
Running the Conference

Before the Conference

Before participants arrive, facilitators set up the conference room, arranging chairs according to the seating plan and taking into account any last-minute changes. There should be no tables or other physical obstructions within the circle of chairs. Labels with participants' names may be placed on the chairs to help the seating process. Facilitators should bring their conference script (see chapter 1), agreement forms, seating plan, a box of tissues and refreshments for the informal period after the conference.

The room should be free from noise and visual distractions, such as a window looking out onto a busy street. If there is a phone or intercom in the room, the ringer should be turned off. A "Do Not Disturb" sign may be placed on doors accessing the room. Facilitators should locate the nearest restrooms so they can direct participants to them. Facilitators also need access to a photocopier to duplicate the conference agreement after it is signed.

If possible, there should be separate waiting areas for victims and their supporters and offenders and their supporters to avoid the mutual discomfort of facing each other in silence before the conference convenes. When participants arrive, the facilitator should meet them and direct them to a waiting area. Facilitators should be courteous and respectful, and maintain the formality and seriousness of the occasion. An assistant may help facilitators greet and direct participants. Facilitators should keep track of who has arrived.

Sometimes facilitators meet with each group separately, just before the conference, to review the conference process, address last-minute questions or concerns and explain the seating arrangements. This is optional.

If an offender, victim or key supporter is late, facilitators should wait a reasonable amount of time, perhaps telephoning the individual. If there is one offender or one victim, and either does not show up to the conference, the conference should be rescheduled if possible. If it seems that a full conference will not occur, a modified conference may address the needs of the people who have been assembled.

If a peripheral supporter has not arrived, facilitators may wait a short time and then begin the conference. It is not a good idea to admit participants once the conference has begun. Their perspective will differ from other participants who have experienced the conference from the beginning. Facilitators may allow latecomers to observe the conference from outside the circle or participate in some limited way, depending on when they arrive.

If victims or offenders bring unexpected supporters, facilitators usually allow them to participate. However, facilitators should speak with them about the conference process and purpose and tell them what they will be asked in the conference. If it appears the unexpected supporters are indignant and may sabotage the conference process—on purpose or inadvertently—facilitators

should speak with them further. Facilitators should explain that much preparation has gone into the conference, that all who came to the conference took time from their days and are invested in the conference going well, and that they are welcome to participate in a respectful and constructive manner.

If an offender comes without supporters, facilitators may choose not to conference, reschedule or confer with victims and others about whether to proceed.

If a participant is obviously intoxicated, they should not participate, out of respect for the rest of the participants. If facilitators merely suspect that a participant is intoxicated, they should rely on their judgment to determine if that person will be disruptive, monitor them during the conference and ask them to leave later if they behave inappropriately.

To begin the conference, facilitators bring one group into the conference room at a time, preferably the victim's group first. When everyone is seated, the facilitator begins the conference. There should generally be no interruptions after starting.

Facilitators should have a clipboard or folder with the seating plan, the conference script, blank paper for developing the conference agreement and agreement forms or other forms to be completed.

Throughout the conference, facilitators should be calm, take their time, speak evenly and allow silence between speakers and questions. They should always be respectful, especially when responding to a challenge. Facilitators should never express personal opinions about the incident or make suggestions. However, as guardians of the conference process, they must be ready to assert themselves with participants who stray from the conference focus or otherwise disrupt the process.

Below is a description of the conference script and its phases. Sections from the script are indented and in a different typeface.

The Preamble

Facilitators begin the conference by welcoming everyone, introducing themselves and then participants, saying their names and stating their relationships to the offender or victim.

1. PREAMBLE

“Welcome. As you know, my name is (your name) and I will be facilitating this conference.”

Now introduce each conference participant and state his/her relationship to the offender/s or victim/s.

