



Center for Restorative Justice & Peacemaking

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An International Resource Center in Support of Restorative Justice Dialogue, Research and Training

RESTORATIVE JUSTICE CONFERENCING: GUIDELINES FOR VICTIM SENSITIVE PRACTICE

*“Adapting Conferences, Mediations, Circles and Reparative Boards
to People, Communities, and Cultures”*

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Restorative Justice

Restorative justice is a victim-centered response to crime that provides opportunities for those most directly affected by crime - the victim, the offender, their families, and representatives of the community - to be directly involved in responding to the harm caused by the crime. Restorative justice is based upon values which emphasize the importance of providing opportunities for more active involvement in the process of: offering support and assistance to crime victims; holding offenders directly accountable to the people and communities they have violated; restoring the emotional and material losses of victims (to the degree possible); providing a range of opportunities for dialogue and problem solving among interested crime victims, offenders, families, and other support persons; offering offenders opportunities for competency development and reintegration into productive community life; and strengthening public safety through community building.

Restorative justice policies and programs are known to be developing in more than 45 states, including a growing number of state and county justice systems that are undergoing major systemic change. Restorative justice is also developing in many other parts of the world, including numerous European countries, Australia, New Zealand, and South Africa. The principles of restorative justice draw upon the wisdom of many indigenous cultures from throughout the world, most notably Native American culture within the United States and Aboriginal/First Nation culture in Canada, and the Maori in Australia.

Specific examples of restorative justice include: crime repair crews, victim intervention programs, family group conferencing, victim offender mediation and dialogue, peacemaking circles, victim panels that speak to offenders, sentencing circles, community reparative boards before which offenders appear, offender competency development programs, victim empathy classes for offenders, victim directed and citizen involved community service by the offender, community-based support groups for crime victims, and, community-based support groups for offenders. As the oldest and most widely developed expression of restorative justice, with more than 25 years of experience and numerous studies in North America and Europe, victim offender mediation and dialogue programs currently work with thousands of cases annually through more than 300 programs throughout the United States and more than 900 in Europe.

Research has found restorative justice programs to have high levels of victim and offender satisfaction with the process and outcome, greater likelihood of successful restitution completion by the offender, reduced fear among victims, and reduced frequency and severity of further criminal behavior.

The Balanced Approach

Balanced and restorative justice is a new framework for juvenile justice reform which seeks to engage citizens and community groups both as clients of juvenile justice services and as resources in a more effective response to youth crime. To do this, the Balanced Approach mission attempts to ensure that juvenile justice intervention is focused on basic community needs and expectations. Communities expect justice systems to improve public safety, sanction juvenile offenders and assist crime victims, and rehabilitate and reintegrate offenders. True balance is achieved when juvenile justice professionals consider all of the three following needs and goals in each case and when a juvenile justice system allocates its resources equally toward meeting each need.

Accountability. Traditionally, accountability has often been viewed as compliance with programs rules or as “taking one’s punishment.” However, crime is sanctioned most effectively when offenders take responsibility for their crimes and the harm caused to victims, when offenders make amends by restoring losses, and when communities and victims take active roles in the sanctioning process.

Competency. Most rehabilitative efforts in juvenile justice today are still centered around fairly isolated treatment programs which are not well accepted by the public. A balanced and restorative justice approach to offender reintegration suggests that rehabilitation is best accomplished when offenders build competencies and strengthen relationships with law-abiding adults which increase their ability to become contributing members of their communities. Community members and victims can take active roles in the process of building competencies and strengthening relationships, through presentations, dialogue, and even mentoring opportunities.

Public Safety. Although locked facilities must be part of any public safety strategy, safe communities require more than incapacitation. Because public safety is best ensured when communities become more capable of preventing crime and monitoring offenders and at-risk youth, a balanced and restorative strategy cultivates new relationships between juvenile justice professionals and schools, employers, and other community groups. A problem-oriented focus ensures that the time of offenders under supervision in the community is structured around work, education, and service. It also establishes a new role for juvenile justice professionals as resources in prevention and positive youth development.

I. Introduction:

The purpose of this monograph is to present guidelines for the practice of victim sensitive restorative justice conferencing, a term which we use to identify all those processes that facilitate restorative dialogue and problem-solving among victims, offenders, family members, and other support persons or community members. We are specifically referring to four established expressions of restorative justice conferencing: victim offender mediation, family group conferencing, peacemaking/sentencing circles, and reparative community boards before which offenders appear. Central to victim sensitive practice is creating a safe place for genuine dialogue among the involved parties through adapting the specific process to the people, their community and their culture. This requires making few assumptions, listening attentively to their expressed concerns, and avoiding the inevitable “one size fits all” perspective that seems to be inevitable in new program development.

We will first address a number of likely questions that we hope will clarify what we mean by restorative justice conferencing, followed by specific characteristics of a multi-method approach to victim offender conferencing which involves applying one or more conferencing processes to a case as dictated by the needs of the parties and their cultural context. This will be followed by identifying what we believe are the core principles and skills of restorative justice conferencing, including humanistic “dialogue-driven” mediation/facilitation, guidelines for victim sensitive conferencing, and multi-cultural implications. Following some concluding thoughts, a list of resources is provided consisting of organizations, manuals, books, articles, monographs, research reports, and videotapes. This monograph is meant to supplement rather than replace actual conferencing training manuals and curriculum that are being developed by several programs (see section **VII. Resources**, page 34).

II. Restorative Justice Conferencing: *A Multi-Method Approach To Balanced & Restorative Justice*

A. What is Restorative Justice Conferencing?

The purpose of restorative justice conferencing and dialogue is to provide a safe place for the people most affected by a specific criminal act (victim, offender, family members of both, and other support persons) to have the opportunity to enter into a direct dialogue with each other in order to talk about the full impact of the crime upon their lives, to address any lingering questions, and to develop a plan for responding to the harm caused to the greatest extent possible. The four most specific examples of restorative justice conferencing and dialogue include, in the order of their years of experience and frequency of use, the following: victim offender mediation; family group conferencing, peacemaking/sentencing circles; and reparative community boards before which offenders appear. A brief description of each process, along with a contact person, is provided in Appendix 1. Key elements that are central to victim sensitive restorative justice conferencing and dialogue are:

- 1) All of those directly affected by the crime are encouraged to participate.
- 2) The victim and offender choose which, if any, family members or support persons are present.
- 3) The process of conferencing/dialogue is adapted to the expressed needs of the victim and offender.
- 4) Extra deference is shown toward the victim, while still treating the offender respectfully.
- 5) All of the primary parties are thoroughly prepared through in-person meetings prior to a joint conference.

The process of allowing interested victims of crime to meet with the juvenile offender in the presence of a trained mediator/facilitator, often times with family members or other support people, has been found to have many positive

impacts. Victims are able to let the offender know how the crime affected their lives, to receive answers to any lingering questions they may have, and to have direct involvement in the process of holding the offender accountable through development of a plan for the offender to restore losses and repair the harm to the greatest extent possible. Young offenders learn of the human consequences of their criminal behavior, that victims are people not just objects or targets, and they are offered an opportunity to take responsibility for their actions through some form of making things right with the victim. Family members and other support people of the victim and offender have the opportunity to learn more about what actually happened, to express the impact of the crime on their lives and to assist with the process of holding the offender accountable and helping the victim. Interested community members can be trained to serve as volunteer mediators and facilitators.

More than 38 studies over the past twenty years have examined the oldest, most well developed and widespread expression of restorative justice conferencing with thousands of cases annually in more than 1,200 communities in North America and Europe. These studies of victim offender mediation have consistently found high levels of victim and offender satisfaction with the process and outcome of meeting each other, particularly when compared to victims and offenders who go through the normal court process. After meeting the person they violated, young offenders are significantly more likely to successfully complete the restitution agreement, victims report less fear, and offenders are significantly less likely to commit additional crimes. The smaller number of studies that are beginning to examine the impact of justice system oriented family group conferences in New Zealand, Australia, and the United States are most often obtaining similar findings related to client satisfaction with the conferencing process and outcome. Studies of other newer forms of restorative justice conferencing, such as peacemaking/sentencing circles and reparative boards, are only now beginning to occur.

The lengthy history of victim offender mediation and the growing interest in family group conferencing, peacemaking/sentencing circles, and reparative boards well for the future of restorative justice conferencing. Former skeptics and critics, including the American Bar Association and numerous victim advocacy groups, have in recent years endorsed victim offender mediation and are now cautiously looking into the merits of other forms of restorative justice conferencing. While VOM is certainly not yet in the mainstream of juvenile justice in all communities, it has clearly moved from the margins of the justice system in a growing number of communities that refer hundreds of cases annually to such programs. Several programs work with nearly 1000 case referrals a year and receive grants of nearly a quarter of a million dollars through local county governments who want these cases diverted from the formal juvenile justice system. The growing acceptance and practice of victim offender mediation throughout North America and Europe over the past 25 years has certainly neutralized a good deal of resistance and cleared the path for gaining more widespread public and justice system support for other newer forms of restorative justice conferencing.

A brief description of each restorative justice conferencing process, along with a contact person and agency, is provided in Appendix 1.

B. What Kind of Cases Are Appropriate for Conferencing?

The more than two decades of experience with victim offender mediation in thousands of cases in more than 300 communities in the U.S. and the more recent limited experience with family group conferencing has clearly found that a wide range a property offenses and minor assaults are appropriate for conferencing. Vandalism, theft, burglary are particularly common offenses referred. The early experience of family group conferencing in the U.S. has found shoplifting to be the most common offense referred, although many in the field are trying to emphasize referral of offenses where there is a personal rather than corporate victim involved.

