Restorative Practices Continuum

INFORMAL ——————————————————————— **FORMAL**

Affective Statements	Affective Questions	Impromptu Circles	Group or Circle	Formal Conferences
• Affectual	• Affectual	• One on One	• Problem Solving	• Rare
• Simple	• Individual	• Small Group	• Large Group	• Timely
	• Group		• Fish Bowl	• Structured

"Although a formal restorative process might have dramatic impact, informal practices have a cumulative impact because they are part of everyday life."
(Hanson, 2005)

Inclusive Decision-Making: Fair Process

What Fair Process Achieves:

- Fair process builds trust and commitment which
- Produces voluntary co-operation, which
- Drives performance, which
- Leads individuals to go beyond the call of duty by sharing their knowledge and applying creativity.

Three core components of Fair Process:

1 - **Engagement:** Involving individuals in decisions that affect them by asking for their input and allowing them to refute the merit of one another's ideas.

2 - **Explanation:** Everyone involved and affected should understand why final decisions are made as they are. Creates powerful feedback loop that enhances learning.

3 - **Expectation Clarity:** Once decisions are made, new expectations are clearly stated so that everyone understands their role and what is expected of them.

Kim & Mauborgne, 1997, Fair Process: Managing in the Knowledge Economy for the Harvard Business Review

Fair Process is about interacting WITH others and allowing them to the space to be heard and treated with dignity and respect.

It does not mean democracy, it is a process that allows for people to feel as though they have been treated fairly, ultimately, resulting in cooperation with the decisions that are made.

Wachtel & Costello (2009), The Restorative Practices Handbook, pg 87

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4. Supporting Framework

The social discipline window concepts that it views as most helpful in explaining and understanding restorative practices.

4.1. Social Discipline Window

The social discipline window (Figure 1) is a concept with broad application in many settings. It describes four basic approaches to maintaining social norms and behavioral boundaries. The four are represented as different combinations of high or low control and high or low support. The restorative domain combines both high control and high support and is characterized by doing things with people, rather than to them or for them.

Figure 1. Social Discipline Window

	support (encouragement, nurture) LOW ← → HIGH
control (limit-setting, discipline) HIGH ↓	**TO** punitive *authoritarian* / **NOT** neglectful *irresponsible*
	FOR permissive *paternalistic* / **WITH** restorative *authoritative*

The social discipline window also defines restorative practices as a leadership model for parents in families, teachers in classrooms, administrators and managers in organizations, police and social workers in communities and judges and officials in government.

The fundamental unifying hypothesis of restorative practices is that human beings are happier, more cooperative and productive, and more likely to make positive changes in their behavior when those in positions of authority do things with them, rather than to them or for them. This hypothesis maintains that the punitive and authoritarian to mode and the permissive and paternalistic for mode are not as effective as the restorative, participatory, engaging with mode (Wachtel, 2005).

The social discipline window reflects the seminal thinking of renowned Australian criminologist John Braithwaite, who has asserted that reliance on punishment as a social regulator is problematic because it shames and stigmatizes wrongdoers, pushes them into a negative societal subculture and fails to change their behavior (Braithwaite, 1989). The restorative approach, on the other hand, reintegrates wrongdoers back into their community and reduces the likelihood that they will reoffend. The...

4.2. Restorative Justice Typology

Restorative justice is a process involving the primary stakeholders in determining how best to repair the harm done by an offense. The three primary stakeholders in restorative justice are victims, offenders and their communities of care, whose needs are, respectively, obtaining reparation, taking responsibility and achieving reconciliation. The degree to which all three are involved in meaningful emotional exchange and decision making is the degree to which any form of social discipline approaches being fully restorative.

The three primary stakeholders are represented in Figure 2 by the three overlapping circles. The very process of interacting is critical to meeting stakeholders' emotional needs. The emotional exchange necessary for meeting the needs of all those directly affected cannot occur with only one set of stakeholders participating. The most restorative processes involve the active participation of all three sets of primary stakeholders (McCold & Wachtel, 2003).