For the introductions, facilitators will generally state each person’s first and last names. Facilitators should never use the terms “offender” and “victim” to describe individuals during the conference. Depending on the setting, the age and status of the participants, facilitators may also include prefixes or titles instead of or in addition to first names, such as “Mr./Mrs./Ms./Dr.,” “officer” or “principal.” For example: “This is Chris Rogers, whose behavior we are here to discuss today. This is Steve Rogers, Chris’s father, and Laura Rogers, Chris’s sister. This is Bob Reading, Chris’s basketball coach. This is Officer Johnson, who conducted the initial investigation and made the arrest. This is Mary Huang, whose car tires were slashed by Chris, and this is Mary’s husband, John Huang. And lastly, this is Cindy Smith, Mary’s friend.”

How facilitators introduce participants frames their roles in the conference. It may help to reiterate each participant’s relationship to the victim or offender the first couple of times they are addressed. For example, “Let’s speak now with Bob Reading, Chris’s basketball coach. Mr. Reading, what did you think when you heard about the incident?”

After introducing participants, facilitators should thank everyone for attending and set the conference focus—to

explore how people have been affected by the incident and how to repair the harm that has resulted. The description of the incident should be brief.

“Thank you all for attending. I know that this is difficult for all of you, but your presence will help us deal with the matter that has brought us together. This is an opportunity for all of you to be involved in repairing the harm that has been done.”

“This conference will focus on an incident that happened (state the date, place and nature of offense without elaborating). **It is important to understand that we will focus on what** (offender name/s) **did and how that unacceptable behavior has affected others. We are not here to decide whether** (offender name/s) **is/are good or bad. We want to explore in what way people have been affected and hopefully work toward repairing the harm that has resulted. Does everyone understand this?”**

The conference focus tells participants what will happen without prescribing the outcome. During the conference, facilitators can restate the focus when participants are off track. If a participant calls the offender names or uses stigmatizing or degrading language, the facilitator can restate a phrase from the preamble: “We are not here to decide whether (offender name/s) is good or bad. We want to explore in what way people have been affected...” Repeating portions of the preamble reminds people of the intended tone and purpose of the conference and allows the facilitator to avoid direct confrontation with participants. They tend to honor this redirection because they already have a positive rapport with the facilitator.

After setting the focus, facilitators should remind offenders, as well as other participants, that they have the right to leave the

conference. Offenders must acknowledge that if they do leave, the incident may be handled in a different way, perhaps through a formal judicial or disciplinary process.

“(Offender name/s) has/have admitted his/her/their part in the incident.”

Say to offender/s: **“I must tell you that you do not have to participate in this conference and are free to leave at any time, as is anyone else. If you do leave, the matter may be referred to court/handled by the school disciplinary policy/handled in another way.”**

“This matter, however, may be finalized if you participate in a positive manner and comply with the conference agreement.”

Say to offender/s: **“Do you understand?”**

This portion of the script was initially added to safeguard the offenders’ right to due process in the criminal justice system. Facilitators might also ask the parents of young offenders to acknowledge their children’s rights as well. The phrase “as is anyone else” was added later to clarify that all participants have the right to leave at any time.

In addition to admitting responsibility for the offense, offenders are expected to participate in the conference in a positive manner and carry out commitments they make in the conference.

Speaking With Offenders

Offenders are asked to speak before the victims or any other participants in the conference. A consensus has developed among experienced conference facilitators that having offenders speak

first is beneficial to victims and the whole conference process. This consensus is supported by studies showing high rates of victim satisfaction with the conferencing process.

Many victims have said that they would prefer for offenders to go first, rather than be put “on the spot.” More often than not, the offenders take responsibility for the offense in a way that reduces victims’ anger, anxiety and moral indignation—thereby saving victims a great deal of unpleasantness.

Offenders speaking first eliminates false preconceptions among participants about the offender’s attitude, allowing a more informed and realistic exchange. Defensiveness from the offenders’ parents and other supporters can be avoided if they hear what the offenders have done, in the offenders’ own words.

If offenders refuse responsibility, the facilitator should address this immediately. The facilitator and the participants may decide not to proceed with the conference. If the conference does proceed, participants can take the offender’s attitude into account.

Clarifying the offender’s attitude up front allows the conference to move toward more satisfying and useful activities—exploring how people were affected and repairing harm. Also, if victims and other participants were to start the conference by verbally attacking an offender who is already predisposed to take appropriate responsibility, the process would be unnecessarily complicated.