Each conference program will have its set of criteria for case selection (eg. types of crime, age of offender), first time offense or multiple offenses. In addition to program criteria, staff and/or mediators/facilitators will also exercise discretion as each case is developed and at each step in the process, asking themselves if this case is appropriate and should proceed to conference.

In general, it is important in the conference process that offenders take responsibility for their participation in the crime and proceed willingly to a victim offender conference. If mediators/facilitators have any doubts about moving ahead with the process, they should talk with the victim, explaining the situation, sharing information about the

offender (with the offender's permission), and inquire about the victim's desire to proceed. Victims may choose to proceed even if the offender is inarticulate or less than remorseful, simply because they wish to be heard, or victims may decide not to mediate in such a situation.

It is important also that mediators/facilitators consider the readiness of both parties to participate in a victim offender conference, noting particularly victims' ability to represent their interests and express their needs.

Crimes of severe violence (including, rape, attempted homicide, negligent homicide, and survivors of first degree murder) are beginning to be referred to a more advanced form of conferencing that requires far more case preparation and advanced training. We strongly encourage such advanced training, including a period of mentoring, prior to working with such severely violent offenses. For those interested in such training, contact: Center for Restorative Justice & Peacemaking, University of Minnesota, School of Social Work, 105 Peters Hall, 1404 Gortner Ave., St. Paul, MN 55108, (612) 624-4923.

C. When Are Cases Referred to Restorative Justice Conferencing?

In some programs, cases are primarily referred to restorative justice conferencing as a diversion from prosecution, assuming the restorative agreement is successfully completed. In other programs, cases are referred primarily after a formal admission of guilt has been accepted by the court, with the conference being a condition of probation (if the victim is interested). Some programs receive case referrals at both the diversion and post-adjudication level. Most cases are referred by officials involved in the juvenile justice system. Judges, probation officers, victim advocates, prosecutors, defense attorneys, or police can make referrals to restorative justice conferencing programs.

D. Are Crime Victims Interested in Participating in Conferencing?

Yes. Restorative justice conferencing is not appropriate for all crimes. In all cases, it must be presented as a voluntary choice to the victim. With more than twenty years of mediating many thousands of cases throughout North America and Europe experience has shown that the majority of victims presented with the option of conferencing choose to enter the process. A recent statewide public opinion poll in Minnesota found that 82% of a random sample of citizens from throughout the state would consider participating in a victim offender conferencing program if they were the victim of a property crime. Interviews with 280 victims who participated in victim offender mediation programs in four states found that 91% felt their participation was totally voluntary.

E. What is meant by a Multi-Method Approach and Why is it Important?

During the early development of any new program initiative it is quite understandable that "models" are presented as unique and "one size fits all." As the field of restorative justice continues to develop throughout North America, Europe and the South Pacific, however, it becomes increasingly important to find the common ground among all restorative justice policies and practices and to ensure that such initiatives are highly victim sensitive and adaptable to diverse people, communities, and cultures. Programs in a number of communities in the United States and England are already beginning to de-emphasize the program model and highlight the underlying process in such a way that it can be adapted to meet the needs of specific people. By doing so, these programs are maximizing the strengths of each model, while compensating for the limitations of each model, based on the expressed needs of the specific victims, offenders, family members and/or other support people that are part of their community.

A multi-method approach involves adapting the practice wisdom and techniques of multiple methods, most notably victim offender mediation, family group conferencing, and peacemaking circles to the specific context of each case referral. Using a multi-method approach moves far beyond the "one size fits all" perspective of many programs and offers a more flexible intervention to respond to the unique needs of individuals based on their communities and cultures. For the sake of clarity, we are highlighting the importance of combining the strengths of traditional victim offender mediation, family group conferencing and peacemaking circles based upon the needs of each case. Other methods, however, such as victim panels, reparative boards, indirect mediation, or group sessions with surrogate victims, can also be incorporated into a multi-method approach to restorative justice conferencing. Remember, the central issue is how to create a safe place for people to engage in a genuine dialogue based on their needs, not the needs of the program advocates.

Table 1 identifies some of the advantages and disadvantages of one-on-one restorative justice conference between the victim and offender versus a larger group conference including family members and/or other support people. As can be seen, one-on-one and larger group conferencing often compliment each other quite well, balancing the strengths and limitations of each process. From our perspective, all expressions of restorative justice conferencing share a great deal in common despite many clear distinctions in the specific “model.” Rather than uniquely different from each other, they exist along a continuum of restorative justice conferencing. In fact, in more serious cases combining two or more of the processes can often be the most effective intervention: beginning with a one-on-one or small group conference and then subsequently enlarging the conference by adding additional family members and other support people from the community.

It is easy to assume, based on one’s experience and preference, that victim offender dialogue is most effective either through a one-on-one conference or the more common current assumption that more is better and that having a group conference including family members, support people, or other community members present is far more effective. We, however, assume that the most appropriate form of a conversation between victims, offenders, family members or other support people needs to be grounded in the expressed needs of the specific crime victim and offender, their cultural context and practical realities in terms of time and other resources. Creating a safe and comfortable opportunity for those most directly affected by the crime is the primary focus. Many prefer a smaller, more intimate arrangement, while others find a larger group setting more helpful.

F. How Can the Process be Adapted to People, Communities and Cultures?

Preparation, preparation and preparation. Without adequate preparation of all of the parties to be involved in restorative justice conferencing, preferably through in-person separate meetings, it will be virtually impossible to adapt the process to people, communities and their cultures. Without taking the time for preparing the parties, practitioners will be making numerous assumptions about what is best, who should do it, how it should be done, who should be present and where it should be held ... in other words, the “one size fits all” perspective. Such an approach which lacks adequate preparation is also more likely to be culturally insensitive, if not offensive in some situations.

Preparation of the parties does not primarily mean talking at them, selling the program and ensuring their participation. Rather, culturally sensitive preparation first means: listening to their story; trying to pick up cues about their communication style and comfort zone; and, identifying the impact of the crime on their entire family and community of support (whether victim or offender). Then, after explaining the conferencing process in more detail and with specific options available, it is important to prepare them for the actual encounter should they indicate interest in doing so. It is important to listen attentively to their specific needs as they contemplate engaging in a victim offender conference, including such issues as: support people they may want present; how large of a group; the location and time for the conference; specific questions they might have about how the session is conducted; potential benefits and risks; and how they would like to be addressed.

The pre-conference preparation of the involved parties is not meant to “script” the actual conference so that little genuine emotion, including anger, will emerge. Rather, the pre-conference preparation is meant to reduce anxiety over what to expect in the conference process through a personal, though impartial, connection with the mediator/facilitator so that the parties feel safe enough to engage in a genuine dialogue with minimal intervention by the mediator/facilitator.

Table 1
Advantages and Disadvantages of
One-on-One Restorative Justice Conference versus Larger Group Conference

	Potential Advantages	Potential Disadvantages
<p>One-on-one conference</p> <p>(Conversation is between the crime victim and the offender. One or more family members or other support people may be present but are not actively involved in the conversation)</p>	<p>a. More private setting in which victim and offender feel less anxious.</p> <p>b. More likely that victim and offender will feel safe enough to be vulnerable and open.</p> <p>c. More likelihood to speak frankly rather than influenced by what others might think.</p> <p>d. Greater likelihood of genuine dialogue between victim and offender.</p> <p>e. Greater focus on the needs of the direct crime victim.</p> <p>f. Less likely that the offender will “clam up” and feel shamed by others.</p>	<p>a. Offender is unlikely to understand the full impact of his or her behavior on other people affected by the crime.</p> <p>b. Participation of others who are part of the victim and offender’s community of support, including family, is limited.</p> <p>c. Privatizes a conflict that affects the entire community.</p> <p>d. Less likely to engage a network of people who can offer follow-up support to the victim or offender.</p> <p>e. Limited involvement of the community (except via community volunteer mediator) in holding the offender accountable.</p>
<p>Larger group conference</p> <p>(Conversation is among all present although the victim and offender are likely to first begin by telling their stories. Likely to typically involve six to eight people. Periodically will involve as many as twelve to twenty or more.)</p>	<p>a. More likely to involve many others affected by the crime.</p> <p>b. Greater community involvement in process of holding the offender accountable.</p> <p>c. Offender is more likely to understand the full impact of his or her behavior upon both primary and secondary victims.</p> <p>d. More likely to involve family members and others who can offer support to either victim or offender.</p> <p>e. Greater likelihood of a network of people to offer follow-up support to victim and offender.</p>	<p>a. Young offenders are likely to feel intimidated by so many adults present.</p> <p>b. The primary victim’s needs are likely to not receive as much attention as those of other family and community members.</p> <p>c. Some victims are likely to prefer a less public forum.</p> <p>d. Some offenders may not feel safe enough to talk openly - even pressured by the group to respond in certain ways.</p> <p>e. One or more people may dominate the conversation, while the actual victim and offender have little time to talk with each other.</p>

G. How does this multi-method approach work with actual cases?

Case #1: Sniper shooting

A young suicidal man who lived in an apartment above the main street in a small rural community pulled out a rifle and started firing. He shot two other young men, nearly killing one of them and then he shot himself, but survived the wound. The case was referred to a local conferencing type of program administered by a sheriff’s department. After extensive prep and in-person meetings, the mediator first brought the offender, two victims and a parent of one of the victims together. The conference was convened in a circle format and all present had an opportunity to speak. A second session was co convened on the same day, after a lunch break. The circle was enlarged to include

the police officer who investigated the case, the minister whose church the conference was held in, a community activist on an anti-drug crusade, another interested community member, and a local politician.

