

Tübinger Schriften und Materialien zur Kriminologie

# TÜKRIM

**Elmar G. M. Weitekamp (Ed.)**

## DEVELOPING PEACEMAKING CIRCLES IN A EUROPEAN CONTEXT

Additional Reports and Documents

Herausgegeben von Institutsdirektor Prof. Dr. Jörg Kinzig  
und Seniorprofessor Dr. Hans-Jürgen Kerner

**TOBIAS-lib Universitätsbibliothek Tübingen**

JURISTISCHE FAKULTÄT  
Institut für Kriminologie





**Elmar G. M. Weitekamp (Ed.)**

**Developing Peacemaking Circles in a European Context. Additional Reports and Documents**

# **Tübinger Schriften und Materialien zur Kriminologie**

Herausgegeben von

Prof. Dr. Jörg Kinzig  
Seniorprofessor Dr. Hans-Jürgen Kerner

Band 35

EBERHARD KARLS  
UNIVERSITÄT  
TÜBINGEN

**ELMAR G. M. WEITEKAMP (ED.)**

# **DEVELOPING PEACEMAKING CIRCLES IN A EUROPEAN CONTEXT**

**Results of a Joint Research Project  
in Belgium, Germany and Hungary**

## **ADDITIONAL REPORTS AND DOCUMENTS**

on

**Circle Process Analyses, Researchers' Observations, Questionnaires for  
Circle Participants, Keepers' Reflections, Follow-Up Interviews,  
Expert Interviews and German Victim-Offender-Mediation Standards**

**Main Authors:**

**BEATE EHRET, DAVY DHONDT, DÓRA SZEGŐ, BORBÁLA FELLEGI**

**TOBIAS-lib**

**UNIVERSITÄTSBIBLIOTHEK TÜBINGEN**

**2016**

**JURISTISCHE FAKULTÄT  
INSTITUT FÜR KRIMINOLOGIE**



# IMPRESSUM

Bibliografische Information der Deutschen Bibliothek

Die Deutsche Bibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliographie. Detaillierte bibliografische Daten sind im Internet über <http://dnb.ddb.de> abrufbar.

© Institut für Kriminologie der Universität Tübingen  
Sand 7, 72076 Tübingen  
Tel: 07071-29-72931  
Fax: 07071-29-5104  
E-mail: [ifk@uni-tuebingen.de](mailto:ifk@uni-tuebingen.de).  
Homepage: <http://www.ifk.jura.uni-tuebingen.de>

Alle Rechte vorbehalten.  
Tübingen 2016.

Gestaltung des Deckblatts: Ketchum Pleon  
Gesamtherstellung: Institut für Kriminologie der Universität Tübingen  
Redaktion: Maria Pessiu  
Printed in Germany.

ISSN: 1612-4650  
ISBN: 978-3-937368-68-9 (elektronische Version)  
ISBN: 978-3-937368-69-6 (Druckversion)

Hinweis: Die nach Bedarf gedruckte Version entspricht vollständig der elektronischen Originalpublikation.

## PREFACE

This book (TüKrim, Vol. 35, 2016) is a slightly revised version of a part of a “Research Report” delivered in November 2013 to the European Commission in Brussels.<sup>1</sup> As a companion volume to the Main Report it presents a collection of papers that originally served as “Annexes” or “Appendices” to the Research Report. These papers deal with different issues, namely:

- “Circle Process Analyses”,
- “Researchers’ Observations”,
- “Questionnaires for Circle Participants”,
- “Keepers’ Reflections”,
- “Follow-up Interviews”,
- “Expert Interviews” and
- “German Victim-Offender-Mediation Standards”.

The “Main Report” on the topic of “Developing Peacemaking Circles in a European Context”, contains an *Introductory Chapter* on the ideas and aims of peacemaking circles (etc.), and then five topical Chapters on

- “Literature Review”,
- “Framework of Circles”,
- “Background Research” on Expert Interviews,
- “Peacemaking Circles” by the Gatensby Brothers,
- “Process Evaluation of Circles”,
- “Findings” on Circle Implementation, Circle Facilitation and Circle Follow-up Evaluation, and finally
- “Conclusions”.

With both volumes, we are aiming at spreading the idea on how we can extend the scope of restorative justice practices in society. In order to do so, we are happy to disseminate the main results of a project that was set up in a close cooperation between three countries, and was lasting for two years. In all three countries, experimental peacemaking circles were tried out in the form of action research. Processes and conditions to make this happen were studied and are reported in these two volumes publication, together with concrete and practical examples.

A further important result of the common research endeavours is the “**Handbook for Facilitating Peacemaking Circles**”, co-authored by Borbála Fellegi and Dóra Szegő, Foresee Research Group, Budapest, Hungary.<sup>2</sup> This Handbook is available as a free of charge Electronic Resource primarily at the Foresee website.<sup>3</sup> By now, a Romanian language version has been published, too.

The Project was a common effort of three research teams located

---

<sup>1</sup> Title: Developing Peacemaking Circles in a European Context. Final Research Report, Presented to the European Commission, By Project Coordinator Elmar G. M. Weitekamp, Eberhard Karls University Tübingen, Project: JLS/2010/JPEN/AG/1609, Criminal Justice Programme, European Commission, Directorate-General Justice, November 2013, XII and 815 Pp.

<sup>2</sup> Foresee Research Group Homepage: (<http://www.foresee.hu/en/>)

<sup>3</sup> [http://www.foresee.hu/uploads/tx\\_abdownloads/files/peacemaking\\_circle\\_handbook.pdf](http://www.foresee.hu/uploads/tx_abdownloads/files/peacemaking_circle_handbook.pdf)

- in Germany at the Eberhard Karls University of Tübingen (EKU), Institute of Criminology, (acting as the coordinating Project Headquarters);
- in Belgium at the Catholic University of Leuven (KUL), Leuven Institute of Criminology (LINC);
- in Hungary at the Foresee Research Group Non-Profit Ltd. (FORESEE) and at the National Institute of Criminology (OKRI).

The project was implemented in the period from 1<sup>st</sup> September 2011 to 31<sup>st</sup> August 2013. During the first months of implementation the three research teams were further co-operating with scholars and practitioners from Norway, with the intent on both sides to extend the scope and depth of comparative practice and research. However, in the event these plans had to be abandoned, due to EU-restrictions in financial support for scholars living in Associated States as compared to regular Member States.

The *Pilot Peacemaking Circles* in every country were planned, implemented, run and evaluated in close collaboration with local practitioners, who had many years of prior experience in other conflict resolution methods/schemes, e.g. Victim-Offender Mediation.

All of them deserve our sincere thanks for their commitment and intense involvement. We would like here to mention in particular, as sustained partners, also during the *Project Workshops*, the following associations:

- in Germany: The „Projekt Handschlag“ of the „Verein Hilfe zur Selbsthilfe“ in Reutlingen (in particular Michael Schadt and Regina Steinborn),
- in Belgium: „Suggnomè“, Forum voor Herstelrecht en Bemiddeling, Central Secretariat in Leuven), and
- in Hungary: The Office of Justice and the Regional Mediation Services, in particular Erika Magyar, Ágnes Kött, Zoltán Sitkei and István Szikora.