Academy, the Real Justice program, now an IIRP program, has trained professionals around the world in restorative conferencing. In 1999 the newly created IIRP broadened its training to informal and proactive restorative practices, in addition to formal restorative conferencing (Wachtel, 1999). Since then the IIRP, an accredited graduate school, has developed a comprehensive framework for practice and theory that expands the restorative paradigm far beyond its origins in criminal justice (McCold & Wachtel, 2001, 2003). Use of restorative practices is now spreading worldwide, in education, criminal justice, social work, counseling, youth services, workplace and faith community applications (Wachtel, 2013).

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a strong sense of shame, even though it was the offender who committed the shameful act (Angel, 2005).

Nathanson (1992) has developed the Compass of Shame (Figure 5) to illustrate the various ways that human beings react when they feel shame. The four poles of the compass of shame and behaviors associated with them are:

- **Withdrawal**—isolating oneself, running and hiding
- **Attack self**—self put-down, masochism
- **Avoidance**—denial, abusing drugs, distraction through thrill seeking
- **Attack others**—turning the tables, lashing out verbally or physically, blaming others

Nathanson says that the attack other response to shame is responsible for the proliferation of violence in modern life. Usually people who have adequate self-esteem readily move beyond their feelings of shame. Nonetheless we all react to shame, in varying degrees, in the ways described by the Compass. Restorative practices, by their very nature, provide an opportunity for us to express our shame, along with other emotions, and in doing so reduce their intensity. In restorative conferences, for example, people routinely move from negative through the neutral affect to positive affects (Nathanson, 1998).

4.6. Fair Process

When authorities do things with people, whether reactively—to deal with crisis—or proactively, the results are better. This fundamental thesis was evident in a *Harvard Business Review* article about the concept of fair process producing effective outcomes in business organizations (Kim & Mauborgne, 1997). The central idea of fair process is that "...individuals are most likely to trust and cooperate freely with systems—whether they themselves win or lose by those systems—when fair process is observed" (Kim & Mauborgne, 1997).

The three principles of fair process are:

- **Engagement**—involving individuals in decisions that affect them by listening to their views and genuinely taking their opinions into account
- **Explanation**—explaining the reasoning behind a decision to everyone who has been involved or who is affected by it
- **Expectation clarity**—making sure that everyone clearly understands a decision and what is expected of them in the future (Kim & Mauborgne, 1997)

Fair process demonstrates the restorative *with* domain of the social discipline window: It relates to how leaders handle their authority in all kinds of professions and roles: from parents and teachers to managers and administrators. The fundamental hypothesis of restorative practices embodies fair process by asserting that "people are happier, more cooperative and productive, and more likely to make positive changes in behavior when those in authority do things *with* them, rather than *to* them or *for* them."

5. Restorative Processes

The IIRP has identified several restorative processes that it views as most helpful in implementing restorative practices in the widest variety of settings.

5.1. Restorative Conference

A *restorative conference* is a structured meeting between offenders, their friends and both parties' family and friends, in which they deal with the consequences of the crime or wrongdoing and decide how best to repair the harm. Neither a counseling nor a mediation process, conferencing is a victim-sensitive, straightforward problem-solving method that demonstrates how citizens can resolve their own problems when provided with a constructive forum to do so (O'Connell, Wachtel & Wachtel, 1999).

Conferences provide victims and others an opportunity to confront the offender, express their feelings, ask questions and have a say in the outcome. Offenders hear firsthand how their behavior has affected people. Offenders may choose to participate in a conference and begin to repair the harm they have caused by apologizing, making amends and agreeing to financial restitution or personal or community service work. Conferences hold offenders accountable while providing them with an opportunity to discard the "offender" label and be reintegrated into their community, school or workplace (Morris & Maxwell, 2001).

Participation in conferences is voluntary. After it is determined that a conference is appropriate and offenders and victims have agreed to attend, the conference facilitator invites others and friends of victims and offenders who are affected by the incident—the family and friends of victims and offenders (O'Connell, Wachtel & Wachtel, 1999).

or justice processes, or where that is used in lieu of traditional disciplinary or those processes (O'Connell, Wachtel & Wachtel, 1999).