Both sessions were powerful, but a bit different. This was the first known effort to use a two-phase approach to conferencing which blended the strengths of victim offender mediation and family group conferencing, as well as peacemaking circles. The first smaller session was quite similar to many victim offender mediation sessions. It provided a safe place for a more intimate sharing of how the crime affected those most directly impacted by it. However, this first session did not provide a format to address how the crime affected many others in the community. The second session allowed for such and while the victim and two offenders spoke far less, many of their needs had already been met in the earlier more intimate setting.

Such a serious case was referred to this program because it had an exceptionally credible track record in the community and a highly sensitive and well-trained mediator/facilitator.

Case #2: Pipe bombing of school official

Several high school students placed a CO2 cartridge “bomb” in-between the screen door and main front door of the Assistant Principal’s home in a mid-western community. The “bomb” exploded and tremendously frightened the family, including two young children. In the press, the case was hyped up as a pipe-bombing incident that elicited feelings among many of a terrorist act. In reality, the M-80 did very little property damage, though the emotional impact on the family was huge.

Upon referral of this case to a local conferencing program operated by a juvenile probation department, the mediator/facilitator conducted a number of in-person preparation sessions which different parties affected by the crime. These resembled a combination of what is typically done in most victim offender mediation sessions along with the concept of conducting separate “healing circles” with victim and offenders and their support people before ever bringing them together.

A large group conference of more than 70 people was eventually convened, adapting techniques from victim offender mediation, family group conferencing and sentencing circles to the specific needs of these people, their community and culture. The large group conference lasted nearly four hours and involved intense expression of feeling by most present, along with recommendations for how to hold these juveniles accountable.

H. Are there programs which actively utilize a multi-method approach to conferencing?

A growing number of programs throughout the United States and several locations in England are beginning to use a multi-method approach. Rather than referring to their program as either “Victim Offender Mediation” or “Family Group Conferencing”, they are beginning to use the term “Conferencing.” Two specific programs that have been developed at model sites of the BARJ project are offered as examples.

Program #1: Victim Offender Conferencing Program Washington County (MN) Court Services

This was the first program in the country to actively and explicitly use a multi-method approach. Working with about 200 cases a year, this juvenile probation based program trains community volunteers to serve as mediator/facilitators in small and large group conferences involving primarily property crimes but also some types of violent crime. They have worked with several very large conferences with as many as 150 plus people in a school setting and involving a racial incident. The basic principles of traditional victim offender mediation which focus on the importance of in-person preparation and developing a safe place for direct dialogue between the parties with limited intervention by the mediator/facilitator are emphasized in this program. To learn more about this program contact: Carolyn McLeod, Victim Offender Conferencing Program, Washington County Department of Court Services, 14900 61st Street N, PO Box 6, Stillwater, MN 55082-0006.

Program #2: Restorative Conferencing Program

Dakota County (MN) Community Corrections

The juvenile probation department in Dakota County initiated one of the first probation-based victim offender mediation programs in 1980. While the mediation initiative was not active for many years, in the early 1990's Dakota County began a renewed effort to offer victim offender mediation services. While the county administered the program, actual mediation services were delivered by trained community volunteers. In more recent years, Dakota County has been actively experimenting with family group conferencing as well. Because of the similarities and the obvious advantages of blending the wisdom that has been learned from both "models", Dakota County has restructured their initiative to adopt a multi-method approach. Over the years it has gained a great deal of experience in providing victim offender mediation. For more information about this program, contact: Stephanie Haider, Restorative Conferencing Program, Dakota County Community Corrections, Western Service Center, 14955 Galaxie Avenue, Apple Valley, MN 55124.

III. Core Principles of Restorative Justice Conferencing

- 1) Human beings possess untapped inner resources that under the right circumstances can be accessed and utilized to address issues and resolve problems of importance to them.
- 2) Appropriate structure (e.g. neutral third party facilitation, procedural guidelines, ground rules, intentional seating plan) can neutralize status and power, and provide an environment conducive to meaningful dialogue, even in emotionally intense contexts.
- 3) The use of specific techniques and strategies by the facilitator/mediator must serve the larger goals of creating a safe, respectful environment in which a mediated dialogue can occur. Meeting in-person with the primary parties in the case prior to the conference, to listen to their story and prepare them, is one of the most effective techniques for creating such a safe place for dialogue.
- 4) The "personal" is powerful - genuine stories of people's experience can be evocative of empathy, insight, and learning. The telling and hearing of these stories can be empowering, healing, and transformative for both storyteller and listener.
- 5) The mediator/facilitator's presence (through non-verbal and verbal communication, including tone of voice and connectedness with each party) plays an important role in facilitating a genuine dialogue in which the parties are doing most of the talking.
- 6) Presenting choices to the parties whenever possible (i.e. when to meet, where to meet, etc.) maximizes their opportunities to feel empowered by the process.
- 7) The power of a mediated dialogue to be a transformative experience is to be found in the parties speaking directly with each other about issues and concerns of importance to them. It is important for facilitator/mediator(s) to get out of the way when the parties are respectfully talking to each other. Facilitators/mediators should use caution in intervening too frequently.
- 8) Differences and conflicts can elicit creativity and a sense of possibilities otherwise unknown. When necessary, parts of the conferencing process can be adjusted to more effectively meet the needs of the parties so that they feel safe and comfortable enough to engage in a genuine dialogue. Be sensitive to cultural differences in communication style and meaning.
- 9) Discovering underlying information, needs, interests can enhance a collaborative effort and produce increasingly satisfying results.
- 10) Well-written agreements guide and focus behavior, thereby enhancing and producing results. Written agreements, however, are secondary to the importance of the victim and offender, and other family members or

support people, being able to talk about the impact of the crime upon their lives. Some mediated dialogue sessions will not require a written agreement.

11) While family members and other support people of either the victim or offender are encouraged to participate, their direct verbal involvement in the conference should never overshadow the needs and involvement of the specific victim and offender. Attention should always be given to trying to reasonably balance the number of family members and support people present for the victim and the offender.

12) Be flexible! This is not a “one size fits all” process. Because of the expressed needs and desires of the victim and offender, some conference may involve only them, others may involve one or two family members of each, and some may involve a total of ten to twelve family members or other support people, or more. Occasionally, there will be some large group conferences involving 15-50 people, or more, given the nature of a specific offense and the needs of the parties. In more serious offenses, a combination of a one-on-one victim offender conference, followed by a larger conference involving many others affected by the crime, might be the optimum intervention.

IV. Core Skills of Restorative Justice Conferencing

A. HUMANISTIC “Dialogue Driven” MEDIATION & FACILITATION

Humanistic mediation represents a “dialogue driven” rather than “settlement driven” form of conflict resolution. It emphasizes the importance of: meeting with the parties individually and in person prior to the joint mediation session, in order to listen to their story, build rapport, explain the process and prepare them for engagement in a mediated dialogue; a non-directive style of mediation in which the parties are primarily speaking to each other with minimal intervention by the mediator/facilitator; and a mediator/facilitator attitude of unconditional positive regard and connectedness with all parties, while remaining impartial (e.g. not taking sides).

While the focus of the mediator/facilitator’s work is upon the creation of a safe, if not sacred, place to foster direct dialogue among the parties about the emotional and material impact of the conflict, written settlement agreements often occur but are not central to the process. Humanistic mediation is a specific practice application of the broader theory of transformative mediation. It is grounded more in a paradigm of healing and peacemaking than problem solving and resolution. The telling and hearing of each other’s stories about the conflict, the opportunity for maximum direct communication with each other, and the importance of honoring silence and the innate wisdom and strength of the participants are all central to humanistic mediation practice. Humanistic mediation has been applied in multiple setting, including: community mediation, victim offender mediation, workplace mediation, family mediation and peer mediation in schools.

Key Elements of Humanistic Mediation:

- Continual centering of the mediator
Being fully present and attentive to the needs of the parties, slowing down, quieting our minds, separating “our stuff” from “their stuff”
- Deep compassionate listening -Importance of story telling
“Just listen,” only interrupt if there is need for clarification
- Pre-mediation in-person separate meetings
- Connecting with parties, but impartial
- Creation of safe, if not sacred, space
- Dialogue driven - between parties
- Non-directive style of mediation
- Mediator “gets out of the way”

Key Elements of Creating a Safe, if Not Sacred, Place for Dialogue:

1. Non-Judgmental Attitude
 - Unconditional positive regard to all parties
2. Preparation of the Parties (in-person and separate)
 - Listening to their stories and needs
 - Explaining the process - no surprises
 - Preparing for the dialogue
 - Role of mediator as guardian of process
3. Presentation of Choices
 - When to meet, where to meet
 - Who to be present, food/snacks to be available
4. Centering of Mediator
 - Deep belly breathing, meditation or prayer
 - Separating “our stuff” from “their stuff”
 - Caring deeply for all but remaining impartial
 - Listening and speaking from the heart as well as the head
5. Setting The Tone
 - Eliminating distractions
 - Soft music in background as people gather
 - Beginning with moment of silence, ritual or prayer (if meaningful to all parties)

Potential Blockages (For Some People)To Creating a Safe Place for Dialogue

“Good intentions, sometimes opposite impact”

1. Touch
 - Holding hands
 - Any form of touch
 - Hugging
2. Religious Ritual
 - Using a specific religious ritual or prayer from a dominant religion
 - Using a specific religious ritual or prayer from an indigenous or non-western tradition
3. Language
 - Reference to spirituality and religion
 - “Spiritual” as synonymous with “religious”
 - Language that communicates judgement
4. Assumptions
 - “My understanding of spirituality or religion is shared by those present”
 - “What makes me centered or safe works for others”

The following table identifies key characteristics that distinguish humanistic mediation which is highly victim sensitive and restorative from the more common settlement driven mediation.