The whole research project on “Developing Peacemaking Circles in a European Context” was co-financed by the local Universities resp. other Institutions, and to the larger part by a European Commission Action Grant, in the context of the EC special Transnational Programme on “Criminal Justice” (2007-2013). The European Forum for Restorative Justice (Leuven) provided additional personal, social and material support.



In the position of *Project Partners* and *Steering Group Members* were active:

- At the Institute of Criminology, Tübingen: Dr. Elmar G. M. Weitekamp as Project-Coordinator, Prof. Dr. Hans-Jürgen Kerner, and Dr. Beate Ehret.<sup>4</sup>
- At the Leuven Institute of Criminology (LINC): Prof. Dr. Ivo Aertsen, Prof. Dr. Stephan Parmentier, and Dr. Inge Vanfraechem.<sup>5</sup>
- At Foresee, Budapest: Dr. Borbála Fellegi, and at OKRI, Budapest: Dr. Szandra Windt and Dr. Tünde Barabás.

In the position of *Project Supervisors* were active:

Prof. Dr. Ivo Aertsen, Dr. Tünde Barabás, Prof. Dr. Hans-Jürgen Kerner, Prof. Dr. Stephan Parmentier, Dr. Beate Ehret, Dr. Elmar G. M. Weitekamp and Dr. Szandra Windt.

In the position of *Project Researchers* (in charge), also as *Instructors for Research Assistants*, acted

Dr. Beate Ehret (EKU Tübingen) as Coordinator of Research, Davy Dhondt (KU Leuven), Dr. Borbála Fellegi and Dóra Szegő (Foresee Budapest).

In the position of *Research Assistants (students and graduates)* acted

Gabriella Benedek, Valery Broeckx, Livia Buchwald, Maria Kamenowski, Isabel Thoß, Ben Van Heesch, Fitore Veselaj, and Marie-Louise Winter.

There are many persons who had helped us to get the project started as an intellectually and emotionally common endeavour, to get it fruitfully implemented, and eventually terminated in time and with hopefully long lasting results. Among them, Phil and Harold Gatensby from Whitehorse, Yukon (Canada) have to be mentioned primordially for their initial Peacemaking Circle training course in Leuven. Apart from the already above-mentioned direct project partners we would like to thank additionally in a general manner the engaged practitioners in governmental resp. public as well as in non-governmental institutions in our countries.

Tübingen, March 2016

Elmar G. M. Weitekamp

---

<sup>4</sup> Current position = Professor, University of Applied Sciences of the Federal Government, Department of Crime Sciences, located at the Federal Office of Criminal Investigation (Bundeskriminalamt, Wiesbaden).

<sup>5</sup> Representing the European Forum for Restorative Justice (EUFORUM-RJ). Current Position = Senior Researcher at the Leuven Institute of Criminology.



## LIST OF AUTHORS

### Chapter 1: Circle Process Analyses in Belgium:

Davy Dhondt.....	3
All Cases from PMC B1 to PMC B7	

### Chapter 2: Circle Process Analyses in Germany:

Beate Ehret.....	91
Cases from PMC G1 to PMC G4 = Beate Ehret	
Cases PMC G5 & G6 = Beate Ehret & Isabel Thoß	
Cases PMC G7 & G8 = Beate Ehret & Isabel Thoß	

### Chapter 3: Circle Process Analyses in Hungary:

Dóra Szegő & Gabriella Benedek .....	157
All Cases from PMC H1 to PMC H12	

### Chapter 4: Researchers' Observation:

Beate Ehret, Davy Dhondt & Dóra Szegő .....	275
---	-----

### Chapter 5: Questionnaires for Circle Participants:

Beate Ehret, Davy Dhondt & Gabriella Benedek .....	281
--	-----

### Chapter 6: Keepers' Reflection:

Beate Ehret, Davy Dhondt, Borbála Fellegi, Dóra Szegő & Gabriella Benedek .....	289
---	-----

### Chapter 7: Topic List (with Example Questions) Follow-up Interviews:

Beate Ehret, Davy Dhondt, Borbála Fellegi, Dóra Szegő & Gabriella Benedek .....	295
---	-----

### Chapter 8: Topic List (with Suggested Questions) "Expert Interviews":

Beate Ehret, Davy Dhondt, Borbála Fellegi, Dóra Szegő, Gabriella Benedek, Tünde Barabás & Szandra Windt.....	299
---	-----

### Annex: German Victim-Offender-Mediation Standards

Editors: Servicebureau for Victim-Offender Mediation and Conflict Settlement & National Association for Victim-Offender Mediation .....	305
--	-----

### Reference List, and Additional Literature

Hans-Jürgen Kerner.....	325
-------------------------	-----



## LIST OF CONTENTS

<b>Preface</b> .....	v
<b>List of Authors</b> .....	ix
<b>Annexes</b> .....	1
<b>Chapter 1: Circle Process Analyses in Belgium</b> .....	3
1. PMC B1.....	3
1.1. Evaluation criteria for circle implementation.....	4
1.2. Evaluation criteria for circle facilitation .....	6
1.3. Evaluation after the circle .....	14
2. PMC B2.....	15
2.1. Evaluation criteria for circle implementation.....	16
2.2. Evaluation criteria for circle facilitation .....	17
2.3. Evaluation after the circle .....	26
3. PMC B3.....	28
3.1. Evaluation criteria for circle implementation.....	29
3.2. Evaluation criteria for circle facilitation .....	30
3.3. Evaluation after the circle .....	37
4. PMC B4.....	39
4.1. Evaluation criteria for circle implementation.....	40
4.2. Evaluation criteria for circle facilitation .....	41
4.3. Evaluation after the circle .....	52
5. PMC B5.....	54
5.1. Evaluation criteria for circle implementation.....	55
5.2. Evaluation criteria for circle facilitation .....	56
5.3. Evaluation after the circle .....	66
6. PMC B6.....	68
6.1. Evaluation criteria for circle implementation.....	69
6.2. Evaluation criteria for circle facilitation .....	70
6.3. Evaluation after the circle .....	77
7. PMC B7.....	79
7.1. Evaluation criteria for circle implementation.....	80
7.2. Evaluation criteria for circle facilitation .....	81
7.3. Evaluation after the circle .....	88
<b>Chapter 2: Circle Process Analyses in Germany</b> .....	91
1. PMC G1 .....	91
1.1. Evaluation Criteria For Circle Implementation.....	92