2. OFFENDER/S

“We’ll start with (one of offenders’ names).”

If there is more than one offender, have each respond to all of the following questions.

- > **“What happened?”**
- > **“What were you thinking about at the time?”**
- > **“What have you thought about since the incident?”**

- **“Who do you think has been affected by your actions?”**
- **“How have they been affected?”**

When there are multiple offenders, facilitators may ask each offender every question, one offender at a time. Depending on their experience and comfort level, facilitators may alternate between offenders. This gives all offenders equal opportunity to take responsibility early in the conference. It can build a fuller picture of what happened and help address any discrepancies between the offenders' stories.

Some offenders will give short answers, leave out details or find it difficult to speak at all. Facilitators should allow extended silence, so offenders can think about what to say and know that the facilitator is not just going to move on if they do not answer. Silence is a powerful tool for overcoming an offender's passive resistance. In a respectful way, silence makes it uncomfortable for the offender to stay aloof from the conference. It is OK for offenders to feel uncomfortable. After a period of silence, the facilitator may restate the question.

Follow-up or clarifying questions may be necessary, particularly when offenders are describing what happened. Some follow-up questions might be: “Could you tell us more about that?” “What did you do after that?” “What happened next?”

Facilitators should not worry about small discrepancies in facts, nor should they rigorously challenge offenders on their statements. Offenders need not fill in every single detail of the offense, the events leading up to it and afterward. However, they should clearly state their roles and responsibility, without making excuses or blaming others.

Despite follow-up questions and extended silences, some offenders may say little or take little responsibility. Other participants may spontaneously confront or ask questions of the offender.

Facilitators should allow this as long as the discussion stays on track. If the discussion moves off focus, the facilitator should restate the language from the preamble that describes the conference focus, ask the offender another question, or if the offender has already answered all five questions, move on.

If offenders deny the offense, the facilitator may say that a condition for holding the conference was that the offenders admitted their part in the incident, but now they are denying it. Facilitators can remind offenders about what they said during a preconference meeting. If offenders continue to deny responsibility, the facilitator may stop the conference or allow participants to discuss whether they want to continue.

If participants, especially victims, want to continue despite the offenders' denial, and the offender chooses to stay, the facilitator can allow it. Offenders may reverse their denial, or participants may "agree to disagree," figuring that despite the differences in people's versions of the facts, something can still be gained from the conference. However, if an impasse is reached that cannot be resolved after a reasonable amount of discussion, the conference should be ended. The decision to end a conference is rare and should be exercised with caution.

Sometimes other conference participants will shift the blame for the offense. Parents may blame the school for not properly supervising their child. The offender and victim groups may unite and blame the police or the school for mishandling the situation. While these situations are rare, if facilitators have adequate rapport with participants, they can be dealt with by refocusing the discussion. If participants continue to shift blame, the facilitator may allow a limited time to address the issue, particularly if the "accused" party is present. If participants do not move beyond this stance, even after lengthy discussion, the facilitator should end the conference.

Occasionally offenders in conferences may smile or otherwise act inappropriately. While this is probably due to anxiety or a lack

of social skills, other participants may see the behavior as contemptuous or defiant. If necessary, facilitators can intervene by asking offenders about their behavior, whether they realized what they were doing, or by asking their parents or other offender supporters to interpret the behavior.

Speaking With Victims

Having victims and their supporters speak before the offender supporters further confronts the offender group with the reality of what the offender has done, helping to avoid potential defensiveness and rationalization of the offenders' behavior. When offenders are done speaking, facilitators should cue victims to speak. Facilitators can precede their questions with a statement such as "Now let's find out from (name of victim) how he/she has been affected."

3. VICTIM/S

If there is more than one victim, have each respond to all of the following questions.

- > **"What was your reaction at the time of the incident?"**
- > **"How do you feel about what happened?"**
- > **"What has been the hardest thing for you?"**
- > **"How did your family and friends react when they heard about the incident?"**

Facilitators should again allow plenty of time and silence for victims to think and respond to questions. For their first few conferences, facilitators should simply ask all four questions in the suggested order. With some experience, facilitators may decide to skip a question if it has already been fully answered. This should be an exception, rather than a rule. A differently phrased question—even if it has already been answered—can elicit a different response or an elaboration.