Table 2
**Restorative Justice Conferencing Through Humanistic Mediation:
 From Least to Most Restorative Impact**

LEAST RESTORATIVE IMPACT <i>Agreement-Driven:Offender Focus</i>	MOST RESTORATIVE IMPACT <i>Humanistic/Dialogue-Driven:Victim Sensitive</i>
<p>-Entire focus is upon determining the amount of financial restitution to be paid, with no opportunity to talk directly about the full impact of the crime upon the victim and the community, as well as the offender</p> <p>-No separate preparation meetings with the victim and offender prior to bringing the parties together</p> <p>-Victims not given choice of where they would feel the most comfortable and safe to meet, or whom they would like to have present</p> <p>-Victims given only written notice to appear for conference session at pre-set time, with no preparation</p> <p>-Mediator or facilitator describes the offense and offender then speaks, with the victim simply asking a few questions or responding to questions of the mediator</p> <p>-Highly directive style of mediation or facilitation with the mediator talking most of the time, continually asking both the victim and offender questions, with little if any direct dialogue between the involved parties</p> <p>-Low tolerance of moments of silence or expression of feelings</p> <p>-Voluntary for victim but required of offender whether or not they even take responsibility</p> <p>-Settlement-driven and very brief (10-15 minutes)</p>	<p>-Primary focus is upon providing an opportunity for victims and offenders to talk directly to each other, to allow victims to express the full impact of the crime upon their lives and to receive answers to important questions they have, to allow offenders to learn the real human impact of their behavior and take direct responsibility for seeking to make things right</p> <p>-Restitution is important, but secondary to the dialogue about the impact of the crime</p> <p>-Victims are continually given choices throughout the process: where to meet, who they would like to have present, etc.</p> <p>-Separate preparation meetings with the victim and offender prior to bringing them together, with emphasis upon <u>listening</u> to how the crime has affected them, <u>identifying</u> their needs and <u>preparing</u> them for the mediation or conference session</p> <p>-Non-directive style of mediation or facilitation with the parties talking most of the time, high tolerance for silence and use of a humanistic or transformative mediation model</p> <p>-High tolerance for expression of feelings and full impact of crime</p> <p>-Voluntary for victim and as non-coercive as possible for offender</p> <p>-Trained community volunteers serve as mediators or co-mediators along with agency staff</p> <p>-Dialogue-driven and typically about an hour in length (or longer)</p>

For more information about humanistic mediation refer to:

Umbreit, M.S. (1997). Humanistic mediation: A transformative journey of peace making. Mediation Quarterly, 14(3), 201-213. Umbreit, M.S. (1995). Moving to a Higher Plane: A Humanistic Model of Mediation. In M.

Umbreit, Mediating Interpersonal Conflicts: A Pathway to Peace (pp.198-216) West Concord, MN: CPI Publishing.

B. MULTI-CULTURAL IMPLICATIONS FOR PRACTICE

The continuing movement toward adaptation of restorative justice frameworks can only be enhanced if practitioners, advocates, and policy makers become increasingly sensitive to and knowledgeable about cross-cultural issues and dynamics which impinge upon the practice of such programs and upon the very notion of justice. Often the cultural background of victim, offender and program staff member are different, sometimes leading to mis-communication, feeling misunderstood or worse, being re-victimized.

A great danger when speaking of things cross-cultural is that of over generalization. There are likely as many differences within cultures as between cultures. For example, significant customs, communication styles, and shared values distinguish the rural White from the urban White; the upper class Black and the lower class Black; the Mexican Latino from the Puerto Rican Latino; the reservation Native American and the non-reservation Native American. We will return to this question of within culture differences later. It is sufficient for the moment, to note that such differences do exist as we begin to consider variations across cultures.

Differences between persons raised/living in varying cultures will likely be reflected in communication styles. Those differences will typically be as evident in the way points of view are communicated as in the message being relayed. Let us take a moment to consider some possible pitfalls in understanding one another's non-verbal statements. The following section draws considerably from research-based findings reported in Counseling the Culturally Different, (Sue and Sue,1990).

Proximity

Depending upon one's cultural experience one may be most comfortable talking face to face or at a distance. Generally, Latin Americans, Africans, Black Americans, Indonesians, Arabs, South Americans, and French are more comfortable speaking with less distance between conversants than are Anglos. In mediation or conversation, the Anglo staff person is often seen backing away possibly feeling confronted or attacked. The Latin American victim will appear to be chasing the mediator/facilitator across the room believing the mediator/facilitator to be aloof, thinking, "he believes he's too good for me." Both participants are misreading cues and taking actions which will only re-enforce misunderstandings. Another example of the use of space, if you will, is the frequent desire by many White Americans to keep a desk between themselves and the person they are trying to help. In contrast, some Eskimos prefer to sit side by side when talking of intimate matters rather than across from each other.

Body Movements

Body movements often speak louder than words. Posture, smiling, eye contact, laughing, gestures and many other movements communicate. How we interpret that which we hear and see may vary greatly from culture to culture. Asians may be puzzled and offended by a White mediator/facilitator who wants to express herself — her likes and her dislikes — with facial grimaces and smiles. The White mediator/facilitator may interpret the Asian who has been taught to control tightly his feelings to have no feelings. It is likely inappropriate to expect an individual raised to value control of emotions to shed tears as signs of remorse for having burgled a home, yet that person may be feeling very remorseful.

How many times have mental health professionals interpreted avoidance of eye contact to mean avoidance of an issue, poor self-confidence, submissiveness, or guilt and shame? In many traditional Native American cultures it is disrespectful of authority to look an elder in the eye. In the classroom, Native American students often fail to look at the professor when speaking; many prefer not to speak at all. Blacks make more frequent eye contact when speaking than when listening. The lack of eye contact when listening leads some practitioners to describe their Black clients as resistant and disinterested. Whites, on the other hand, tend to hold eye contact more when listening than when speaking. One must wonder how these contrasting ways of eye contact contribute to misunderstandings that may impinge upon the process of justice making.

Paralanguage

Paralanguage, or other vocal cues, such as hesitations, inflections, silences, loudness of voice and pace of speaking also provide ample opportunity for misinterpretation across cultures. Rural Americans tend to talk at a slower pace than their urban counterparts. Put a Northern Minnesota farmer in the same room with a New York City taxi cab driver and they may find it difficult to speak with each other not because they don't share things in common or are not necessarily curious about one another, but because they don't have the patience to work at communicating with each other. The New Yorker would feel that an eternity had gone by before the Minnesotan had completed a thought. The latter would have difficulty straining to listen to the fast paced patter of the former.

In Native American culture silence is valued as sacred. Each person must have the opportunity to reflect, to translate thoughts into words, to shape the words not only before taking a turn at speaking, but while speaking. Anglo Americans often feel uncomfortable with silence. A Frenchman might regard silence as a sign of agreement. To an Asian silence may be considered as a token of respect or politeness.

Related somewhat to pace and silence is hesitation. For persons who speak rapidly and feel uncomfortable with silence, hesitation on the part of another is a cue to begin speaking. To the one who hesitates, such an action might be taken not as an interruption but as an intentional, grievous insult.

Asians are given to speaking softly as if not to be overheard; many find US speakers to be brash and loud. Arabs on the other hand may find US speakers to be soft-spoken. The Arab prefers volume.

Similarly, persons of Asian descent may find U.S. Americans to be too direct, blunt and frank. The former will go to great lengths to not hurt feelings; the latter is often unaware when feelings are hurt.

Density of Language

Density of language also differentiates among speakers from different cultural backgrounds. Blacks tend to be sparse and concise. In exchanges among blacks many shared codes are used requiring little further information. Even the simple "uh, huh" is loaded with meaning when taken in the context of the social situation. To outsiders Blacks may appear terse, disinterested. Asians and Native Americans will often use many more words to say the same thing as their White colleagues. The poetry of the story may be more important than the content of the story, and may actually be the point of the story. Much patience is required of Blacks and Whites to hear what is being said when conversing with Native Americans or Asians. We can readily see potential problems for doing mediation work across these groupings which possess very contrasting communication patterns.

Looking at these communication styles through a somewhat different lense Sue and Sue (1990) regard Native American, Asian American, and Hispanic manners of expression to be low keyed and indirect. Whites objective and task oriented; Blacks affective, emotional and interpersonal. Blacks will interrupt or take a turn at speaking when they can. Whites will nod to indicate listening or agreement. Native American and Asians seldom provide cues to encourage the speaker; they listen without a lot of non-verbal engagement.

