made in a conference are admissible in court and advise offenders accordingly. In practice, however, the conference almost always settles the matter without further legal proceedings.

When facilitators receive a case, they must learn what will happen if the case does not result in a conference, if no agreement is reached, or if the offender fails to satisfy the agreement. If there is no protocol, facilitators need to discuss the matter with those who have the authority to decide.

It is difficult to say exactly how many people should attend a conference. It depends on the offenders' and victims' support networks, the number of offenders and victims and the nature of the offense. Most conferences have 8 to 15 participants and run 30 to 90 minutes. Larger conferences may run as long as 2 to 4 hours. Generally the more people in a conference, the longer it will take.

Usually, the more people in a conference, the better, because of the wider variety of personalities. Smaller groups may be dominated by one or two individuals who may or may not be positive influences. In larger groups there is an averaging or normalizing effect, with the more extreme personalities balanced by others in the circle. In fact, facilitators running larger conferences are more likely to find the balance maintained by the participants themselves.

Inviting as many as possible to a conference also offers the opportunity to develop "communities of care" for the victim and offender. Often the victim's community and the offender's community become one community. Because an incident of wrongdoing brings relationships into critical focus, the conference can be a beginning point for establishing and building relationships. The conference allows the building of social bonds, which are needed to sustain healthy family and community relationships.

Facilitators with a mediation background often worry about power imbalances, but the conference framework deals with those issues naturally. With supporters for both offenders and victims, the power balance between individuals is evened out. There is no need to have the same number of participants for each "side"—offender and victim. However, if facilitators know that one group

is particularly large, they can encourage the other group to bring more supporters.

Inviting official community representatives or others who do not have a direct emotional connection with the incident may be a problem. They sometimes preach or moralize, dampening the affective exchange. If community representatives are included, they should be coached to speak personally about how the incident made them feel.

### **Contacting Offenders and Young Offenders' Parents**

When contacting offenders, facilitators should introduce themselves and explain the purpose of the conference. For example:

“Hi, my name is (facilitator’s name). I’m with (facilitator’s agency), and I’m working on setting up a conference dealing with (brief description of offense). I’d like to offer you an opportunity to attend a conference instead of (referring the matter to court/handling the matter through school disciplinary procedures/handling the matter in another way). The conference will help us learn how people have been affected by what you did and how to repair the harm that has resulted. We are not going to decide whether you are good or bad. We just want to discuss how your inappropriate behavior affected other people and how to repair the harm.”

Facilitators should explain the conference process, who will be present and what the offender can expect to be asked at the conference. If the offender is not of legal age, facilitators may need to contact the offender’s parents or guardian before speaking with the offender.

For offenders and the parents of young offenders, facilitators should describe the advantages of the conference process from their perspective. These include: the opportunity for offenders to understand the consequences of their behavior, learning how the incident has affected their family and friends, helping develop and implement a plan to repair the harm and disapproving of the offenders’

behavior while affirming their worth as members of the community. The conference is an alternative to more punitive disciplinary processes or a way to avoid formal criminal charges. However, conferences are not the “easier” option some might assume.

With young offenders, facilitators may speak with offenders and their parents together, but it is important to speak with each individually as well. Facilitators need to establish individual rapport with offenders and work to ensure that offenders begin the conference by accepting responsibility for what they did, without rationalizing, minimizing or making excuses.

Accepting responsibility and owning the behavior go beyond a simple admission. In conferences where offenders do not own their behavior, other participants usually become morally indignant, decreasing the chances of successfully reaching a conference agreement. Preparing the offender can avoid this pitfall.

Facilitators prepare offenders during their preconference meetings by having them say what happened in their own words. Facilitators should speak to offenders in a positive tone and listen to the offenders tell their stories. Some offenders readily take responsibility for their behavior, saying how sorry they are and that they know it was wrong. In this case, facilitators should offer encouragement and tell offenders that if they speak so humbly and honestly during the conference, the process will probably go very well.