Victims are generally forthcoming in describing their thoughts and feelings. Their responses will depend on what the offenders said and how they perceive the offenders. If the offenders show remorse and appropriate responsibility, victims may be more understanding and sometimes are remarkably generous.

If the offenders have failed to take responsibility or show remorse, victims may understandably display moral indignation. Facilitators should allow victims to vent their feelings. On the rare occasion when a victim verbally abuses the offender, the facilitator may respectfully remind the victim that “we are here to learn how everyone has been affected, but please let’s not call each other names.”

If a victim has difficulty speaking, facilitators can allow the victim time to respond or regain composure, or possibly move on to others and get back to that victim later.

Victims may directly ask the offender questions, which the facilitator should allow. Victims often want to know why offenders committed the offense and why the offenders chose them to victimize, and want to be assured it will not happen again. If the offender was not forthcoming or remorseful, victims may have many challenging questions.

Speaking With Victim Supporters

When it seems that victims have fully responded to the questions and are finished speaking, facilitators should begin questioning the victim supporters. The victim’s closest supporters should be asked to speak first.

4. VICTIM SUPPORTERS

Have each respond to all of the following questions.

- › **“What did you think when you heard about the incident?”**

- › **“How do you feel about what happened?”**
- › **“What has been the hardest thing for you?”**
- › **“What do you think are the main issues?”**

Facilitators should allow plenty of time for participants to respond to questions. As with victims, victim supporters’ responses will depend on the offenders’ apparent attitude, acceptance of responsibility and level of remorse.

Some participants may interact spontaneously. Facilitators can allow this but should ensure that each participant has the opportunity to fully answer all questions. Facilitators can let the discussion go for a time and then refocus by asking the next question from the script. When the victim supporters have spoken, facilitators should move to the offender supporters.

Speaking With Offender Supporters

The first offender supporter the facilitator questions should have the strongest attachment to the offender and be most likely to exhibit the strongest emotional response. If the offender is a youth, this is usually the offender’s mother. The facilitator should say, “This has been difficult for you, hasn’t it? Would you like to tell us about it?” before asking the remaining four questions from the script.

5. OFFENDER SUPPORTERS

To parent/caregiver ask: **“This has been difficult for you, hasn’t it? Would you like to tell us about it?”**

Have each respond to all of the following questions.

- › **“What did you think when you heard about the incident?”**
- › **“How do you feel about what happened?”**

- › **“What has been the hardest thing for you?”**
- › **“What do you think are the main issues?”**

Continuing with the next closest in relation to the offender, other offender supporters should then be asked these last four questions. Sometimes participants interact spontaneously, and facilitators should ensure that each participant has an opportunity to speak. Usually participants will wait until they are directly addressed.

Parents of offenders often express intense feelings of distress and shame. Facilitators should allow silences and not rush to the next part of the script. Offender supporters are primary triggers of the offenders' shame and remorse about their wrongdoing.

Offender supporters sometimes defend or rationalize what the offender did. This can undermine the conference and diminish the significance of the harm the offender caused. Facilitators may refocus the conference by re-stating part of the preamble.

More often, offender supporters will try to show remorse by taking a tough stance against the offender. If this manifests itself as stigmatizing or degrading statements toward the offender, the facilitator may intervene. Other participants, including victims and their supporters, may refocus the discussion before the facilitator needs to act.

Offender supporters sometimes say they were surprised or shocked or disappointed by what the offender did. This is an opportunity to help offender supporters make the distinction between the offense and the offender. The facilitator can ask them why they felt that way. They may make statements such as “because he is normally a good kid” or “because she usually doesn't act that way.” These statements show that while the offense was inappropriate, the offender does have good qualities.

The Agreement Phase

When all participants have spoken, participants may continue to interact. They will often turn to issues of reparation and apology on their own. To help the process of reparation, the facilitator should—at some appropriate point—ask the next question from the script.