1.2. Evaluation Criteria for Circle Facilitation .....	94
1.3. Evaluation after the Circle .....	101
2. PMC G2.....	103
2.1. Evaluation Criteria For Circle Implementation .....	104
2.2. Evaluation Criteria for Circle Facilitation .....	106
2.3. Evaluation after the Circle .....	112
3. PMC G3.....	114
3.1. Evaluation Criteria For Circle Implementation .....	115
3.2. Evaluation Criteria for Circle Facilitation.....	117
3.3. Evaluation after the Circle .....	122
4. PMC G4.....	123
4.1. Evaluation Criteria For Circle Implementation .....	124
4.2. Evaluation Criteria for Circle Facilitation.....	126
4.3. Evaluation after the Circle .....	131
5. PMC G5 & G6.....	133
5.1. Brief Case Summary / Circle participants / Agreement / Action Plan / Added Value / Fulfilment of Agreement .....	133
5.2. Evaluation Criteria For Circle Implementation .....	134
5.3. Evaluation Criteria for Circle Facilitation.....	137
5.4. Evaluation after the Circle .....	145
6. PMC G7 & G8 .....	146
6.1. Brief Case Summary / Circle Participants / Agreement / Action Plan / Added Value / Fulfillment of Agreement .....	146
6.2. Evaluation Criteria For Circle Implementation .....	147
6.3. Evaluation Criteria for Circle Facilitation.....	148
6.4. Evaluation after the Circle .....	155
<b>Chapter 3: Circle Process Analyses in Hungary .....</b>	<b>157</b>
1. PMC H1 .....	157
1.1. Evaluation Criteria for Circle Implementation.....	158
1.2. Evaluation Criteria For Circle Facilitation.....	160
1.3. Evaluation after the circle .....	168
2. PMC H2 .....	171
2.1. Evaluation Criteria for Circle Implementation.....	172
2.2. Evaluation Criteria for Circle Facilitation.....	175
2.3. Evaluation after the circle .....	185
3. PMC H3 .....	187
3.1. Evaluation Criteria for Circle Implementation.....	188
3.2. Evaluation Criteria For Circle Facilitation.....	190

3.3. Evaluation after the circle .....	199
4. PMC H4 .....	201
4.1. Evaluation criteria for circle implementation .....	202
4.2. Evaluation criteria for circle facilitation .....	205
4.3. Evaluation After the Circle .....	215
5. PMC H5 .....	217
5.1. Evaluation Criteria for Circle Implementation .....	217
5.2. Evaluation Criteria For Circle Facilitation .....	220
5.3. Evaluation after the circle .....	226
6. PMC H6 .....	228
6.1. Evaluation criteria for circle implementation .....	229
6.2. Evaluation criteria for circle facilitation .....	230
6.3. Evaluation After the Circle .....	234
7. PMC H7 .....	236
7.1. Evaluation criteria for circle implementation .....	237
7.2. Evaluation Criteria For Circle Facilitation .....	239
7.3. Evaluation After the Circle .....	246
8. PMC H8 .....	248
8.1. Evaluation criteria for circle implementation .....	249
8.2. Evaluation criteria for circle facilitation .....	250
8.3. Evaluation After the Circle .....	257
9. PMC H9 .....	259
10. PMC H10.....	263
11. PMC H11.....	266
12. PMC H12.....	270
<b>Chapter 4: Researchers' Observation .....</b>	<b>275</b>
1. Before Circle(s): Making contact, preparing participants.....	275
2. Beginning of Circle: Defining Values and Ground Rules, Confidentiality issue..	275
3. Four stages of the circle .....	276
4. Circle Keeping: Issues and Rule Violations .....	277
5. Circle Participants .....	279
6. Strategies in circle.....	279
7. Role and activity of community members .....	280
8. Role and activity of judicial representatives .....	280
9. Restorative success .....	280
<b>Chapter 5: Questionnaires for Circle Participants .....</b>	<b>281</b>
<b>Chapter 6: Keepers' Reflection .....</b>	<b>289</b>
1. Reflection of Preparatory Steps/Talks .....	289

2. Reflection of (Own) Work .....	290
3. Reflection of Other Keeper's Work .....	290
4. Circle Keeper's Cooperation .....	291
5. Circle Keeper's Evaluation of Circle Process and Satisfaction .....	291
6. Restorative Aspects .....	292
7. Implementation Issues .....	292
<b>Chapter 7: Topic List (with Example Questions) Follow-up Interviews .....</b>	<b>295</b>
1. Satisfaction .....	295
2. Relationships .....	296
3. Community.....	297
4. Future .....	298
<b>Chapter 8: Topic List (with Suggested Questions) "Expert Interviews" .....</b>	<b>299</b>
1. Introduction.....	299
2. Brief Description of Peacemaking Circles .....	299
3. Core Content (Questions to be Addressed to All Groups of Interest) .....	299
3.1. Regarding their Implementation in a Specific Country .....	299
3.2. Regarding Circle Conduction .....	300
4. Modules for the Specific Groups of Interest (except mediators) .....	301
5. About Victim Offender Mediation (VOM) .....	302
6. Questions for Prosecutors or Judges Only .....	303
7. Questions for Victims Aid Representatives Only .....	303
<b>Annex: German Victim-Offender Mediation Standards [Working Group VOM Standards] .....</b>	<b>305</b>
Contents .....	305
Foreword (sixth revised edition) .....	306
Preamble .....	308
1. Conceptual requirements .....	309
1.1. Description of the offer .....	309
1.2. Requirements to carry out victim-offender mediation.....	310
1.3. Case selection criteria .....	310
1.4. Primary Goals .....	311
1.5. Monitoring and/or evaluation .....	311
2. Organizational requirements.....	312
2.1. Provider and organization .....	312
2.2. Infrastructure .....	312
2.3. Accessibility .....	313
3. Requirements regarding public image and cooperation .....	314
3.1. Public relations .....	314



---

3.2. Cooperation.....	314
3.3. Exchange of experiences .....	315
4. Requirements of the facilitator.....	316
4.1. Qualification.....	316
4.2. Reflection on practice .....	316
4.3. Methods.....	317
4.4. Understanding of one's role .....	318
4.5. Legal framework .....	319
5. Performance requirements for Victim-Offender Mediation .....	320
5.1. Referral.....	320
5.2. Contacting the parties .....	321
5.3. Preliminary interviews.....	322
5.4. Phase of decision making.....	323
5.5. Mediation dialogue .....	323
5.6. Agreement.....	324
5.7. Closure.....	324
<b>Reference List, and Additional Literature .....</b>	<b>325</b>
<b>Issues of Law, Law-Making and Implementation.....</b>	<b>336</b>



## **ANNEXES**

Chapter 1: Circle Process Analyses in Belgium

Chapter 2: Circle Process Analyses in Germany

Chapter 3: Circle Process Analyses in Hungary

Chapter 4: Researchers' Observation

Chapter 5: Questionnaires for Circle Participants

Chapter 6: Keepers' Reflection

Chapter 7: Topic list (with Example Questions) Follow-up Interviews

Chapter 8: Topic list (with Suggested Questions) "Expert Interviews"



# CHAPTER 1: CIRCLE PROCESS ANALYSES IN BELGIUM

Davy Dhondt

## 1. PMC B1

Davy Dhondt

### Brief case study

After a family party, a couple gets into an argument in their car on the way home. At a certain point, they pull over. The parents of the woman, who were driving behind them, also stop. There is an argument between the father of the woman and the man of the couple. The latter pushes the former, who falls and breaks his leg.