Other offenders make excuses and blame others. When facilitators detect this, they should stop the offender and say something like:

“I want to make sure that this conference goes well for you. I hear you describing what happened and though you’ve admitted that you did it, you seem to be blaming others, which will just make everyone angry with you. If you have some reasons why things happened the way they did, save them for later in the conference. Just start out really honest and humble, admitting what you did without any explanations. Then the conference will go better. Do you know

what I mean? Why don't you try it again, this time just saying what you did and admitting it was wrong."

Facilitators should listen again and give compliments if the offender seems to be owning the behavior. Facilitators may even tell offenders that people will respond better if they say it the same way during the conference. As a closing statement, facilitators can ask offenders to think about how people have been affected by their actions.

This preparation helps offenders—especially young people who may not have the communication skills to humbly express remorse—start on the right foot in the conference. If an offender's attitude is a deceptive ploy, that will usually become obvious as the conference continues. In most cases, however, offenders are favorably affected by the conference atmosphere, and their honesty and positive attitude is reinforced, even if they were not totally sincere at the outset.

During preconference meetings, offenders and their parents may rationalize or minimize the offense by blaming other people and situations. Blaming others for the incident often reflects an underlying feeling of shame. For example, sometimes offenders or parents of offenders who assaulted someone may claim that the victim "egged them on" or was "asking for it."

While there are often other factors that contributed to the offense, facilitators should say that what the offenders did was unacceptable and that they need to take responsibility for their part in what happened. Asking questions in the preconference meeting such as "If you had it to do over again, what would you do differently?" or "How could you have responded differently?" can help offenders realize that they could have chosen less harmful responses.

Parents may have much to say about the incident and the offender, as well as how they have been personally affected. Facilitators should listen attentively and compassionately, allowing ventilation of feelings and expression of opinions.



Parents of offenders may express anger with the offender. Degrading statements about offenders and their individual worth, such as name-calling and other stigmatizing characterizations, can be dangerous. For example, “John is such a troublemaker” or “Carrie is just like her mother.” Facilitators should acknowledge the anger and help the parents explore it, by saying, for example, “You seem very angry about what happened. Can you tell me more about that?” There are usually underlying feelings of hurt, disappointment, frustration and shame. Encourage them to express those feelings, rather than characterize the offender as good or bad.

Offenders nominate supporters to be at the conference. The ideal offender supporter is someone whom the offender cares about, who can strongly disapprove of the inappropriate behavior while affirming the offender’s positive qualities and worth. When exploring who to invite as offender supporters, facilitators should help the offender think creatively about who is important to them and who can be supportive to them at the conference—including parents, brothers, sisters, extended family, friends, peers, spouses, counselors, coaches, priests, rabbis, neighbors and others. Facilitators can ask offenders, “Who in your life really cares about you?” then ask about people in the different areas of the offenders’ life, such as family, school, work, church, clubs and sports. Some offenders have little family support, but might have a social worker, counselor or even probation officer they like and want to have with them at the conference.

Sometimes offenders do not want supporters, usually because they are ashamed for others to know what they did. However, the conference process depends on the inclusion of the offender’s “community of care,” because offenders are more likely to hear the effects of their actions, acknowledge their shame and express remorse when people that they care about are present. The person the offender seems least comfortable inviting may be the one the

facilitator should persuade the offender to invite. Sometimes, particularly in the case of juvenile offenses, parents have every right to attend, and perhaps even extended family members, without the permission of the youth.

When offenders do not readily nominate supporters, facilitators may ask people who know the offender who they think could be a supporter. Even when offenders have no family and friends nearby, there are often people in the community who have had contact with the offenders who can offer support. Conferences help to create or strengthen positive bonds between offenders and people in their community.

If offenders insist that they do not want any supporters at the conference, facilitators should say that part of the offenders' positive participation in the conference includes having supporters there, because they offer a special perspective on the offender and can contribute to the conference process and resolution. Facilitators must make it difficult for the offender to refuse supporters.