6. OFFENDER/S

Ask the offender/s: **"Is there anything you want to say at this time?"**

Sometimes offenders may have nothing to say. Often, however, they will apologize to victims, their family and others in the conference. Next the facilitator should ask the victims what they would like from the conference, involving offenders and the rest of the conference participants in the process of creating a conference agreement.

7. REACHING AN AGREEMENT

Ask the victim/s: **"What would you like from today's conference?"**

Ask the offender/s to respond.

At this point, the participants discuss what should be in the final agreement. Solicit comments from participants.

It is important that you ask the offender/s to respond to each suggestion before the group moves to the next suggestion, asking **"What do you think about that?"** Then determine that the offender/s agree/s before moving on. Allow for negotiation.

As the agreement develops, clarify each item and make the written document as specific as possible, including details, deadlines and follow-up arrangements.

As you sense that the agreement discussion is drawing to a close, say to the participants:

“Before I prepare the written agreement, I’d like to make sure that I have accurately recorded what has been decided.”

Read the items in the agreement aloud and look to the participants for acknowledgment. Make any necessary corrections.

The agreement phase is the least structured part of the conference. Participants freely discuss their ideas for how to repair the harm. The facilitator clarifies and records items accurately and in detail, checks with the victim, offender and other participants that they are OK with each item, and monitors discussions to ensure participants stay focused. Facilitators should encourage a variety of ideas and allow plenty of time for discussion. If discussion is limited, facilitators may canvas participants for their suggestions and comments.

Most conferences lead to a mutually acceptable agreement. The ultimate decision to include an item in the agreement is the offender’s and the victim’s. Typically the conference agreement is written during the conference and signed by victims, offenders and parents of young offenders, or perhaps by all participants, shortly after the conference. On rare occasions conferences may simply result in a spoken understanding among participants. Conference outcomes vary greatly, depending on the circumstances of the offense, the needs of the participants and the offenders’ attitude in the conference.

Facilitators should not impose their opinions or suggestions on the conference agreement. For instance, they should not recommend that every offender complete community service. If participants decide that community service is appropriate, facilitators may then provide information on community service options.

On rare occasions when facilitators feel that items in the agreement are unreasonable, harsh or that there is an excessive number of conditions, facilitators may “reality test” by tactfully asking if participants have similar concerns. If everyone, including the offender, is comfortable with the agreement as it stands, then the facilitator should defer.

If the agreement includes personal service by offenders for the victim, facilitators should make sure that victims are comfortable with this. Victims may ask a conference participant to accompany the offender when they do the task.

Facilitators should never imply or suggest that offenders apologize, nor should they encourage victims to forgive offenders. Genuine apology and forgiveness is voluntarily and spontaneously offered, not coerced.

Sometimes all victims want is a spoken or written apology. Facilitators should *never* insist that offenders do more than the participants have agreed to, even if they think the offender is getting off easy. Symbolic reparation—apology, forgiveness, reintegration—is usually more satisfying for participants than material reparation. The outcome of the conference belongs to the participants.

Plans for monetary restitution or service should include exact amounts and schedules for completion and specify who will supervise and monitor the agreements. Ideally monitors should be conference participants, not the facilitator or other professionals. A plan for what should happen if the offender fails to complete the agreement might also be included.

Closing the Conference

Before closing, facilitators should ensure that all participants have had a chance to express themselves. After the agreement is finalized and before formally closing the conference, facilitators should give everyone a final opportunity to speak. Facilitators should then thank participants for their contributions, invite them to have refreshments and ask them to stay until they have signed the written conference agreement.

8. CLOSING THE CONFERENCE

“Before I formally close this conference, I would like to provide everyone with a final opportunity to speak. Is there anything anyone wants to say?”

Allow for participants to respond and when they are done, say:

“Thank you for your contributions in dealing with this difficult matter. Congratulations on the way you have worked through the issues. Please help yourselves to some refreshments while I prepare the agreement.”

Allow participants ample time to have refreshments and interact. The informal period after the formal conference is very important.

The informal period after the conference, when refreshments are served, is critical to the conference process. It should never be omitted. Much reintegration can occur during this time. Participants generally feel relief that the difficult conference process is over and even satisfaction and enjoyment that they successfully developed and agreed upon a plan to repair the harm.