In addition to these potential pitfalls of misunderstanding based on different communication styles, other meta factors loom over the attempts to build restorative justice which work with persons of differing cultures. For example the emphasis on individualism, competition, taking action, rational linear thinking, "Christian principles and Protestant work ethic," may to a large extent reflect values of the dominant US White culture, but not values particularly share by all Whites, let alone persons of other cultures. Asians, Hispanics and Native Americans are likely to place more emphasis on valuing the community fabric and kinship networks more than reifying the place of the individual. Native Americans and others would take that community value a step further by cherishing the place of the individual within the context of the entire natural world. Without the latter the individual has no value.

Persons from religious perspectives other than Christianity, which emphasizes "individual salvation," may see the individual as equal to all living things, as on a journey toward individual fulfillment, or even as insignificant in the total scheme of things.

We are not suggesting that any one-world view is the correct one to have. We are simply noting that differing worldviews often clash (too often literally in the course of wars) and may very well threaten to undermine attempts at repairing wrongs experienced as a result of crime.

Perhaps, broader than the scope of this work, it might be worthwhile to wonder about how the idea of justice may very well vary across cultures. It is not difficult, for example, to imagine that in traditional Native American culture that that which needs to be restored after commission of a crime is not only the personal relationship that has been damaged. Most importantly, the communal or tribal relationship must be repaired, and likely even the relationship of the individual with the universe, for violations within the tribal context are likely regarded as a ripping of the fabric of the whole that holds all together.

We wonder how we can promote restoration of justice without knowing how the various participants within a given conflict understand and value justice.

DIFFERENCES WITHIN CULTURES

As noted above, a significant danger involved in discussing cross-cultural differences is over-generalizing between culture differences and over-looking within cultures differences. Another way of viewing this is to recognize subcultures existing within larger cultures. There may be some cultural characteristics shared by most Whites, yet Whites raised in poor, rural Appalachia may vary considerably as to values, mannerisms, and communication patterns from Whites raised in San Francisco. Likewise, middle and upper class Blacks of Los Angeles will share certain characteristics with blacks raised in the blighted areas of south Los Angeles yet vary considerably regarding values, mannerisms and communication patterns. The same can be said of Asians raised in the dense inner city conclaves versus those who move to small town America. Or of the Ute who is raised on a reservation far from the urban world compared with the Ute raised in the fast pace of a metropolis.

Race, social economic status, ethnicity, gender, religion, sexual orientation, rural urban and many other defining characteristics will shape how an individual views the world and his or her place and chances in that world. Such will color whether there is a propensity to blame the offender, the victim, or the community for crime. Such will color whether participants come to a “justice program” seeking revenge or seeking repair; desiring to act or desiring to be acted upon; expecting hope or expecting defeat.

Chances for restoring justice can only be enhanced when those who work in justice programs make the time, expend the energy, and take the risks of coming to understand themselves better regarding cultural understanding and misunderstandings.

RACISM AS A SUBSET OF CULTURAL CONFLICT

While race and culture are very intertwined, they are not one and the same. As we have indicated above, speech patterns, intensity of communication, interpretation of non-verbals and many other nuances of interaction are influenced by the mix of race and culture. While it would be a mistake, for example, to assume that Blacks from different social classes and different regions of the culture communicate and handle conflict in the same ways, the fact of being Black is likely a, if not the, key determining factor in how they perceive the world and how others perceive them.

The extent to which they are aware of being overtly or covertly subjected to prejudice and discrimination because of the pigmentation of their skin, the more likely this awareness will influence communication and conflict resolution with persons of other races. Being on guard, lack of openness, being passive or aggressive, choosing what role to play in an interaction will be affected by previous experiences of individual or institutional racism.

The impact of racism will be a potential contextual variable in restorative justice programs where participants are of different races. Where there is political power imbalance associated with race, one may expect to find resources for schools, recreation, police and so on to be differentially weighted to the group with the most political clout. In the United States this often means that Whites have more resources as representatives of their racial group are most

often in position of political power. However, it would be erroneous to assume that there is not also consequences of racism felt in localities where, for example, Blacks have more political power than Hispanics, or Hispanics have more political power than Native Americans, or Asian Americans have more political power than Whites. Racism is not the prerogative of persons of only one skin color.

While race cannot be equated with culture, it can be such a powerful determining factor of communication and interaction patterns that it should not be ignored as we are sorting out cultural differences.

CULTURAL SKILLS FOR THE RESTORATIVE JUSTICE PRACTITIONER

In their work on *Counseling the Culturally Different*, Sue and Sue identify five characteristics of the culturally skilled counselor. We offer them to the reader as necessary cultural skills for the restorative justice practitioner. They are:

1. “The culturally skilled restorative justice practitioner is one who has moved from being culturally unaware to being aware and sensitive to his/her own cultural heritage and to valuing and respecting differences.”
2. “The culturally skilled restorative justice practitioner is aware of his/her own values and biases.”
3. “Culturally skilled restorative justice practitioners are comfortable with differences that exist between themselves and their clients in terms of race and beliefs.”
4. “The culturally skilled restorative justice practitioner is sensitive to circumstances (personal biases, stage of ethnic identity, sociopolitical influences, etc.) That may dictate referral of the minority client to a member of his/her own race/culture or to another counselor.”
5. “The culturally skilled restorative justice practitioner acknowledges and is aware of his/her own racist attitudes, beliefs, and feelings.” (Sue and Sue, 1990, pp. 167-168)

AVOIDING DANGERS AND PITFALLS

It is likely that whatever we do to reduce the consequences of cross cultural misunderstandings, be they subtle snubs and mis-communications or explicit prejudicial actions, we will not be able to remove all such misunderstandings and consequences. We believe, particularly those of us who work in the “justice” field, must take every step possible to us to reduce the likelihood of such bias and discrimination. The following is a simple list of suggested steps. These are not meant to be exhaustive. Each reader should add freely to the list.

Know Thy Self

We begin with ourselves. Reflect upon, study our own behaviors and communication styles. Are we comfortable with silence? Do we interrupt frequently? Can we stand closer to someone or further away than we usually do when speaking? And can we do this comfortably? Do we over interpret straying eye contact? Can we talk to someone without staring them directly in the eye if it appears to be offensive? Do we carry imbedded, learned prejudices toward persons of different skin color than our own? Or toward persons of the same skin color, but who are less educated or better educated than ourselves? Do we expect persons who live in certain parts of the city to be law violators?

Getting To Know The Participants

Don't make quick assumptions about others. It is difficult to know ourselves; it is likely impossible to fully know another person. A tatter clad, young woman with bright pink, spiked hair shows up for a mediation session to meet with an elderly conservatively dressed couple about theft of property from an unlocked car. As mediator/facilitator, do we say, “Oh no, why didn't I stay home today.” Or do we move ahead assuming that we can help these folks, who appear very different and who have already experienced conflict due to the stolen property, find some common

ground from which to communicate and possibly even reach understanding, receive restitution and restore some semblance of justice.

To make assumptions based on appearances without any previous information or contact with a person will likely result in stereotypical assessments and outcomes leaving many to wonder about the principles of justice guiding such experiences.

Looking at the world through the eyes of another. Every participant is unique. Cultural influences may be quite evident, yet each individual will reflect cultural heritage somewhat differently. We must understand the client as and individual within the context of culture (Ridley, 1995). If we are going to work with clients within a restorative justice framework, then we will need to take the time to meet with the clients to listen and learn how they see their world. What meaning did the burglary have for the single mom: loss of mementoes, invasion of privacy, eroding her sense of community, planting seeds of fear and so on? How does she view the offender: as vermin, as someone gone astray, as someone with potential? What does she think of as justice: getting her pound of flesh from the offender, having her possessions returned or replaced, the offender making restitution to the community, the offender being helped so future criminal acts are less likely, and so on.

We can ask similar questions of the offender: view of victim, remorse, sense of justice, motivation to change, willingness to repair the community fabric harmed by own actions, blame or placement of responsibility for actions.

Likewise, if other family and community members will be involved, we will want to know how these persons see themselves vis-a-vis the victims and the offender; their notions of justice and restoration; their willingness to accept or reject possible resolutions to the conflict which has embroiled individuals and the community as a whole.

In the process of seeking answers to these kinds of questions, we will also want to pay attention to communication styles. Does the victim speaking slowly and haltingly, taking time to form thoughts and sentences? Does the offender speak in staccato fashion using few words? Does the elder speak in story forms letting each listener discern its meaning? Does the offender avoid eye contact? If so, is this a possible sign of shame, or is it characteristic of his/ her culture to defer to persons of authority by not looking at them directly — remember we will be perceived by many as persons of some authority. Will the participants be comfortable sitting around a table or more willing to communicate if only open space separates them as they sit in a circle? Does the fact that the victim speaks loudly, seems to shout at times, mean she's angry or is this communication style representative of her culture? Will such loudness intimidate other participants?

Listening to key informants. It is often helpful to nurture relationships with individuals in a community or culture unfamiliar to us in order to check out our assumptions about how persons work out conflicts and communicates with one another in that particular community or culture. This has been a common practice of cultural anthropologists and sociologists involved in qualitative field studies. Key informants can provide rich information that may prevent us from making foolish errors and causing damaging injury. These key informants are often not in the professional justice community. They may include the black mother who manages an informal delinquency prevention agency out of her apartment; the Asian elder who wants to help his grandchildren make their way in the larger culture while appreciating and holding on to traditional ways; the Latino teenager who is curious about our presence and at least willing to test our sincerity.

One advantage we have with these persons, is that we know each individual has stories to share. If we are genuinely willing to listen, we may surprise ourselves with what we will learn. Very few persons take the time to listen to their stories, or to our stories for that matter. Being willing to listen to another person's story initiates a bond of mutuality.