Characteristics of High Quality Affective Statements and Language:

- Can be "I" statements that express a feeling, but don't have to be.
- Make students aware of either the positive or negative impact of their behavior.
- Provide a precise description of a student's behaviors and the specific impact of those behaviors.
- Do NOT protect students from the consequences of their behavior.
- Are strategically delivered in a time frame, place and manner most likely to maximize impact.
- Are delivered in a personalized manner directly to the student who impacted others.
- Focus on the behavior, NOT on the intrinsic worth of the person (separates the deed from doer).
- Are respectful in tone.
- Encourage students to express feelings.
- Five positive to one corrective statement

Affective Statement Sentence stems:

I am so proud to see/hear...

I am so appreciative of you/your...

I am so thankful that/for......

I am so pleased to see/hear/by......

I am so touched that you...

I am concerned about......

I am feeling irritated by......

I am so sorry that......

I am having a hard time understanding,.........

I feel sad because I heard........

I am feeling distracted by.....

I am so excited to see/hear...

I am so grateful that/for......

I am delighted to learn/see/hear ...

I am so impressed by......

I am worried about/by/to see/to hear that....

I am feeling frustrated about/by/to see/to hear that...

I am angry about.....

I am upset that ...

I am uncomfortable when I see/hear.....

I am uneasy about ......

Defining Restorative

by Ted Wachtel,
IIRP President and Founder

1. Purpose

The International Institute for Restorative Practices (IIRP) has a particular way of defining *restorative* and related terms that is consistent throughout our courses, events, videos and publications. We have developed our definitions to facilitate communication and discussion within the framework of our own graduate school and for those who participate in our Restorative Works learning network.

For example, at one of our symposia a young man insisted that his school already held *conferences* with students and their families, not realizing that most of the other participants at the event were not referring to a generic *conference*, but to a *restorative conference*. A restorative conference is a specific process, with defined protocols, that brings together those who have caused harm through their wrongdoing with those they have directly or indirectly harmed.

Others have defined *teen courts*, *youth aid panels* or *reparative boards* as restorative justice, while the IIRP defines those processes as *community justice*, not *restorative justice*. Such community justice processes do not include an *encounter* between victims and offenders, which provides an opportunity to talk about what happened and how it has affected them (Van Ness & Heetderks Strong, 2010). Rather, these courts, panels and boards are comprised of appointed community members who have no real emotional stake in the incident. These bodies meet with offenders, but victims, their families and friends are not generally invited. *Restorative justice*, in contrast, offers victims and their supporters an opportunity to talk directly with offenders.

Our purpose is not to label other processes or terms as positive or negative, effective or ineffective. We respect the fact that others may define terms differently and, of course, have every right to do so. Rather, we simply want to define and share a consistent terminology to create a unified framework of understanding.

2. Overview

Restorative practices is a social science that studies how to build social capital and achieve social discipline through participatory learning and decision-making.

The use of restorative practices helps to:

- reduce crime, violence and bullying
- improve human behavior
- strengthen civil society
- provide effective leadership
- restore relationships
- repair harm

The IIRP distinguishes between the terms *restorative practices* and *restorative justice*. We view restorative justice as a subset of restorative practices. Restorative justice is *reactive*, consisting of formal or informal responses to crime and other wrongdoing after it occurs. The IIRP's definition of restorative practices also includes the use of informal and formal processes that precede wrongdoing, those that proactively build relationships and a sense of community to prevent conflict and wrongdoing.

Where *social capital*—a network of relationships—is already well established, it is easier to respond effectively to wrongdoing and restore social order—as well as to create a healthy and positive organizational environment. *Social capital* is defined as the connections among individuals (Putnam, 2001), and the trust, mutual understanding, shared values and behaviors that bind us together and make cooperative action possible (Cohen & Prusak, 2001).

In public health terms, restorative justice provides *tertiary prevention*, introduced after the problem has occurred, with the intention of avoiding reoccurrence. Restorative practices ex-

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pands that effort with *primary prevention*, introduced before the problem has occurred.

The social science of restorative practices offers a common thread to tie together theory, research and practice in diverse fields such as education, counseling, criminal justice, social work and organizational management. Individuals and organizations in many fields are developing models and methodology and performing empirical research that share the same implicit premise, but are often unaware of the commonality of each other's efforts.