Refreshments need not be elaborate. For the typical conference, a cold beverage and pretzels or cookies should suffice.

In very large conferences, which tend to run longer, the facilitator should probably add something more substantial, such as coffee and pastries.

Facilitators should complete the conference agreement, obtain signatures from the necessary participants and give copies of the agreement to everyone who needs one. Facilitators should say good-bye to all participants as they leave and thank them again for their participation.

Other Points About Facilitating Conferences

Surprises. Occasionally an unexpected revelation occurs. For example, someone may say that they have been sexually abused, or the offender may disclose that they have committed other offenses. When the revelation is particularly serious and overshadows the conference, the facilitator should stop the conference. In other cases, it may be sufficient to acknowledge the revelation and continue.

If the facilitator is a police officer, and a serious offense is revealed in the conference, by either the offender in the conference or by another participant, the officer needs to recognize that person's legal rights. Other facilitators may need to contact the police about the offense. In many jurisdictions where there are laws governing mediation and alternative dispute resolution, disclosures made during a conference will not be admissible in court. Facilitators should know their local laws. However, these laws may not have been adequately tested in the courts.

Varying from the script. While facilitators are advised to stay with the script, within that framework there are occasions when facilitators must improvise. In general, facilitators should speak simply and clearly, avoiding bureaucratic, legalistic or professional jargon. Facilitators should never condescend or patronize and should avoid mimicking the mannerisms and expressions of participants. When facilitators need to paraphrase questions to help

someone understand what is being asked, they should ask open-ended questions, which elicit more than a “multiple choice” or “yes or no” answer.

Allowing for emotion. Conference participants should be free to express the full range of emotions. While this may feel uncomfortable at times, it is absolutely necessary for successful conferences. No “ground rules,” per se, are established at the beginning of the conference. Ground rules about not raising one’s voice or not saying anything negative about someone can deny participants the opportunity to deal with their legitimate anger and constrain how they express themselves.

Only when emotions are expressed in a stigmatizing or abusive way should facilitators intervene. Facilitators should not be too quick to refocus the discussion, however, because other participants may intervene first.

Facilitators should allow substantial time for participants to express their thoughts and feelings and should not avoid or intervene in highly emotional exchanges. Some participants may cry, a natural response to a distressing situation. Crying can greatly impact the offender and others in the conference. When a person is crying, the facilitator should allow silence and can quietly offer that person a tissue.

Redirecting eye contact. Often participants will speak directly to facilitators when answering questions, inhibiting group interaction. To discourage this, facilitators can look at their scripts or other participants. For example, if an offender expresses remorse about the offense, the facilitator can look at the victim to encourage the offender to address that victim.

Inappropriate signs of approval. When questioning participants, facilitators may be tempted to nod their heads in support. Others may see this as approval or agreement and think the facilitator is partial. Therefore, facilitators should avoid nodding their heads when participants speak.

Laughter and humor. Participants may sometimes laugh or joke. As with other emotional expressions, laughter can be appropriate in a conference, often bringing participants a sense of relief.

Profanity. Sometimes conference participants will use profanity, usually in anger. In general, facilitators should not worry about this. However, if the language persists and is abusive or offensive to others, the facilitator may intervene if others do not.

Use of silence. Silence is powerful. Silence emphasizes the impact of comments, allows participants to reflect, enables facilitators to collect their thoughts or determine how to refocus discussion, permits participants to regain their composure and shifts the emphasis toward non-verbal communication.

Translators in conferences. Sometimes a participant may speak little or no English. Facilitators can enlist that participant's relative or friend or a neutral third party to translate. Facilitators should allow extra time between questions for translation.

Arranging further services for participants. Conference participants sometimes bring up problems or issues not directly related to the incident or requiring more substantial attention than the conference can provide. Depending on the setting and the facilitators' experience, facilitators may recommend and refer conference participants to services addressing these issues. Facilitators may even know how to obtain financial support for such services. It is usually best for facilitators to offer referrals outside the formal conference, perhaps during a preconference meeting or after the conference. This ensures that facilitators will not be seen as an ally of a particular person or group.