The father, who was already seriously ill (chronic and possibly terminal disease) is taken to the hospital and has to undergo surgery. All seems to go well, until a few days later, when he slips into a coma. A week after the fall, the father dies in the hospital.

There is a lot of emotions towards the offender from the victim's side of the family. However, the relation between the offender and daughter of the victim remains, which brings about additional tensions in that family (the offender can't come to the funeral, the offender and victim's son can't be present at the same time at the house of the victim's wife, worsened relationship between the victim's son and daughter, etc.).

The police, who was present at the night of the argument, first dismissed the case as a family issue. A month after the victim died, his son goes to the police to file a complaint. The judicial investigation concludes that there is no legal link between the offence and the death of the victim.

During the judicial investigation, the victim's wife is aided by "victim reception of the prosecutor's office" (referred to as SOP). Because of the tensions in the family (mostly due to the relationship between the offender and the victim's daughter, SOP refers the victim's wife to the mediation service.

The mediation service starts with a normal VOM between the offender and the victim's wife (indirect) and the victim's son (indirect, eventually leading to a direct meeting). Since the tensions are still there and affecting the entire family, the mediation service proposes to continue as a PMC. The parties agree with the hope of being able to continue afterwards as a "normal family".

In the meantime, the judicial authorities have decided to not go to the (public) court, but handle the case in a sort of "pre-trial court". A verdict has not been ruled at the moment of the PMC.

#### Circle participants

- Victim's wife
- Victim's son
- Victim's daughter = offender's girlfriend
- Offender
- Offender's father
- Offender's mother
- Cleaning lady of the victim's family
- SOP
- 2 facilitators.

#### Agreement

During the circle meeting itself, there was no agreement made. However, participants did manage to talk to one another about their grief, anger, etc. caused by the crime, in a – with the exception of the end of the meeting – respectful way.

After the circle meeting a short agreement was made up, in which the conflict parties stated to have participated in the mediation/PMC.

**Of note:** the preparatory questionnaires were filled in before the circle, but after the circle participants didn't want to fill in the evaluative questionnaires. There were two main reasons for this:

- The circle ended rather abruptly and in an escalation. Emotions were too high to concentrate on the questionnaire.
- The circle had lasted over 4 hours; by the end of the circle, it was well past 11pm. All participants just wanted to go home.

However, after PMC B6 the circle participants (who all also participated in PMC B1 did fill out an evaluative questionnaire. It is likely that they held both circle meetings they attended in account when filling in this questionnaire.

## **1.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION**

### **1.1.1. Choosing the Peacemaking Circle method**

The mediation service selected this case for a PMC, because the issues at hand affected the entire family of the victim, especially the close family (wife, daughter and son) and also the family of the offender (parents). The PMC seemed a good method of bringing them all together. Consequently, the choice for selecting the case for a PMC was made by the mediation service, especially with a "community of care" perspective in mind.

The conflict parties knew of the alternative of VOM, since a VOM was started before a PMC was offered. They also knew of the alternative of the "pre-trial court session". Their choice to participate in a PMC can thus be seen as an informed and conscious one. They also had the final say: the mediation service offered to do a PMC, the victims and offender agreed to do one. The fact that a VOM had taken place before the PMC, was in this case probably a prerequisite for all parties being able to sit together in one room.

All parties agreed to participate in a PMC to try and be able to get along as a family. The victim's daughter plays a significant role in this: if her relationship with the offender would have ended, it is not sure whether a VOM or PMC would have taken place. Also, since there hasn't been a definite verdict yet, it can't be excluded that the offender – at least partially – participates for "opportunistic reasons". For the victim's wife, there was an additional reason for preferring the PMC above a VOM: she thought the offender would be more open if his parents were also present.

### **1.1.2. Choosing participants to PMC**

The mediator, together with the direct conflict parties, decided who to invite to the circle. At first, the conflict parties were asked who else should participate. The mediator also made some suggestions of who could be there, but the direct conflict parties had the last word. The victim's wife seemed to have more weight in choosing who could participate; in the sense that the mediator seemed to talk this through the most with her.

#### *Community of care*

They decided not to include the broader family (parents-in-law of the victim, sisters of the victim), because they wanted to focus on the core family of the victim first (wife, daughter and son).

The conflict parties each chose some support persons (a person of “victim reception of the prosecutor’s office, the cleaning lady of the victim, parents of the offender, therapist of the victim’s son – the latter was not allowed to participate by her employer).

### *Geographical community*

The idea of a geographical community was not really explored. One of the victims afterwards said that she got the feeling that many would be too negative in the circle meeting.

*There would be people willing to go as a volunteer. But I think that the majority of them would look at it from a negative point of view. [...] The ones that know us and know what has happened, it would not have been for the better, I think. (interview victim – 09/07/2012)*

### *Macro-community*

The mediator suggested to bring in a community member (a physician), but after consulting with the victims, decided not to. They wanted to avoid bringing the discussion down to a medical discussion; namely if there is a link between the crime and the death or not.

One of the support persons of the victims was also a member of the macro-community. She was a professional who had no personal bond with any of the circle participants prior to the crime. A similar support person (a therapist) was invited, but was not allowed to come by the institution she worked for.

Consequently, the persons who were present in the circle meeting were:

- Victim’s wife, son & daughter.
- Offender and both of his parents.
- Cleaning lady of the victim’s family.
- SOP.
- 2 facilitators.

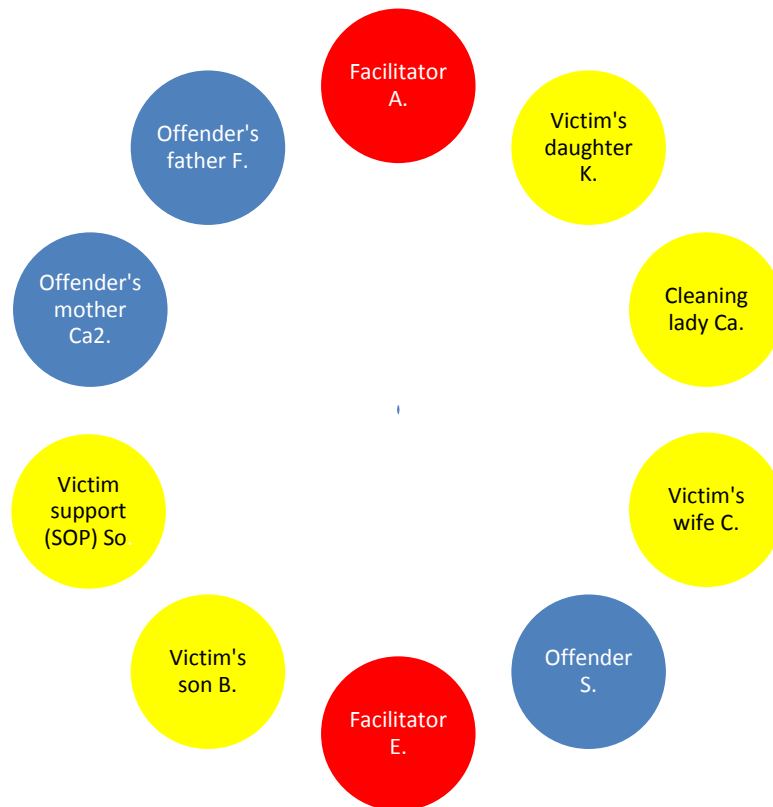
#### 1.1.3. Implementing PMC’s into the system

The PMC made it possible for the two families to sit together, which would be more difficult in a VOM. Furthermore, other people (here specifically the cleaning lady), who were also victim (she knew the victim for several years) would otherwise not be involved in a VOM (and are also not heard in the official judicial procedure).