For example, in criminal justice, *restorative circles* and *restorative conferences* allow victims, offenders and their respective family members and friends to come together to explore how everyone has been affected by an offense and, when possible, to decide how to repair the harm and meet their own needs (McCold, 2003). In social work, *family group decision-making* (FGDM) or *family group conferencing* (FGC) processes empower extended families to meet privately, without professionals in the room, to make a plan to protect children in their own families from further violence and neglect or to avoid residential placement outside their own homes (American Humane Association, 2003). In education, circles and groups provide opportunities for students to share their feelings, build relationships and solve problems, and when there is wrongdoing, to play an active role in addressing the wrong and making things right (Riestenberg, 2002).

These various fields employ different terms, all of which fall under the rubric of restorative practices: In the criminal justice field the phrase used is "restor-

ative justice" (Zehr, 1990); in social work the term employed is "empowerment" (Simon, 1994); in education, talk is of "positive discipline" (Nelsen, 1996) or "the responsive classroom" (Charney, 1992); and in organizational leadership "horizontal management" (Denton, 1998) is referenced. The social science of restorative practices recognizes all of these perspectives and incorporates them into its scope.

3. History

Restorative practices has its roots in restorative justice, a way of looking at criminal justice that emphasizes repairing the harm done to people and relationships rather than only punishing offenders (Zehr, 1990).

In the modern context, restorative justice originated in the 1970s as mediation or reconciliation between victims and offenders. In 1974 Mark Yantzi, a probation officer, arranged for two teenagers to meet directly with their victims following a vandalism spree and agree to restitution. The positive response by the victims led to the first *victim-offender reconciliation* program, in Kitchener, Ontario, Canada, with the support of the Mennonite Central Committee and collaboration with the local probation department (McCold, 1999; Peachey, 1989). The concept subsequently acquired various names, such as *victim-offender mediation* and *victim-offender dialogue* as it spread through North America and to Europe through the 1980s and 1990s (Office of Victims of Crime, 1998).

Restorative justice echoes ancient and indigenous practices employed in cultures all over the world, from Native American and First Nation Canadian to African, Asian, Celtic, Hebrew, Arab and many others (Eagle, 2001; Goldstein,

2006; Haarala, 2004; Mbambo & Skelton, 2003; Mirsky, 2004; Roujanavong, 2005; Wong, 2005).

Eventually modern restorative justice broadened to include communities of care as well, with victims' and offenders' families and friends participating in collaborative processes called *conferences* and *circles*. Conferencing addresses power imbalances between the victim and offender by including additional supporters (McCold, 1999).

The *family group conference* (FGC) started in New Zealand in 1989 as a response to native Maori people's concerns with the number of their children being removed from their homes by the courts. It was originally envisioned as a family empowerment process, not as restorative justice (Doolan, 2003). In North America it was renamed *family group decision making* (FGDM) (Burford & Pennell, 2000).

In 1991 the FGC was adapted by an Australian police officer, Terry O'Connell, as a community policing strategy to divert young people from court. The IIRP now calls that adaptation, which has spread around the world, a *restorative conference*. It has been called other names, such as a *community accountability conference* (Braithwaite, 1994) and *victim-offender conference* (Stutzman Amstutz & Zehr, 1998). In 1994 Marg Thorsborne, an Australian educator, was the first to use a restorative conference in a school (O'Connell, 1998).

The International Institute for Restorative Practices (IIRP) grew out of the Community Service Foundation and Buxmont Academy, which since 1977 have provided programs for delinquent and at-risk youth in southeastern Pennsylvania, USA. Initially founded in 1994 under the auspices of Buxmont

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Figure 4. The Nine Affects (adapted from Nathanson, 1992)

Institute, added that it is through the mutual exchange of expressed affect that we build community, creating the emotional bonds that tie us all together (Nathanson, 1998). Restorative practices such as conferences and circles provide a safe environment for people to express and exchange emotion (Nathanson, 1998).