Certainly we will not forge total mutuality. We are not naive enough to assume that even by genuine, respectful listening we will be permitted into a fully mutual relationship. Nor do we assume that it is even possible to fully understand another person or another culture.

Preparing The Participants

As indicated above, so much of the work involving bringing persons together to interact around issues of conflict needs to be done before that encounter happens. As we get to know the values and ways of the various potential participants, we may be able to foresee possible difficulties in their interaction that could easily abort any movement toward restoration.

If so, it will be necessary for us to try to help participants understand the viewpoints and different communication styles that they will be exposed to when they meet each other. Sharing this awareness and nurturing such sensitivity may fall on deaf ears, may have little impact, and then again, it may make a lot of difference. At least the participants are given some information which may help them prepare for the encounter and help them not be thrown off by what they would normally regard as insulting or disrespectful behaviors. Also, each participant might be moved to some self-awareness and thereby temper some behaviors that might be interpreted as offensive by others.

We realize that the latter statement may be overly optimistic. It is easier to expect persons to increase their awareness of how others speak and behave, than actually to change their own behaviors, particularly in situations that might become tense and conflictual. Any increased awareness or sensitivity to other cultural values or communication styles by our working with the participants is a gain; any positive change on the part of participant behavior is an added bonus.

V. Guidelines for Victim Sensitive Restorative Justice Conferencing

A. VICTIMS

1. Safety

A fundamental guideline for restorative justice conference programs is the safety of the victim. The mediator/facilitator must do everything possible to ensure that the victim will not be harmed in any way. At every point in the conference process, the mediator/facilitator needs to ask, "Does this pose a threat to the safety and well-being of the victim?" Maintaining rapport with the victim is essential for the mediator/facilitator, as well as attending to verbal and nonverbal communication, and requesting feedback from the victim as the process unfolds. If the victim feels unsafe, the mediator/facilitator needs to be prepared to act immediately, to provide options, to terminate a conference, to provide an escort for the victim leaving conference.

To ensure the safety of the victim, the conference should be conducted in a location that feels safe to the victim, and the victim should be encouraged to bring along one or more support persons. In addition, victims may find it reassuring to have input on the arrangement of the room and the seating of the parties, and to have the freedom to introduce themselves in the manner they choose, e.g. using first name only.

It is also important that offenders feel that the process is safe. This is why ensuring that they do not feel coerced into conferencing is important. The offenders capacity and willingness to engage in a genuine dialogue (to the greatest extent that are capable of), rather than being in a "shut-down" mode in which they say little, is directly related to feeling the conference process is a safe place.

2. Choice

Following a crime, many victims experience vulnerability and feelings of powerlessness. Add to that the victim's experience with the criminal justice system, which is focused clearly on the offender. Victims are excluded from the process, rarely being offered an opportunity to tell of their experiences or express their needs. It is not surprising that in the wake of a crime, victims often express a lack of control in their lives, which can intensify their fear and anxiety. The presence of choices and options for the victim in the conference process can contribute to a sense of power. Empowerment is conducive to healing, the capacity to move through difficult and painful experiences. The mediator/facilitator provides information and support for the victim engaged in decision-making, but is careful not to apply any pressure or impose expectations on the victim. It is also important that victims have sufficient time to

make decisions, without pressure of arbitrary time constraints. Choices should continually be presented to victims throughout the conference process, as a variety of decisions need to be made, including the following:

a) Participation: The victim must always have the right to say “no” to conference, refusing to participate, and to have that decision honored and respected. The victim did not choose to be a victim of a crime. It is crucial then that victims experience the power of choice in deciding to participate in the conference process. Victims must always be invited to participate, but never pressured. The mediator/facilitator should give accurate information about a restorative justice conference, describing the process itself and the range of responses for victims who have participated in a victim offender conference, along with research findings on client satisfaction. The mediator/facilitator then encourages the victim to consider the possible benefits and risks of a victim offender conference before a decision is made. Victims may also wish to consult with a respected friend, relative, clergy person, or victim advocate before making a final decision. It is important that the victim participate on the basis of “informed consent.”

b) Support: Another important option for victims is the choice of support persons to accompany them to the conference session. The presence of a friend or relative can enhance the victim’s sense of comfort and safety, even though the support person will typically have little or no speaking role. It is helpful for the mediator/facilitator to meet or phone support persons as well, to prepare them for the conference session.

c) Schedule for Conference Session: The conference session should be scheduled at a time that is convenient for the victim. The victim’s schedule needs to be a priority, again, so that the victim can retain a sense of power in the situation and find comfort in the deference extended, even as the needs of others are not ignored.

d) Conference Site: Site selection is an important ingredient in the conference process. Victims need to know the range of possibilities available in the situation (e.g.. private room in a community center, library, church, office building, city hall) and to be asked what they prefer. What setting would feel safe, neutral, comfortable, and convenient for them? Occasionally a victim chooses a more personal setting, such as a home, or an institutional setting, such as a detention center where the offender is being held. Victims should be encouraged to consider the advantages and disadvantages of particular settings. The final decision, however, should be the victims.

e) Seating: Generally the parties are seated across from each other, allowing them to establish direct eye contact with each other as dialogue between them develops. For small group conferences, the use of a table may increase the victim’s sense of safety and enhance an aura of decorum. Mediator/facilitators then are typically seated at the ends of the table, while support persons sit off to the side of each party. While this arrangement, or a variation of it, is generally thought to be useful, if victims find it uncomfortable, their wishes should be given serious consideration. For many victims, sitting in a circle format may be the most comfortable. For larger group conferences, this is likely to be required. Various cultural traditions may also suggest a different arrangement. Whatever the seating, it should be conducive to dialogue and comfortable for the parties.

f) First Speaker: Victims should have the opportunity to choose whether they speak first during the initial narrative portion of the conference session, or whether they speak last. This displays a bit of deference to their position as victims of crime, largely ignored by the justice system once the complaint has been filed. Often victims will find it empowering to begin, telling offenders first what they experienced and how it has impacted them. At times, however, victims feel “put on the spot” and request that the offender go first, initiating the story and accepting accountability. Some victims find it healing to hear an offender’s spontaneous words of regret or remorse, not elicited by the victim’s story. The mediator/facilitator must make sure, however, that whatever the order, both parties’ complete stories are heard, that, for instance, the victim’s emotional content is not compromised by any remorse the offender may express, and that the young offender does not retreat into silence in the face of the victim’s emotional intensity.

In some cases, a judgement call may be required by the mediator/facilitator as to who should speak first, based on the age, needs and communication styles of the parties. The mediator/facilitator may find that it is most helpful to the dialogue process in a particular case if the victim or the offender initiates the conversation. Creating a safe place where both parties feel comfortable enough to engage in a genuine dialogue to the extent of their ability is ultimately the most important principle, regardless of who speaks first.

g) Termination of Session: An extension of the victim's choice to participate in a victim offender conference is the right also to exit the process at any point. The victim should be informed that a victim offender conference remains a voluntary process to the end. If the victim feels uncomfortable or unsafe, the mediator/facilitator may caucus first with both parties and then conclude the conference session for the time being or terminate the process altogether.

h) Restitution: Victims have the right to select what kind of restitution would most fit their needs. In addition to out-of-pocket expenses, victims may request community service, personal service, a letter of apology, or other creative options. While the final restitution plan will be negotiated with the offender, it is important that victims understand that they can request the compensation they choose, within any legal limitations that may exist.

B. OFFENDER CHOICES

It is important that offenders participate voluntarily, or at least with as little coercion as possible, in a victim offender conference, throughout the entire process. Even when there exist certain pressures from the court system to participate, it must be made clear to offenders that they may, in fact, decline or choose another option such as indirect mediation. If offenders mediate involuntarily, victims may experience the conference as unsatisfactory and even harmful. The offender's attitude or insincerity may constitute an additional offense in the eyes of the victim.

Offenders may also choose to have a friend or relative accompany them to the conference session. The presence of support people can reinforce the seriousness of the conference process. In addition, these supporters may in the future serve as reminders to the offender of the commitments made and coaches who can encourage the offender in the completion of the agreement. Creating a humane environment for the offender also makes for a better conference, which benefits victims and offenders, and our communities.

C. PREPARATION, PREPARATION, PREPARATION

Meeting First with Offender

Mediator/facilitators will usually need to meet first with the offender, prior to contacting the victim. Then if the offender is willing to participate in a victim offender conference, the victim can be contacted and a meeting arranged. If the mediator/facilitator meets first with victims, however, gaining their consent to participate, and then later discovers that the offender will not participate, victims may feel revictimized, having gotten their hopes up for some resolution to the crime, only to be denied that opportunity.

Pre-Conference Session with Offender, Conducted in Person by Mediator/facilitator

In the initial meeting with the offender, the mediator/facilitator seeks to establish credibility and rapport, and to accomplish these tasks: to hear the offender's experiences, offer information and answer questions, and assist the offender in considering a victim offender conference as an option. As described above (#3), the mediator/facilitator, as attentive listener, gains an understanding of the offender's experiences and feelings relative to the crime, provides information, and responds to the offender's questions. Offenders need to know about the conference program and the mediator/facilitator, about the process itself and its relationship to the judicial system, about their rights, and resources available to them. They may also have questions about the victim. Again the mediator/facilitator needs to gain permission before reporting what the victim has said. With all the information, the mediator/facilitator assists the offender in making a decision about participating in a victim offender conference. It is important that offenders consider the risks and benefits of the process in their particular situation. Having a well informed, willing offender increases the chances that the conference session will be beneficial for all parties involved.