The agreement (which was based on the VOM and PMC) was added to the judicial dossier. The judicial authorities were also informed of the on-going dialogue effort through the parties (and partially through SOP as well).

The case was not handled in “public court” because the conflict parties were connected as “family” and they chose to communicate and find a way of living together. VOM & PMC fitted in this effort. The final verdict mentioned that the offender had to keep participating in the VOM, which showed that the judicial authorities saw the benefit of this.

## 1.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION



The seating arrangement was made beforehand by the facilitator. Noticeable is that the offender isn't next to his support persons, but opposite of them. The same is true for victim C (wife of the victim) and her support person So. The latter was explicitly asked by C.: she wanted to make eye contact with So.

A. was the facilitator of the case, so the circle started with her (and so would every round of the circle), the first involved party to speak was each time victim K (daughter of the victim). The reason for choosing her was that she could talk well and that she saw both sides: she was the victim's daughter and offender's girlfriend.

### 1.2.1. Preparing participants

The victim's wife was referred to VOM directly by SOP and was the one that had the first contact with the mediation service. The offender was first contacted by the offer of VOM by letter. All participants (offender and 3 victims) who were involved in the VOM-process, were informed about the possibility of a PMC in person by the facilitator. The other participants (support persons) were first contacted by the conflict parties and afterwards by the mediator.

Each participant was personally seen by the mediator individually before the circle. In these meetings, the circle methodology was explained, the mediator listened to the stories of the participants and the agenda of the circle meeting is talked about. The circle participants all seemed to be content by this preparation in individual meetings. The therapist, who couldn't come to the circle, was also personally seen by the mediator.



At the beginning of the circle, the facilitator starts with a short introduction where the most important aspects of the circle (e.g. TP) are again explained.

### 1.2.3. Ceremonies

There is no opening ceremony used. The facilitator starts with a short introduction, sketching the background of the circles and some ground rules.

A closing ceremony is done (as the Gatensbys have shown us: holding hands and sharing values). This seemed to break the tension, that built up at the end of the circle, a bit.

Afterwards, the facilitators contemplated if they couldn't/shouldn't have put a picture of the deceased victim in the middle of the circle and lit a candle beside it as an opening ceremony and put it out as a closing ceremony.

### 1.2.4. Talking piece

#### *Choice of TP*

As a TP, a “juggling ball” (described by the facilitator as a stress ball) was used. This was chosen by the facilitator herself, as it was something she herself felt comfortable with.

#### *Use of TP*

It was the first time that the facilitators use the TP in a situation with victims and offenders. The TP was explained in the preparatory meetings and at the start of the circle. The facilitator mentioned the TP in her introduction, nobody disagreed about its use (although there is no “official agreement” either: the facilitator rather states that it is going to be used.

The TP was used throughout the circle meeting and always in the same order (with one exception, where the facilitator let the victim's wife explain something (about the financial damage – see p.6 observations).

The TP is largely respected during the circle meeting – there are some small interruptions now and then, mostly to help the person speaking or making a small remark; which generally don't break the circle flow). At the end of the circle however, no one respects the TP anymore. People stop listening to each other and at some points are more shouting to one another instead of discussing things (see also further).

The TP was also used in another way by some participants, noticeably the victim's wife, when they were talking (especially when they have it difficult): they switch hands holding the TP, squeeze the TP, etc.

#### *Evaluation of the TP*

Most circle participants seemed to like the TP and were satisfied that such a “tool” was used.

*[...] that way you keep the structure and you don't get interrupted. You can keep giving your ideas and keep talking about your case. And what is said by others, you have to remember that a bit and then possibly come back to it. But no, I*

*found that very good; if you didn't have to say anything, yeah, you could just pass it. (interview victim – 09/07/2012)*

*You have to give something, you can't say: "you can talk for five minutes and then the alarm goes off", or something like that. I thought it was okay, I found it a good system, that TP. (interview support person – 06/11/2012)*

However, during the circle meeting one circle participant didn't seem to like the fact that she couldn't talk when she didn't have the TP, strangely enough though, the same person often passed the TP without speaking.

### 1.2.5. Phases of the circle

Not all phases were realized. The circle started by an introduction by the facilitator and was followed by an introduction phase, although everyone already knew each other (except the person from SOP). The question asked for this phase was "tell something positive/fun from the last few days". One could argue that this phase also acted as "trust-building".

The atmosphere during this phase is rather relaxed, participants even laugh a bit with the stories of others. The TP is not completely respected in the circle (even the facilitator sometimes gives remarks when others are talking); but no one is really interrupted and the TP does follow the circle.

The phase about values/guidelines was skipped. The facilitator mentioned some rules that needed to be followed in the introduction. There was however no real consensus there, the facilitator then only asked if anyone had questions.

After the introduction round, a number of circle rounds followed about what has happened in the past and how they feel now. In these rounds, a lot of emotions (grief) came up and the TP was respected throughout. A lot of things were mentioned here (the grief that was still very vivid, anger, etc.), that were not (easily) talked about in the family otherwise. This could be seen as phase 3: identifying issues.

In these rounds, the offender took responsibility, but also seems to put himself in a victim-position or shift the focus: someone chased him after the facts, he was "corrected" by the victim before the facts, K. didn't have it easy afterwards, especially because of the difficult relationship with B. The offender did show some understanding for the tensions coming from the victim's family towards him.

The victims in these round especially showed a lot of grief and pain that was still present. The possibility of expressing this alone seemed important to them, as some of them did not feel recognised for the pain they still felt (by the offender and his family, but perhaps also in a more general sense).

Lastly, the topic changes to the upcoming court session and what people expect (so this could be phase 4: developing an action plan – although an "action plan" was never the goal of the circle). However, the circle "escalates" when the victim's wife mentions that she might as for financial damages if the offender would commit a new crime. At this

point, participants start talking randomly through each other, the TP isn't respected anymore and the facilitators, after trying several times to correct this, decide to halt the circle here.

The facilitators do try to hold a closing round, but the TP isn't respected completely and the discussion almost starts again. It is clear however that all participants agree that a new circle (after the court verdict) might be appropriate.