Tomkins identified nine distinct affects (Figure 4) to explain the expression of emotion in all humans. Most of the affects are defined by pairs of words that represent the least and the most intense expression of a particular affect. The six negative affects include *anger-rage, fear-terror, distress-anguish, disgust, dissmell* (a word Tomkins coined to describe "turning up one's nose" in a rejecting way) and *shame-humiliation*. *Surprise-startle* is the neutral affect, which functions like a reset button. The two positive affects are *interest-excitement* and *enjoyment-joy* (Tomkins, 1962, 1963, 1991).

Silvan S. Tomkins (1962) wrote that because we have evolved to experi-

ence nine affects—two positive affects that feel pleasant, one (surprise-startle) so brief that it has no feeling of its own, and six that feel dreadful—we are hardwired to conform to an internal blueprint. The human emotional blueprint ensures that we feel best when we 1) maximize positive affect and 2) minimize negative affect; we function best when 3) we express all affect (minimize the inhibition of affect) so we can accomplish these two goals; and, finally, 4) anything that fosters these three goals makes us feel our best, whereas any force that interferes with any one or more of those goals makes us feel worse (Nathanson, 1997b).

By encouraging people to express their feelings, restorative practices build better relationships. Restorative practices demonstrate the fundamental hypothesis of Tomkins's psychology of affect—that the healthiest environment

for human beings is one in which there is free expression of affect, minimizing the negative and maximizing the positive (Nathanson, 1992). From the simple affective statement to the formal conference, that is what restorative practices are designed to do (Wachtel, 1999).

4.5. Compass of Shame

Shame is worthy of special attention. Nathanson explains that shame is a critical regulator of human social behavior. Tomkins defines shame as occurring any time that our experience of the positive affects is interrupted (Tomkins, 1987). So an individual does not have to do something wrong to feel shame. The individual just has to experience something that interrupts interest-excitement or enjoyment-joy (Nathanson, 1997a). This understanding of shame provides a critical explanation for why victims of crime often feel
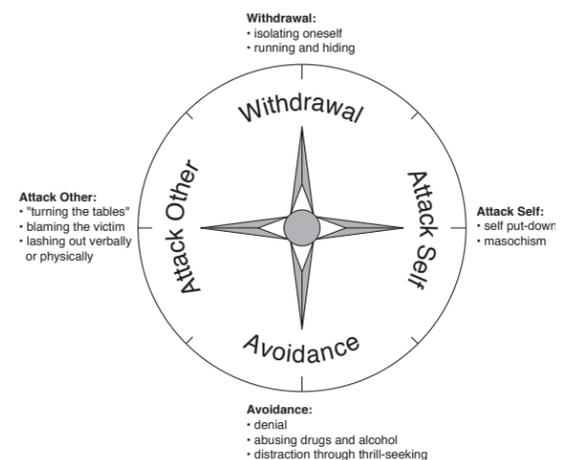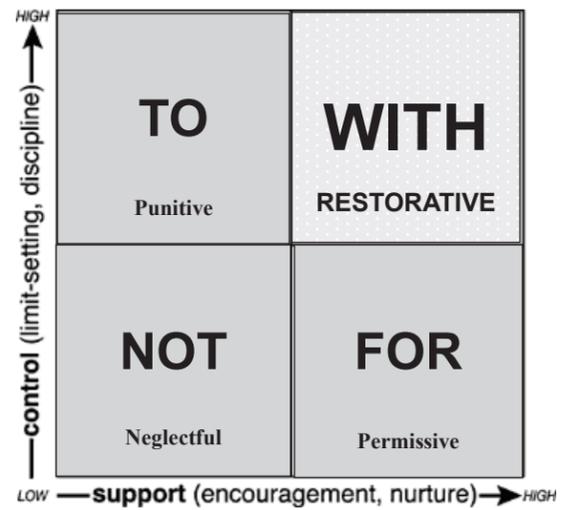

Figure 5. The Compass of Shame (adapted from Nathanson, 1992)

Paradigm Shift: relationship based

Traditional Approach

- School and rules violated
- Justice focuses on *establishing guilt*
- Accountability = punishment
- Justice directed at person who caused harm, person who experienced harm ignored
- Rules and intent outweigh whether outcome is positive/negative
- No opportunity for remorse or amends

Restorative Approach

- People and relationships violated
- Justice identifies *needs and obligations*
- Accountability = understanding impact, repairing harm
- Person who caused harm, person who experienced harm and school all have direct roles in justice process
- Person who caused harm is responsible for harmful behavior, repairing harm and working toward positive outcomes
- Opportunity given for amends and expression of remorse

The Social Discipline Window

The underlying premise of Restorative Practices rests with the belief that people will make positive changes when those in positions of authority do things *with* them rather than *to* them or *for* them.