Careful, Extensive in-Person Offender Preparation by Mediator/facilitator

After the offender has decided to go ahead with a victim offender conference, the mediator/facilitator will need to prepare the offender for the session. It is important that offenders feel ready to proceed before the conference session is scheduled. They need a chance to reflect on the crime and their feelings about it, a chance to work through the kinds of things they may wish to say to the victim. In order to help offenders understand the victim's experience, the mediator/facilitator may invite offenders to recall their own experiences of being a victim, and then

consider what the victim of their crime might be feeling and might want from them. Mediator/facilitators may ask offenders what they would like to do for the victim as well as what they wish to accomplish for themselves.

a) Reality Testing Offender Expectations. Offenders may need assistance in maintaining realistic expectations of a victim offender conference. Some offenders may expect that an apology will automatically diffuse the intensity of the victim's emotions, or that one conference session will erase the harm caused by the crime. The offender's disappointment that such expectations were not met can be detrimental to the victim, who may experience guilt or anger as a result.

b) Assessment of Losses and Restitution Possibilities. Mediator/facilitators should assist offenders in thinking about the possible losses a victim may have experienced, both tangible and intangible, and then engage offenders in preliminary brainstorming about the ways the losses might be addressed, i.e. what would it take to repair the harm done, as much as possible. The mediator/facilitator should discuss with the offender resources that might be used in addressing the losses, including present income, potential additional jobs that might be available, and other types of skills that might be offered to the victim. Offenders should be encouraged to continue thinking of restitution ideas and resources, in preparation for the conference session.

Pre-Conference Session with Victim, Conducted in Person by Mediator/facilitator

The mediator/facilitator makes a face-to-face visit with the victim, at a time and place most convenient to the victim. Mediator/facilitators will usually offer to come to the home, at the same time offering alternatives if the victim prefers another setting. The purpose of the visit is to establish credibility and rapport with the victim, and to accomplish these tasks: to hear the victim's experiences, offer information and answer questions, and assist the victim in considering a victim offender conference as an option. The mediator/facilitator should ask victims whether they would rather begin by telling their story or whether they would prefer to learn first about the conference program.

a) Listen. A critical task for the mediator/facilitator is to attend to the victim, listening carefully, patiently, and empathetically out of a genuine desire to hear the victim's experience. Effective listening will give the victim a chance to vent and experience the validation of feelings. Attentive listening on the part of the mediator/facilitator will also help to build trust with the victim and give the message that the victim is a priority. Occasional informal paraphrasing or summarizing by the mediator/facilitator will assure the victim that the mediator/facilitator is indeed paying attention and valuing what is being said.

b) Providing Information and Answering Questions. The mediator/facilitator needs to give thorough and accurate information about the program itself, its goals, its history, the population it serves, and any costs involved, if any, for participants. Mediator/facilitators should offer a few brief words about their work as mediator/facilitator, their training and experience, and about themselves personally, as deemed appropriate. Giving information about oneself helps to build rapport and trust with the victim. The victim will also need to know, in some detail, what the conference process looks like and the role of participants. Victims will typically want to know what has happened so far to the offender, and what might occur if they proceed with a victim offender conference or if they decline. Mediator/facilitators need to be attentive to ongoing questions that may arise, even following the conference. Helpful information to leave with the victim is a listing of the rights granted to victims in that state. Mediator/facilitators must be attentive to needs expressed by victims, and offer resources or make referrals as requested. As victims begin to consider their decision about a victim offender conference, they may find it helpful to know something about the offender's state of mind and circumstances. Mediator/facilitators must first get permission from the offender before sharing this kind of information.

c) Discuss Risks/Benefits and Assist Victim in Decision-Making. Having given victims the necessary information, the mediator/facilitator now needs to assist the victim in considering the risks and benefits of a victim offender conference in their particular situation.

Use of Victim Sensitive Language

Mediator/facilitators need to be careful in their use of language. Certain words and phrases can imply judgment or convey expectation. For example, if a mediator/facilitator says or implies "you should," neutrality is lost, rapport

and credibility may be damaged, and a victim may well feel pressured, and experience a diminished sense of power. The mediator/facilitator must provide information, present the options, and then encourage victims to make the best decision for themselves. Most people are accustomed to seeing professionals or trained volunteers as experts with answers. Mediator/facilitators must be vigilant in guarding the choices, i.e. the autonomy, of the parties.

It is also important that mediator/facilitators avoid the use of words such as “forgiveness” or “reconciliation.” Again, such words pressure and prescribe behavior for victims. Some victims may experience something of reconciliation, but it must occur spontaneously, without a directive from the mediator/facilitator. In fact, it is more likely to occur if the mediator/facilitator avoids directives. Forgiveness also may be expressed during the conference session but if the mediator/facilitator so much as uses the word “forgiveness” it may be destructive to the victim. Victims may, for instance, feel guilty if they fail to feel very forgiving. They may resent the suggestion and shut down to the point that they miss the opportunity to truly express how the crime has impacted them, typically a healing piece in a victim’s journey.

Careful, Extensive in-Person Victim Preparation by Mediator/facilitator

After victims have made a decision to proceed with a victim offender conference, mediator/facilitators will need to prepare them for what lies ahead. This can be done in the initial meeting or in additional sessions. It is important that the conference session not be scheduled until victims feel ready.

a) Reality Testing Victim Expectations. At times victims may develop inflated expectations of the conference process, e.g., reconciliation with the offender, complete healing or peace of mind for themselves, rehabilitation of the offender, total repair of the damage done. While victims generally experience very positive outcomes, as do offenders, these cannot be guaranteed. Mediator/facilitators themselves need to be realistic with victims, providing accurate information about the kinds of results that are most typical, with strong caution that each conference is unique and cannot be predicted.

b) Assessment of Losses. Victims may appreciate assistance in identifying losses experienced in the crime. This can include material and out-of-pocket monetary losses, and less tangible losses, such as a sense of safety, and feelings of connection and community.

c) Restitution Possibilities. Mediator/facilitators should engage victims in preliminary brainstorming about the ways their losses might be addressed, i.e. what would it take to repair the harm done, as much as possible. This is intended to spark the victim’s ideas about possibilities for restitution, which culminates in the victim’s decisions during the actual conference session when an agreement is made.

4. Dialogue

The conference session itself will be guided by a humanistic model of mediation/facilitation with emphasizes creating a safe place for dialogue, as noted above. This approach to the conferencing process, includes the following:

a) Perspective of the Mediator/facilitator. The mediator/facilitator brings a non-judgmental attitude, a positive, hopeful demeanor, and conveys a sense of personal integrity and sensitivity to the needs of the parties.

b) Relaxed, Positive Atmosphere. The mediator/facilitator needs to put the parties at ease, as much as possible, renew the connection developed earlier, and establish an informal yet dignified atmosphere that will be conducive to dialogue, constructive problem-solving, and mutual benefit. It is the mediator/facilitator’s responsibility to be present in a calm, centered manner.

c) Dialogue Focus. As the session proceeds, it is important that plenty of time be allowed, not just for personal narratives but for interaction as well. Silence must be honored. Time pressures or a focus on reaching agreement can detract from the benefits of thorough dialogue, questions and answers.

d) Guidelines. The mediator/facilitator will need to discuss with participants guidelines that will shape the process. These guidelines help to establish a safe, structured setting and respectful conversation that encourages acknowledgment and recognition, and elicits the strengths of the participants. Each party is assured the opportunity to speak without interruption, after which the mediator/facilitator assumes a more non-directive role as guardian of the process.

e) Feedback from Participants. The mediator/facilitator needs to maintain continued attentiveness to the parties, watching for nonverbal cues and listening for unacknowledged feelings, as well as directly requesting feedback and caucusing with the parties as needed to get further information in private. It is helpful for the mediator/facilitator to check in with each party before and after the conference session.

f) Option of Follow-up Session. The mediator/facilitator needs to mention the possibility of an additional session. Some parties find it useful to meet again, for example, to conclude the conversation, allowing for additional thoughts, feelings, or questions to arise, to negotiate further details regarding restitution, or to acknowledge fulfillment of the agreement.

5. Follow-up

Follow-up after the Conference Session

It is vital that the mediator/facilitator follow through with commitments and details arising out of the conference session. Dependability is of utmost importance to victims and offenders.

a) Completion of Agreement. The agreement needs to be carefully monitored. It is helpful for the mediator/facilitator to check-in with the offender periodically to reinforce what was accomplished in the conference session and to assist with any problems that may arise.

b) Notification of Victim. The victim should be notified when the agreement has been fulfilled, or if circumstances have changed that may suggest alterations in the agreement.

c) Scheduling Additional Sessions if Needed. If another meeting is desired by either victim or offender, the mediator/facilitator should contact the parties and negotiate an additional session.

d) Phone Contact with Parties. It is helpful if the mediator/facilitator maintains phone contact with both parties for a period of time following the conference session, whether or not the agreement has already been completed. A brief check-in is all that may be required. The mediator/facilitator can serve as a continuing source of information and referral. If the case is not mediated, it may be beneficial, nonetheless, for the mediator/facilitator or victim support staff to maintain phone contact with the victim for a period up to six months.