In total, the circle meeting lasted for over 4 hours. Since the circle started in the evening (around 7pm), it was after 11pm when participants could go home.

#### 1.2.6. What are circle goals?

The goal of the circle from the all involved parties' point of view was foremost to make it so that the victim's family could get. Before the circle (and especially before the VOM) the victim's daughter and her boyfriend (the offender) could not be in the same room as the victim's son, since he couldn't cope with the idea that she continued the relationship with him and was really angry with the offender. In that sense healing (of relationships) was more a goal than finding an "agreement". Furthermore, in that sense the relationship between the victim's daughter and the offender was also an important element in even holding a circle; if the relationship would have ended, there might never have been a need to do it.

In that sense, despite the circle ending in a discussion/escalation, the circle goal was reached: they were able to talk about things not mentioned before. However, the one circle meeting was not enough. A second circle meeting was needed (see PMC B6) to clear some things up and end in a more positive way, but this circle meeting (including the escalation) was seen by most as a necessary step.

Moreover, from the offender's point of view (and perhaps especially from his parents); the goal of the circle also was to show that the offender was not a murderer. In that sense the goal was probably also to avoid a harsh sentence by the judge – this assessment is corroborated by the fact that they responded quite angry and disrespected the TP when the victim mentioned the upcoming court hearing and the fact that she might ask something – on a provisional basis – in the lines of financial damages.

Furthermore, one of the offender support persons mentioned in the questionnaires that he would like to try and heal the relationships between the two families through the circle. The other support person mentioned explicitly that the reason for participating was to support the relationship between the offender and the victim's daughter.

From the victim's point of view, next to the goal of bringing back the peace to the family, there was also the additional goal to speak about their grief and let it be known to the offender and his family that the grief was still very much present. Why this was important, can be seen from the following statement out of an interview from one of the support persons:

*For them [the offender's family], I won't say it is in the past, I'm not allowed to say that. But sometimes they give her, or the other family [the victim's family], the feeling that it is. (interview support person – 06/11/2012)*

For all of these goals, there was no expectation to come out of the circle with a clear plan on how to restore harm, the expectation was however to be able to communicate about some things.

### 1.2.7. Contributions of participants' to each circle phase and their impact

#### *Victims*

The victim's wife and daughter spoke very emotional, they cried (especially when talking about the victim's death). The victim's son was also emotional, but showed this less: he seemed to be able to talk rationally about his emotions, both grief and anger.

#### *Support persons of the victims:*

The support persons of the victims talked in a very nuanced way, always tried to look at the future and repeated several times that everyone should try and communicate more. Especially the support person from the community of care took on an almost mediating role.

Afterward the circle it was mentioned that one of the support persons also had own questions, but she didn't want to bring them forward in the circle because she was there to support the victims. However, she found comfort in giving that support and trying to help and facilitate a solution.

The person from SOP could furthermore give some insight in the judicial proceedings and acknowledged both victim and offender about what already happened at the previous court hearings, since she was always present (to support the victim there).

#### *Support persons of offenders*

They mostly tried to defend their son (e.g. "he isn't a murderer"). The mother of the offender often passed the TP without speaking.

### 1.2.8. Questions' impact on the circle

The first question ("tell something fun") created a very open, almost relaxed atmosphere. There was a big difference after the second question ("tell us about the facts until the funeral"), which immediately brought a lot of emotions.

The questions asked by the facilitators were planned beforehand and were told beforehand to all participants. They were:

- "Tell us something fun or positive from the last few days".
- "Tell us what happened on the night of the crime until the funeral".
- "Tell us what happened between the funeral and the start of the mediation".
- "Tell us about the mediation and the upcoming court hearing".

The participants themselves didn't ask questions for the entire circle. In general, there was limited interactivity (mostly sharing of stories, without referring/reflecting on other stories) until the circle escalated.

### 1.2.9. Keepers' less neutral role

The facilitators shared a story in the first round, just as the other participants. For the remainder of the circle, they didn't really share personal stories/show emotions/etc.

This is signified by the victim's wife, who mentioned that she felt supported by the facilitators because they acknowledged that the crime was severe, however, she felt this less in the circle than in the preparatory talks. She also mentioned that she found this acceptable, since the role of the facilitators during the circle meeting is different than during the preparatory talks with parties individually.

*She may empathise with us, on those moments she couldn't do that. [...] It was her role as "person-in-between", the leader of the full discussion, she had, I thought she had taken a good position there. (interview victim – 09/07/2012)*

Their most important function in the circle was guiding the circle through the different stages & questions; summarising (although this was kept to a minimum) and underlining the common messages.

At the end of the circle, the facilitators actively tried to bring back structure & respect for the TP. They did this by trying to reintroduce the TP by starting a new round, standing up in the middle of the circle, trying to stop people from talking when they did not have the TP, etc.

Participants seemed to be satisfied with the approach of the facilitators (in the questionnaires filled out after PMC B6 all noted that they were pretty to very much satisfied with the facilitators, and all but one thought they were pretty to very much neutral). One support person mentioned in the interviews:

*I think they both did a good job. Yeah, I think so, well done by them, yeah, I found it very good, I found that it was very good brought on, done and guided. (interview support person – 06/11/2012)*

	Not at all			Very much	
Guidance through the different phases	1	x	3	4	5
Summarisation of arguments, important statements, etc.	1	2	3	x	5
Asking of specific questions	1	2	x	4	5
Input of own opinion	1	2	x	4	5
Explain the judicial consequences of success/failure	1	2	3	x	5
Putting away the TP	x	2	3	4	5

### 1.2.10. Power relations in the circle

All conflict parties, except the victim's son, had support persons. The victim's son wanted to bring his therapist, but she wasn't allowed to come by her employer. He was also the one who spoke the least; it could be that a support person would have changed that or could speak in his place (but that is speculation).

The "victim's side" was larger than the "offender's side" (3 victims + 2 support persons versus 1 offender + 2 support persons). However, this didn't seem to bring an imbalance, perhaps also because one of the victims had a relationship with the offender and one of the support persons of the victims took a mostly "mediating" role. Consequently, there seemed to be no real power differences in the circle.

There was however a couple in the circle (offender and victim's daughter), who were almost facing each other. It could be that there was an unnoticed impact here, depending on the balance in their relationship.

Furthermore, a definitive verdict had to be ruled still. This probably had an effect on how the offender (and his support persons) felt in the circle. This was noticeable when compared with the second circle meeting, where the verdict had been ruled already: they were less confrontational / defensive in the second circle meeting.

### 1.2.11. Security issues

#### *Research*

The presence of the researcher didn't seem to bother any of the circle participants. The filling in of the questionnaires (before the circle) brought about a bit of an uncomfortable atmosphere (some participants were tense for the upcoming circle meeting; some people finished filling in the questionnaires before others and then had to wait for them. This wasn't helped by the fact that everyone filled in the questionnaires in the same room as the circle meeting would take place).