According to the Social Discipline Window, a restorative approach requires a balance of high levels of control/limit setting with high levels of support, encouragement, and nurture.

High control and Low support = Punitive/Authoritarian
Low control and Low support = Neglectful
High support and Low control = Permissive
High support and High control = RESTORATIVE

Wachtel & Costello (2009), The Restorative Practices Handbook, International Institute for Restorative Practices, pg 50

Figure 2. Restorative Justice Typology

When criminal justice practices involve only one group of primary stakeholders, as in the case of governmental financial compensation for victims or meaningful community service work assigned to offenders, the process can only be called *partly restorative*. When a process such as victim-offender mediation includes two principal stakeholders but excludes their communities of care, the process is *mostly restorative*. Only when all three sets of primary stakeholders are actively involved, such as in conferences or circles, is a process *fully restorative* (McCold & Wachtel, 2003).

4.3. Restorative Practices Continuum

Restorative practices are not limited to formal processes, such as *restorative conferences* or *family group conferences*, but range from informal to formal. On a restorative practices continuum (Figure 3), the informal practices include *affective statements* that communicate people's feelings, as well as *affective questions* that cause people to reflect on how their behavior has affected others. *Impromptu restorative conferences, groups* and *circles* are somewhat more structured but do not require the elaborate preparation needed for formal conferences. Moving from left to right on the continuum, as restorative practices become more formal, they involve more people, require more planning and time, and are more structured and complete. Although a formal restorative process might have dramatic impact, informal practices have a cumulative impact because they are part of everyday life (McCold & Wachtel, 2001).

The aim of restorative practices is to develop community and to manage conflict and tensions by repairing harm and building relationships. This statement identifies both proactive (building relationships and developing community) and reactive (repairing harm and restoring relationships) approaches. Organizations and services that only use the reactive without building the *social capital* beforehand are less successful than those that also employ the proactive (Davey, 2007).

4.4. Nine Affects

The most critical function of restorative practices is restoring and building relationships. Because informal and formal restorative processes foster the expression of affect or emotion, they also foster emotional bonds. The late Silvan S. Tomkins's writings about *psychology of affect* (Tomkins, 1962, 1963, 1991) assert that human relationships are best and healthiest when there is *free expression of affect* or emotion—minimizing the negative, maximizing the positive, but allowing for free expression. Donald Nathanson, former director of the Silvan S. Tomkins

informal   formal

affective statements · affective questions · small impromptu conference · group or circle · formal conference

Figure 3. Restorative Practices Continuum

In the Real Justice approach to restorative conferences, developed by Australian police officer Terry O'Connell, the conference facilitator sticks to a simple written script. The facilitator keeps the conference focused but is not an active participant. In the conference the facilitator provides an opportunity to each participant to speak, beginning with asking open-ended and affective *restorative questions* of the offender. The facilitator then asks victims and their family members and friends questions that provide an opportunity to tell about the incident from their perspective and how it affected them. The offenders' family and friends are asked to do the same (O'Connell, Wachtel, & Wachtel, 1999).

Using the conference script, offenders are asked these *restorative questions*:

- "What happened?"
- "What were you thinking about at the time?"
- "What have you thought about since the incident?"
- "Who do you think has been affected by your actions?"
- "How have they been affected?"

Victims are asked these restorative questions:

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

Finally the victim is asked what he or she would like to be the outcome of the conference. The response is discussed with the offender and everyone else at the conference. When agreement is reached, a simple contract is written and signed (O'Connell, Wachtel, & Wachtel, 1999).