VI. Conclusions

The process of bringing interested victims of crime together with the offender, their families and/or other support people in order to talk about what happened, its affect on all involved and to develop a plan to repair the harm caused has been practiced in thousands of cases in hundreds of communities throughout North America and Europe for more than three decades (particularly through the widespread practice of victim offender mediation). At various times in history, it has been referred to as: victim offender reconciliation, victim offender mediation, victim offender meetings, victim offender dialogue, restorative conferencing, family group conferencing, or community justice conferencing. While variations exist in philosophy, design and implementation of most programs, all are involved in facilitating a process that is far more similar than different from each other.

During the early development of any new intervention or “model,” there is the predictable pattern of distinguishing itself from other related interventions. While understandable from a program development and marketing perspective, this dynamic is unlikely to respond to the unique needs of specific people, communities, and cultures.

Such a “one size fits all” approach is grounded in numerous assumptions about the needs of people referred to the program and “what is best” for them.

With the increasing amount of diversity in our communities and the maturing of the restorative justice movement, it is now time to re-conceptualize the process of bringing victims, offenders and support people together to talk with each other. Specific program models and related procedures need to be de-emphasized while placing the highest priority on providing a flexible process that can adapt to the specific needs of people, communities and their cultures. We must move beyond assumptions that either a one-on-one conference session is best for all or the current “more is better” assumption related to the advocacy and use of larger group conferencing.

The central issue is not the model, intervention or technique. The core essence of victim offender communication that can be deeply restorative and healing is to be found in facilitating a process that leads to the creation of a safe, if not sacred, place in which the involved parties can engage in a genuine dialogue with each other to the greatest extent possible, with minimal intervention by the mediator/facilitator.

We are proposing the use of “restorative justice conferencing” as an umbrella term to include all forms of direct restorative communication between crime victims and offenders that is facilitated by one or more impartial third parties. We are also suggesting that all of the different forms and “models” have strengths and limitations. By embracing a multi-method approach to restorative justice conferencing we will be far more likely to draw upon the strengths of all while minimizing their limitations. Most importantly, a multi-method approach to restorative justice conferencing is far more likely to respond to the unique needs of individuals, communities and their culture.

VII. Resources

For further information related to training manuals, written and video resources, research reports, books, and training opportunities, contact:

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(Loraine Stutzman Amstutz and Howard Zehr have co-authored an excellent training manual entitled Victim Offender Conferencing: In Pennsylvania's Juvenile Justice System)

List of publications

**RESTORATIVE JUSTICE CONFERENCING:
GUIDELINES FOR VICTIM SENSITIVE PRACTICE**

Books

Bazemore G. and Walgrave, L. (1999). Restorative Juvenile Justice: Repairing the Harm of Youth Crime. Monsey, NY: Criminal Justice Press.

Galaway B. and Hudson, J. (1996). Restorative Justice: An International Perspective. Monsey, NY: Criminal Justice Press.

Hudson, J., Morris, A., Maxwell, G. And Galaway, B. (1996). Family Group Conferences: Perspectives on Policy and Practice. Monsey, NY: Criminal Justice Press.

McCold, P. (1997). Restorative Justice: Annotated Bibliography. Monsey, NY: Criminal Justice Press.

Umbreit, M.S. (2000). The Handbook on Victim Offender Mediation: An Essential Guide for Practice and Research. San Francisco: Jossey-Bass Publishers.

Umbreit, M.S. (1995). Mediating Interpersonal Conflicts: A Pathway to Peace. West Concord, MN: CPI Publishing.

Umbreit, M.S. (1994). Victim Meets Offender: The Impact of Restorative Justice & Mediation. Monsey, NY: Criminal Justice Press.

Van Ness, D. and Strong, K. (1997). Restoring Justice. Cincinnati, OH: Anderson Publishing.

Zehr, H. (1990). Changing Lenses. Scottsdale, PA: Herald Press.

Monographs, Training Manuals & Research Reports

Amstutz, L.S. and Zehr, H. (1998). Victim Offender Conferencing in Pennsylvania's Juvenile Justice System (A Training Manual).

Bazemore, G. and Umbreit, M.S. (1999). Conferences, Circles, Boards, and Mediations: Restorative Justice and Citizen Involvement in the Response to Youth Crime. BARJ Project, Community Justice Institute, Florida Atlantic University.

Fercello, C. & Umbreit, M.S. (1998). Client Evaluation of Family Group Conferencing in 12 Sites in 1st Judicial District of Minnesota. Center for Restorative Justice & Peacemaking, University of Minnesota.

Haider, Stephanie (1999). Restorative Conferencing Program Training Manual. Dakota County Community Corrections, Minnesota.

McLeod, Carolyn (1999). Victim Offender Conferencing Training Manual. Community Justice Program, Washington County Court Services, Minnesota.

Roberts, A.W. & Masters, G. (1999). Group Conferencing: Restorative Justice in Practice. Center for Restorative Justice & Peacemaking, University of Minnesota.

Umbreit, M., Greenwood, J. and Coates, R.(2000). Restorative Justice & Mediation Collection

(a collection of seven monographs related to victim sensitive mediation and conferencing practice). Office for Victims of Crime, U.S. Department of Justice.

Umbreit, M.S. (2000). Restorative Justice Conferencing: Guidelines for Victim Sensitive Practice. BARJ Project, Community Justice Institute, Florida Atlantic University.

Umbreit, M.S. & Coates, R.B. (2000). Multi-Cultural Implications of Restorative Justice: Potential Pitfalls and Dangers. Office for Victims of Crime, U.S. Department of Justice.

Umbreit, M.S., Coates R.B. and Vos, B. (2000). Victim Impact of Restorative Justice Conferencing. Balanced and Restorative Justice Project, Florida Atlantic University.

Umbreit, M.S. & Greenwood, J. (2000). National Directory of Victim Offender Mediation Programs. Center for Restorative Justice & Peacemaking, University of Minnesota.

Umbreit, M.S., Bradshaw, W. & Coates, R.B. (2000). Victim Offender Mediation & Dialogue in Crimes of Severe Violence. Office for Victims of Crime, U.S. Department of Justice.

Umbreit, M.S. (1998). Victim Sensitive Victim Offender Mediation Training Manual. Center for Restorative Justice & Peacemaking, University of Minnesota.

Umbreit, M.S. & Greenwood, J. (1998). Victim Sensitive Guidelines for Victim Offender Mediation. Center for Restorative Justice & Peacemaking, University of Minnesota.

Umbreit, M.S. & Greenwood, J. (1998). National Survey of Victim Offender Mediation Programs in the United States. Center for Restorative Justice & Peacemaking, University of Minnesota.

Umbreit, M.S. & Fercello, C. (1997). Woodbury (MN) Police Department's Family Group Conferencing Program: A Preliminary Assessment of Client Satisfaction. Center for Restorative Justice & Peacemaking, University of Minnesota.

Umbreit, M.S. & Roberts, A.W. (1996). Mediation of Criminal Conflict in England: An Assessment of Services in Coventry and Leeds. Center for Restorative Justice & Peacemaking, University of Minnesota.

Umbreit, M.S. (1995). Mediation of Criminal Conflict: An Assessment of Programs in Four Canadian Provinces. Center for Restorative Justice & Peacemaking, University of Minnesota.

Umbreit, M.S. and Coates, R.B. (1992). Victim Offender Mediation: An Analysis of Programs in Four States of the U.S. Center for Restorative Justice & Peacemaking, University of Minnesota.

Journal Articles

Bradshaw, W. and Umbreit, M.S. (1998). Crime victims meet juvenile offenders: Contributing factors to victim satisfaction with mediated dialogue in Minneapolis. Juvenile and Family Court Journal.

Nugent, W.R., Umbreit, M.S., Wiinamaki, L. and J. Paddock (2001). Participation in victim offender mediation and re-offense: Successful replications? Journal of Research on Social Work Practice.

Umbreit, M.S. and Vos, B. (2000). Homicide survivors meet the offender prior to execution: Restorative justice through dialogue. Homicide Studies.

Umbreit, M.S. & Coates, R.B. (1999). Multi-cultural implications of restorative juvenile justice. Federal Probation.

Umbreit, M.S., Coates, R. and A.W.Roberts (1999). Victim offender mediation: A cross-national perspective. Mediation Quarterly.

Umbreit, M.S., Bradshaw, W. And Coates, R.B. (1999). Victims of severe violence meet the offender: Restorative justice through dialogue. International Review of Victimology.

Umbreit, M.S. (1999). Victim offender mediation in Canada: The impact of an emerging social work intervention. International Journal of Social Work.

Umbreit, M.S. & Greenwood, J. (1999). National survey of victim offender mediation programs in the United States. Mediation Quarterly.

Umbreit, M.S.& Fercello, C. (1997). Family group conferencing program results in client satisfaction. Juvenile Justice Update Journal.

Umbreit, M.S. (1997). Humanistic mediation: A transformative journey of peace making. Mediation Quarterly.

Umbreit, M.S. & Bradshaw, W. (1997). Crime victim experience with mediation: A comparison of mediation with adult vs. juvenile offenders. Federal Probation.

Umbreit, M.S. & Zehr, H. (1996). Restorative family group conferences: Differing models and guidelines for practice. Federal Probation.

Umbreit, M.S. & Stacey, S.L. (1996). Family group conferencing comes to the U.S.: A comparison with victim offender mediation. Juvenile and Family Court Journal.

Umbreit, M.S. & Coates, R.B. (1993). Cross-site analysis of victim-offender mediation in four states. Crime & Delinquency.