Before ending the preconference meeting, facilitators should address any remaining questions. If they have a tentative time and date for the conference, they should make sure it is acceptable to the offender, but say it may have to be shifted to suit the victim. Facilitators should ask the offender for alternative times. Facilitators should ensure that offenders and their parents know how to find the conference site, and possibly offer transportation or provide directions. Lastly facilitators should leave their business card or their written phone number in case offenders or parents need to contact them.

### **Contacting Victims**

When contacting victims, facilitators begin by introducing themselves and explaining the purpose of the conference. For example:

“Hi, my name is (facilitator’s name). I’m with (facilitator’s agency), and I’m working on setting up a conference dealing with (brief description of offense), in which you were unfortunately harmed. I am organizing a conference to deal with the incident because it can provide you with an opportunity to meet (offender’s name), tell (offender’s name) how you were affected, ask questions and have direct involvement in deciding what happens. I’d like to tell you about the conference and answer your questions, so you can decide if you would like to participate. The conference is an alternative to (referring the matter to court/handling the matter through school disciplinary procedures/handling the matter in another way), and most people find it a more satisfying way to repair the harm that has resulted. (Offender’s name) has admitted committing the offense and has agreed to participate in the conference. While I can’t guarantee what the outcome of the conference will be, I can tell you that it usually goes very well.”

Facilitators should explain the conference process, who will be present, what will be asked and what victims can reasonably expect. Facilitators should describe to victims the potential benefits of the conference process, which include: telling the offender how they were affected, holding the offender accountable and having a say in how to repair the harm, possibly receiving an apology and restitution and asking the offender questions about the offense.

The facilitator’s primary job in preconference meetings with victims is to listen to them relate their feelings and how they were affected by the incident. Facilitators should allow victims as much time as they need to do this. Even if victims decline participation or if the conference is not held for some other reason, victims may still appreciate that someone took the time to listen to them—a significant contribution to the healing process.

Facilitators must not pressure victims to participate in a conference. Facilitators can tell victims the advantages of the conference and how other victims have responded to the process.

Facilitators should also tell victims if the offenders express a different view about what happened or if offenders seem particularly lacking in remorse. While facilitators should not “sell” the victim on the conference, they can express their enthusiasm for the value of conferencing. If victims decline participation, facilitators should thank them for their consideration.

Victims may nominate anyone they like to support them at the conference. Victims are generally more forthcoming than offenders in nominating supporters, although not always. When victims hesitate to nominate supporters, facilitators should stress that they may feel more comfortable at the conference if they have people to support them. Facilitators should also stress that the victims’ family and friends should be at the conference because they have also been affected by the harm done to someone close to them.

Facilitators should check with the victim whether the time, date and location of the conference are convenient. Before ending the meeting, facilitators should answer any remaining questions, provide directions to the conference site if needed, possibly offer transportation and leave their business card or written phone number in case the victim has additional questions.

### **Contacting Offender and Victim Supporters**

Facilitators should speak with *all* supporters before the conference. Building rapport with supporters increases the chances of a successful conference because they will be more likely to work with the facilitator to see that the process goes well.

When contacting offender and victim supporters, facilitators must introduce themselves and explain the conference process, how the conference will benefit the victim, offender and themselves and why their participation will be helpful. For example:

“Hi, my name is (facilitator’s name). I’m with (facilitator’s agency), and I’m working on setting up a conference dealing with (brief description of offense). (Offender’s name or victim’s name)

has asked for you to be at the conference to support them. The conference will help us learn how people have been affected by what happened and how to repair the harm that has resulted. Your presence would benefit the process, and I know (offender's name or victim's name) would like you to attend."

Sometimes supporters know little or nothing about the incident, so facilitators may tell them more about what happened. It may help if victims or offenders contact their nominated supporters to explain the conference and let them know the facilitator will be calling.

Offender and victim supporters may simply see themselves as providing support. Often, however, they have been directly affected by the incident and need to express their feelings—particularly close friends and relatives of victims of more serious crimes. Facilitators should give supporters the same respect and attention as victims, listening and allowing them to discuss their thoughts and feelings.

Like parents of offenders, offender supporters may feel angry and ashamed about what the offender did. Facilitators should reframe degrading or stigmatizing statements and focus on the underlying feelings of shame, disappointment and hurt.