Restorative conferencing is an approach to addressing wrongdoing in various settings in a variety of ways (O'Connell, Wachtel, & Wachtel, 1999):

- Conferencing can be employed by *schools* in response to truancy, disciplinary incidents, including violence, or as a prevention strategy in the form of role-plays of conferences with primary and secondary school students.
- *Police* can use conferences as a warning or diversion from court, especially with first-time offenders.
- *Courts* may use conferencing as a diversion, an alternative sentencing process, or a healing event for victims and offenders after the court process is concluded.
- *Juvenile and adult probation officers* may respond to various probation violations with conferences.
- *Correctional and treatment facilities* will find that conferences resolve the underlying issues and tensions in conflicts and disciplinary actions.
- *Colleges and universities* can use conferences with residence hall and campus incidents and disciplinary violations.
- In *workplaces*, conferences address both wrongdoing and conflict.

Some approaches to restorative conferences, such as in Ulster in Northern Ireland, do not use the Real Justice script approach (Chapman, 2006). *Victim-offender conferences* do not rely on a script either. Based on the earlier restorative justice model of victim-offender mediation, but widening the circle of participants, the victim-offender approach to conferences still relies on mediators who more actively manage the process (Stutzman Amstutz & Zehr, 1998).

The IIRP prefers the Real Justice scripted model of conferencing because we believe it has the greatest potential to meet the needs of the stakeholders described in the Restorative Justice Typology. In addition, research shows that it consistently provides very high levels of satisfaction and sense of fairness for all participants (McCold & Wachtel, 2002). However, we do not mean to quibble with other approaches. As long as people experience a safe opportunity to have a meaningful discussion that helps them address the emotional and other consequences of a conflict or a wrong, the process is beneficial.

5.2. Circles

A circle is a versatile restorative practice that can be used proactively, to develop relationships and build community or reactively, to respond to wrongdoing, conflicts and problems. Circles give people an opportunity to speak and listen to one another in an atmosphere of safety, decorum and equality. The circle process allows people to tell their stories and offer their own perspectives (Pranis, 2005).

The circle has a wide variety of purposes: conflict resolution, healing, support, decision making, information exchange and relationship development. Circles offer an alternative to contemporary meeting processes that often

THE CRASHING TIDE:
Blending Restorative Practices and Trauma-Informed Care

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rely on hierarchy, win-lose positioning and argument (Roca, Inc., n.d.).

Circles can be used in any organizational, institutional or community setting. *Circle time* (Mosley, 1993) and *morning meetings* (Charney, 1992) have been widely used in primary and elementary schools for many years and more recently in secondary schools and higher education (Mirsky, 2007, 2011; Wachtel & Wachtel, 2012). In industry, the *quality circle* has been employed for decades to engage workers in achieving high manufacturing standards (Nonaka, 1993). In 1992 Yukon Circuit Court Judge Barry Stuart pioneered the *sentencing circle*, which involved community members in helping to decide how to deal with an offender (Lilles, 2002). In 1994 Mennonite Pastor Harry Nigh befriended a mentally challenged repeat sex offender by forming a support group with some of his parishioners, called a *circle of support and accountability*, which was effective in preventing re-offending (Rankin, 2007).

Circles may use a sequential format. One person speaks at a time, and the opportunity to speak moves in one direction around the circle. Each person must wait until his or her turn, and no one may interrupt. Optionally, a talking piece—a small object that is easily held and passed from person to person—may be used to facilitate this process. Only the person who is holding the talking piece has the right to speak (Costello, Wachtel, & Wachtel, 2010). Both the circle and the talking piece have roots in ancient and indigenous practices (Mirsky, 2004; Roca, Inc., n.d.).

The *sequential circle* is typically structured around topics or questions raised by the circle facilitator. Because it strictly forbids back-and-forth argument, it provides a great deal of decorum. The format maximizes the opportunity for the quiet voices, those that are usually inhibited by louder and more assertive people, to speak without interruption. Individuals who want to respond to something that has been said must be patient and wait until it is their turn to speak. The sequential circle encourages people to listen more and talk less (Costello, Wachtel & Wachtel, 2010).

Non-sequential circles are often more freely structured than a sequential circle. Conversation may proceed from one person to another without a fixed order. Problem-solving circles, for example, may simply be focused around an issue that is to be solved. One person in the group may record the group's ideas or decisions.

