

Victim Offender Conferencing: An Introduction

By Ted Lewis, Center for Restorative Justice & Peacemaking, University of Minnesota, Duluth (May 2020)



Over the past four decades, restorative dialogue has evolved in many different forms. And while it primarily serves as an alternative method within a criminal justice context, applications have broadened widely in schools, workplaces, faith communities, and prisons. Today, restorative justice is a leading voice internationally for addressing mass violence and historical harm.

In the earliest years, practitioners who brought offending and victimized parties together for conversation drew upon ADR mediation models that had developed a decade earlier. Mediators adhered to the common ethical standards of confidentiality, party self-determination, consensuality, etc. But more importantly, the facilitative process prized the transformative process where the dialogue itself, with its capacity to invite deep listening and heart-felt response, brought as much if not more resolution for parties than the practical settlements themselves.

With an eye toward party empowerment and balancing the inequities that are commonplace between harming and harmed parties, the word 'mediation' was gradually replaced by the term 'conference,' as the former carried the connotation of two disputants meeting each other, with arms folded, on equal terms. Conferencing also implied the inclusion of family and community members who supported the main participants and who represented the web of relationships in which people live interdependently. The word 'facilitator' thus has largely replaced the word 'mediator.'

Whereas mediation for dispute resolution lifts up the value of mediator neutrality, thus minimizing the need for separate preparatory time with parties, restorative conferencing makes separate preparation meetings with parties normative. This is primarily for the benefit of the parties to build up their 'credit of trust' due to their natural 'debit of trust.' Without sufficient trust, harming and harmed parties will not take the calculated risk of stepping into joint dialogue which initially creates a greater sense of vulnerability. But with adequate preparation, parties come to see the benefits for themselves which outweighs the path of avoidance.

Once together, parties have the chance to deepen their journeys of trust-building as they give each other the gifts inherent to a verbal exchange. Good facilitators know when to invite parties to speak and respond to each other without being overly directive. Ultimately, as these videos demonstrate, the facilitator learns how to "get out of the way" in order to let the parties have direct, heart-to-heart conversation with each other. The human connection borne out of that level of conversation is what allows both sides to experience an emotional or energetic SHIFT which then helps them transition easily and mutually into future matters.

This video series is designed to be introductory. It will help you learn most of the basics of facilitating a criminal case, but the videos are not designed to replace a full Victim Offender Conferencing Training for Facilitators, which is typically a 2 to 3 day-long training with several role plays.

The videos also highlight Dr. Mark Umbreit's pioneering work in "humanistic mediation" which emphasizes the capacity of restorative dialogue to bring about deep human connections. Facilitators learn a "non-directive" approach in order to elicit the strengths that are already in the parties. Using pauses and silence, for instance, is one example of a skill set that goes "beyond technique" and relies on intuitive impulses to guide the parties forward. Being with parties is more important than doing something for the parties. After all, it is *their* conversation that is central to the process.

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