Before ending the meeting, facilitators should answer any remaining questions, ensure supporters know the conference time, date and location, provide directions to the site if needed, possibly offer transportation and leave their business card or written phone number in case the supporters have additional questions.

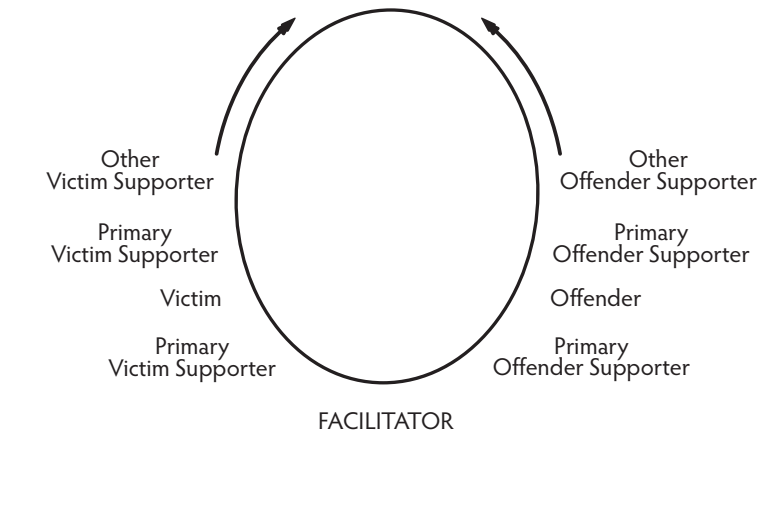
## **The Seating Plan**

Facilitators should develop a conference seating plan. (See Figure 3 and Figure 4.) In the conference, participants should be seated close together in a circle or oval shape, with no tables or other obstructions in the middle. Tables can inhibit emotional

expression because they obscure body language and can be used as protective barriers by participants. The circle also symbolizes community or “coming together.”

CONFERENCE SEATING GUIDE

Figure 3



Offenders and their supporters should sit in the circle on one side of the facilitator, and victims and their supporters should sit in the circle on the other side of the facilitator. The offender group generally sits on the right and the victim group on the left. This is arbitrary, but facilitators should adopt one approach—offender right/victim left *or* offender left/victim right—and stick with it over time to help them manage their conferences more smoothly.

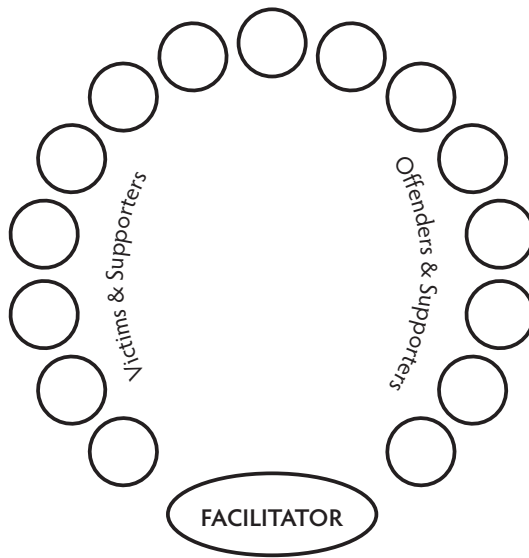
Offenders and victims should sit next to their closest supporters and near, but not necessarily next to, the facilitator. For young offenders, their closest supporters are usually parents or guardians, who can sit to either side. If there are multiple offenders, each should sit between their closest supporters.

Other victim supporters and offender supporters should sit on their respective sides of the circle, with both groups' seating progressing away from the facilitator toward the point in the circle opposite the facilitator.

---

## CONFERENCE SEATING PLANNER

Figure 4



---

Participants who are not explicitly a victim or offender supporter, such as an investigating police officer, can be seated between the two groups, opposite the facilitator. If facilitators feel that a particular participant may be disruptive or troublesome in the conference, they may choose to seat that participant nearest to them to make it more uncomfortable for that person to be disruptive.