The questionnaires after the circle weren't filled in, since the circle ended in a discussion, lasted a long time (more than 4 hours, it was after 11pm) and participants left rapidly.

#### *Security/comfort*

The victim's wife is seated next to the offender. Although they have met many times after the crime (given the relationship with her daughter, who still lives with her at home), this might be somewhat difficult or not so self-evident for her in the circle setting.

#### *Confidentiality*

There is no one present with a legal obligation to report anything. However, it seems that the person from SOP has given some very basic information about the circle meeting to the investigational judge (albeit more about the concern of the victim's wife than content-wise of the circle meeting). This was not known at the time of the circle meeting itself. There are no community members present that are seen as "outsiders" – even the person from SOP was known by the offender before the circle meeting – so there didn't seem to be issues there.

### 1.2.12. Social and cultural diversity

The only issue that could play a role, is that the offender's family owned a shop and might be trying to protect their "good name" or "reputation" against accusations, public attention to the court hearings, etc. One of the victims mentioned in the interviews that she even got the feeling the prosecutor took "the family name" into account.

*[...] he said, you [the offender] come out of a [...] wealthy family, and that was as if [he was saying that] we weren't, and that they are a class above us, and that we were challenging them [...]. (interview victim (09/07/2012))*

Otherwise, all participants were from the same social and cultural background.

### 1.2.13. Restorative success

	Not at all			much		Very
Responsibility taking	1	2	3	4	5	
Regret	1	2	3	4	5	
Better understanding of the other party	1	2	3	4	5	
Acceptance of compensation	Not applicable					
Relief/healing	1	2	3	4	5	

	Not at all			much		Very
Regret, responsibility taking and forgiveness/acceptance in the circle						
In words	1	2	3	4	5	
Through non-verbal signs	1	2	3	4	5	

### 1.2.14. Where other circle outcomes reached?

The added value for all participants was that they were able to (1) all meet in the same room and (2) talk about a number of things that were previously left silent. An outcome that followed was that they were able to do the same (less the communicating about difficult things, more meeting and communicating in a normal way) without the mediation service after the circle (and even more so after the second circle meeting).

It was also something that they acknowledged to have not been able to do without the help of a mediator or facilitator.

*They have tried it once [to have a discussion without mediators present] and that didn't work out too well. So I found it good that you [the mediators] were present. (interview support person – 06/11/2012)*

### 1.3. EVALUATION AFTER THE CIRCLE

#### 1.3.1. Participants' satisfaction

All parties agreed to do a new circle. They were not all so glad about how the circle ended, although some later (in a second circle meeting, see PMC B6) reflected that it was necessary/good to have a discussion/escalation, so that it could all come out... Some even thought it was inevitable: if it wouldn't have happened in the circle, it would have happened at another time.

All participants, but perhaps especially the victims, thought the VOM and PMC were necessary to be able to communicate again and that they couldn't have reached the same result (or just the mere sitting together) on their own. However, for at least the victim's wife it was also good that, next to the mediation, there was also a court verdict to signal that the crime was severe.

#### 1.3.2. Keepers' satisfaction

The facilitators had mixed feelings after the circle. On the one hand, the circle was able to give room to emotions that were otherwise hidden. On the other hand, the circle ended in an escalation and they didn't feel capable of stopping it.

For the latter, they afterwards gave two reasons: (1) the circle lasted too long, so they themselves hadn't the clarity anymore to pick up the underlying issues. (2) The escalation was not necessarily a bad thing: it would have probably happened anyway, so it's better that it happened in the safe environment of the circle than elsewhere.

#### 1.3.3. Execution of the action plan

A new circle was suggested and was also held later on.

A mediation agreement was made after the first circle, that was added to the judicial dossier. When a verdict was ruled in the case, the judge referred to the mediation (and asked that the offender would keep participating in mediation).

#### 1.3.4. Impact on the larger community

No impact on the macro-community or geographical community (most people of those communities didn't even know what truly happened). There is a significant impact on the community of care and the way the participants can get along with each other (between victim and offender and between victims themselves).

The circle had also another impact on the "larger community of care", in the sense that it was a stepping stone in restoring the relationship between the offender and victim's family. After the circle, he (together with his girlfriend) also tried to restore the relationship with other members of the victim's family, some of it on their own, some of it through another circle meeting (see PMC B7).



## 2. PMC B2

### Davy Dhondt

#### Brief case study

Three young men break into the cafeteria of a small, local football club. They do some minor damage entering the building and steal some liquor. Two offenders were involved in a series of burglaries; the third one was only involved in some of them.

Officially, there is no clear, individual victim here, rather the football club as a whole was the official victim. It was represented by the chair of the “board of directors”.

When the offenders were apprehended by the police, they were temporarily incarcerated for 2-3 months. At the time of the circle, they were released from prison, but the crimes were still under investigation. The judicial authorities intended to bring all offenders before the judge, but no time frame was known yet.

The judicial authorities informed all concerned parties about the possibility of VOM (this information is standard in certain types of cases, among others burglary).

One offender responded, it remained unclear for a while if the other two offenders were willing to start the mediation. The mediator also experienced some trouble contacting/reaching them.

The victim responded; the mediator saw both parties once and informed them about the possibility of a PMC. They agreed and after all the practical issues concerning organising a PMC were settled, a date was set. Little to no information had been shared between the conflict parties through mediation.

#### Circle participants

- The victim
- The offender
- Two (macro-) community members
- Two facilitators

#### Agreement

During the circle meeting, an agreement was drafted and signed by all participants. In this agreement it was only stated that the circle meeting took place and everyone found it to be a positive experience. The agreement also referred to the financial damages and that an agreement would be later added about this topic. This was later done and the payment of the damages happened without problems.

## 2.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 2.1.1. Choosing the Peacemaking Circle method

The mediation service selected this case for a PMC. The parties themselves were not the ones asking for it, but they followed the suggestion of the mediator.

Reasons why the facilitator selected this case for a PMC:

- Multiple victims and offenders involved in the criminal case.
- A relatively minor offence: burglaries in empty buildings; not homes (the severity came from the number of burglaries).

The participants knew that there was an alternative (VOM) and that the case would most likely go to court. However, they choose to engage in a dialogue and followed the suggestion of the mediator for a PMC. They therefore definitely had an objective choice and access to an alternative, but subjectively they mostly seemed to trust the mediator to give them the “best option”. Limited knowledge of VOM and PMC could be the cause of this. Consequently, although strictly speaking the conflict parties had the last word, it was the mediator who guided them towards a PMC.

### 2.1.2. Choosing participants to PMC

The mediator asked the participants who they would like to see present as a “community of care”; here the conflict parties had the final word.

On the offender side, he chose to not involve support persons. He reasoned that he committed the crime alone, so he should face the consequences alone too. Furthermore, it is likely that there is some reserve present for including his community of care, since this would also mean that they would be confronted with the crimes he committed.

The judicial victim, as stated above, was the football club. It was represented by the chair of the board of directors, which was consequently also the person who reacted to the initial offer of a VOM. For the circle meeting, he had invited another member of the football club to be present in the circle.