A Real Justice restorative conference, however, employs a different kind of fixed order. Participants sit in a circle, and the conference facilitator uses the order of speakers defined by the conference script (offender, victim, victim supporter, offender supporter) to ask each person a set of restorative questions (O'Connell, Wachtel, & Wachtel, 1999). In effect, the facilitator serves as the talking piece, determining whose turn it is to speak without interruption. After everyone has responded to restorative questions, the facilitator moves to a more open, back-and-forth, non-ordered discussion of what the victim needs and how those needs might be met.

A sequential restorative circle may be used instead of a formal conference to respond to wrongdoing or a conflict or problem. The restorative circle is less formal because it does not typically specify victims and offenders and does not follow a script. However, it may employ some of the restorative questions from within the conference (Costello, Wachtel & Wachtel, 2010).

Another circle format is the fishbowl. This consists of an inner circle of active participants who may discuss an issue with a sequential approach or engage in a non-sequential activity such as problem-solving. Outside the inner circle are observers arranged in as many concentric circles as are needed to accommodate the group. The fishbowl format allows others to watch a circle activity that might be impractical with a large number of active participants. A variation of the fishbowl format has a large number of active participants. An empty chair in the inner circle that allows individual observers to come forward one at a time, sit in the empty chair, say something and then return to the outer circle—permitting a limited amount of participation by the observers (Costello, Wachtel, & Wachtel, 2010).

Young people, who are usually the focus of these conferences, need the sense of community, identity and stability that only the family, in its various forms, can provide. Families are more likely than professionals to find solutions that actively involve other family members, thus keeping the child within the care of the family, rather than transferring care of the child to the government. Also, when families are

5.3. Family Group Conference (FGC) or Family Group Decision Making (FGDM)

Originating in New Zealand with the Children, Young Persons and Their Families Act in 1989, the legislation cre-

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Or that teacher may ask an affective question, perhaps adapting one of the restorative questions used in the conference script: "Who do you think did?" and then follow-up with "How do you think they've been affected?" In answering such questions, instead of simply being punished, the student has a chance to think about his or her behavior, make amends and change the behavior in the future (Morrison, 2003).

Asking several affective questions of both the wrongdoer and those harmed creates a small *impromptu conference*. If the circumstance calls for a bit more structure, a circle can quickly be created.

The use of informal restorative practices dramatically reduces the need for more time-consuming formal restorative practices. Systematic use of informal restorative practices has a cumulative impact and creates what might be described as a *restorative milieu*—an environment that consistently fosters awareness, empathy and responsibility in achieving social discipline than our current reliance on punishment and sanctions (Wachtel, 2013).

empowered to fix their own problems, the very process of empowerment facilitates healing (Rush, 2006).

The key features of the New Zealand FGC/FGDM model are preparation, information giving, private family time, and review. In an FGC/FGDM, the family is the primary decision maker. An independent coordinator facilitates the family, after hearing information about the case, is left alone to arrive at their own plan for the future of the child, youth or adult. Professionals evaluate the plan with respect to safety and legal issues and may procure resources to help implement the plan. Professionals and family members monitor the plan's progress, and often follow-up meetings are held (Morris & Maxwell, 1998).

5.4. Informal Restorative Practices

The restorative paradigm is manifested in many informal ways beyond the formal processes. As described by the *restorative practices continuum* above, informal restorative practices include *affective statements*, which communicate peoples feelings, as well as *affective questions*, which cause people to reflect on how their behavior has affected others (McCold & Wachtel, 2001).

ated a process called the *family group conference (FGC)*, which soon spread around the world. Various North Americans call this process *family group decision making (FGDM)*. The most radical feature of this law was its requirement that, after social workers and other professionals investigate the services and resources available to support the family's plan, the professionals must leave the room. During this "family alone time" or "private family time," the extended family and friends of the child have an opportunity to take responsibility for their own family's plan. Professionals retain preconceived ideas of the outcome. The family, after hearing information

A teacher in a classroom might employ an affective statement when a student has misbehaved, letting the student know how he or she has been affected by the student's behavior: "When you disrupt the class, I feel sad" or "disrespected" or "disappointed." Hearing this, the student learns how his or her behavior is affecting others (Harrison, 2007).