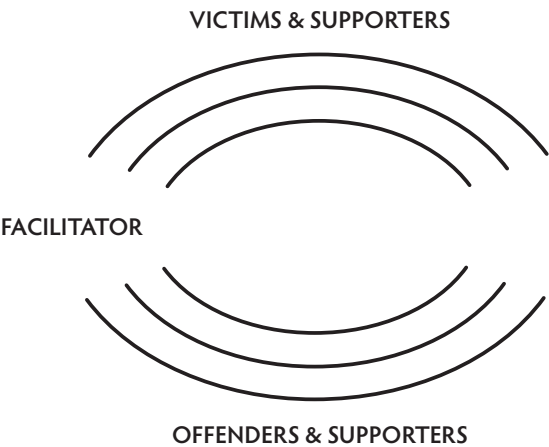
### Large Conferences

On the rare occasion when a conference is particularly large, perhaps 30 or more people, facilitators should arrange participants in rows of chairs, with victims and their supporters facing offenders and their supporters and the facilitator seated between the two groups, as in Figure 5 below.

---

#### LARGE CONFERENCE DIAGRAM

Figure 5



---

Because of the time and number of people involved in large conferences, facilitators will need help seating people, answering questions, taking care of unexpected problems and guiding people to restrooms and refreshments—which should be available throughout the conference. The assistant or co-facilitator may chat with people when they have refreshments and encourage them to return to the conference because some may be discouraged by the duration. A large pad of paper, easel and marker are useful for constructing the conference agreement.



## **Additional Preparation**

Facilitators should envision how the conference may unfold. This becomes easier as facilitators gain experience and understanding of the dynamics of conferences. Their trust in the process will grow as well.

Each conference is unique, but patterns emerge that help facilitators organize and prepare. For instance, if the offender readily takes responsibility in the start of the conference, victims and others are less likely to express moral indignation. Or if the offender's parents are harsh with the offender, other participants may say something positive or supportive about the offender.

Each facilitator will develop a way of organizing conference preparation materials. Facilitators should record the phone numbers and addresses of conference participants and other relevant contacts. They may also keep notes on their discussions with conference participants and others to review during conference preparation or for later reference.

Facilitators should be familiar with the conference script and read through it to determine the order that participants will speak, noting the order on the script or seating plan. Labels with participants' names can be placed on the seats before participants arrive. Facilitators should ensure that the conference room is reserved and that all participants were told the correct time, date and location of the conference. Facilitators may put a sign on the door saying, "Do Not Disturb: Conference In Progress." Also, facilitators will provide tissues, which signify to participants that emotional expression is acceptable, and refreshments for the informal period after the conference.

If facilitators are concerned about handling a particular situation, they should seek advice from a colleague who has been trained in facilitating Real Justice conferences. The IIRP provides direct support for facilitators, via telephone and email.

### Facilitator's Preparation Checklist

- ☐ Do you have a clear understanding of the incident?
- ☐ Is a conference needed?
- ☐ Has the offender admitted responsibility?
- ☐ Have you invited all necessary participants?
- ☐ Have you spoken or met with all participants and secured their attendance?
- ☐ Do participants understand the conference process and its purpose?
- ☐ Do participants know how to contact you?
- ☐ Have you reserved a suitable room?
- ☐ Do participants know the time, date and location, and how to get there?
- ☐ Do participants have transportation?
- ☐ Have you developed a seating plan?
- ☐ Are you familiar with the conference facilitator's script?
- ☐ Have you thought about how the conference may unfold?
- ☐ Do you need assistance, a co-facilitator or an observer to give you feedback?
- ☐ Do you know what may happen if the conference does not reach an agreement or the offender fails to satisfy the agreement?
- ☐ Do you have the following items for the conference?
  - ☐ a copy of the conference facilitator's script
  - ☐ agreement forms and other required forms
  - ☐ the conference seating plan
  - ☐ participant seating labels
  - ☐ a "Do Not Disturb" sign
  - ☐ a box of tissues
  - ☐ refreshments