The mediators also looked to involve someone from the geographical community, however, due to time constraints and the practical difficulty of finding local community, no one was actually invited. One could argue that the person of the community of care of the victim was also a geographical community member.

Lastly, members from the macro-community were sought by the facilitators. The conflict parties only knew some were going to be present, not who this was going to be. Since it was the first circle of both facilitators, and the Gatensby-brothers gave the advice to start small and familiar, they looked to people they already knew: they invited a former intern of the mediation service and someone from the university of Antwerp, with whom they cooperated in the past.

### 2.1.3. Implementing PMC's into the system

#### *Regarding the mediation service*

The organisation of the PMC took a lot more time than a normal VOM: not only did they have to search for community members, but also for a suitable room. They tried to find a room in the approximate neighbourhood of the crime; to achieve this they contacted the city of Antwerp to help them in their search. Eventually, they found a room that was big enough, though it might not have been the most ideal room (there was some other stuff present in the room from the normal activities going on in there).

#### *Regarding the judicial system*

The mere fact of holding a PMC did not affect the judicial system, since the mediation is (1) not a diversion from the judicial procedure and (2) in the majority of cases where they inform conflict parties of mediation, they do not receive information content-wise of the mediation service.

The judicial authorities were informed that the PMC would take place and the prosecutor was invited to join the circle meeting. However, since it was a complicated case and questions arose on his role in the circle meeting, he declined the invitation. However, it did spark a discussion in the prosecutor's office about the possibility of joining or not. This led (two months later) to the decision that someone from the prosecutor's office could be present in future circles, as long as it wasn't the prosecutor leading the judicial case.

The impact of the PMC on the judicial system (after holding the PMC) is unknown. There was a written agreement made during the circle meeting, which was signed by all circle participants present. In this agreement, the circle meeting was mentioned; as was the intention to make a future agreement about the financial compensation (see further). This agreement was handed to the judicial authorities, but no information about how it was received by them is known, nor on its impact on the judicial verdict.

## **2.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION**

### 2.2.1. Seating arrangement

The seating arrangement (figure 1) was made beforehand by the facilitators. The victims were always to speak first in the circle.

The circle itself was made up rather symmetrically; the offender was put between two community members in the hope that he would receive some support too from them. However, at the start of the circle it became clear that the support person of the victim wouldn't show up. This support person did not warn the facilitators that he wouldn't be there. The victim himself didn't seem surprised by his absence, but he didn't seem to be willing to talk about the reason he suspected (or maybe knew) why the support person wasn't present (he only vaguely mentioned something about a party the night before). The facilitators waited a bit for the support person to arrive and tried to contact him by phone, but to no avail. The circle meeting then was started in the original seating arrangement (but thus minus the support person), however, during the first circle round the co-facilitator, when receiving the TP, expressed her wish to change the seating arrangement since she felt it wasn't balanced anymore (the victim sat alone between two facilitators, on

the other “side” there was one offender and two community members). She switched seats with a community member, as such forming the actual seating arrangement (figure 2) used for the remainder of the circle. This seating arrangement was completely symmetrical.

Originally, the seating arrangement was therefore made differently; as can be seen in the figures below.



**FIGURE 1: ORIGINAL SEATING ARRANGEMENT**



**FIGURE 2: ACTUAL SEATING ARRANGEMENT**

### 2.2.2. Preparing participants

The conflict parties were informed personally in one individual meeting by the facilitator, the community members were contacted by phone. One of the conflict parties mentioned in an interview afterwards that he didn't receive a lot of information beforehand on the methodology that was going to be used and that the circle meeting (therefore?) wasn't what he had expected.

One of the community members on the other hand, who was only contacted by phone, stated that she did receive enough information about the methodology beforehand. However, this community member was already somewhat familiar with restorative justice and therefore feel less need for explanation on the topic; which might explain this difference.

At the beginning of the circle, the facilitator starts with a short introduction. She explains some of the guidelines of the circle (e.g. confidentiality, participating as equal human beings, etc.). The talking piece is also introduced here (see further).

### 2.2.3. Ceremonies

As an opening ceremony, the facilitator goes around the circle and gives everyone a hand. Afterwards, she explains why she did this: to show that the circle started and to make a connection.

A closing ceremony was used too; facilitators went around the circle again, giving everyone a hand. Right before that, (several copies of) the written agreement were passed around the circle for everyone to sign; this can also be seen as a sort of ceremony.

### 2.2.4. Talking piece

The facilitators themselves chose a talking piece. Their choice was a "stress ball" in the shape of a heart. The facilitator explained this choice in the beginning of the circle. She mentioned that she chose the "heart", because she wants to invite everyone to speak from the heart. It was a stress ball, because everyone is probably nervous and it can help to squeeze in it. Furthermore, it is resilient: no matter how hard you squeeze it/hurt it, it will come back to its original state.

The facilitator also explained the use of the talking piece during the introduction to the circle meeting. At the end of this explanation, she asked the circle if they agreed to its use. No one disagreed, but no one actively agreed either.

The talking piece was not used through the entire circle meeting, at one point (see further) did the facilitators decide to take the TP away and let the circle participants engage in a more direct dialogue. This had the effect that the community members were less involved in the circle meeting at that point, however, the facilitator involved them again by later re-introducing the TP.

When the TP was used, it was respected throughout the circle meeting. There was no need for interventions, not from the facilitators or from any other circle members.

In an interview some months after the circle meeting, one of the conflict parties mentioned that he didn't like the use of the talking piece at all. He thought it was childish and found

it's use better appropriate in a "social aid" setting. He even disliked it that much, that when the facilitators wanted to hold a direct meeting in the VOM with the offenders, they had to convince him that no talking piece would be used (and that it wouldn't be in the form of a circle) before he agreed to participate in that meeting.

### 2.2.5. Phases of the circle

The circle meeting started with a short introduction by the facilitator (this facilitator, who can be seen as the one that "led" the circle, was not the mediator who prepared the case and met with the conflict parties beforehand – this was the co-facilitator. The reasons she did "lead" the circle was that she followed the training on PMC).

After the introduction by the facilitator, she started the first phase with a circle round, using the TP, by inviting participants to introduce themselves and share their motivation to participate in the circle. In this round there were already indications that the circle would go smoothly (the victim stated he was there to "receive answers", the offender said he was there to "give answers". Furthermore, all circle participants looked at each other while speaking from the very first round!).

It was also in this round that the seating arrangement was changed (see above).

Before starting the second phase, the facilitator mentions some practical issues (time, possibility to pause). The facilitators limit the circle to a maximum of 3 hours, which brings a reaction with the victim (non-verbal) of "too long". The actual circle also lasts well over 2 hours, and afterwards the victim stated in an interview that the circle had lasted too long for his comfort.

The second phase was then started, where the facilitator asked the participants to come up with some rules that were needed to make sure that the conversation went well. The co-facilitator would write things down as the TP was passed around the circle. Each participants says something, where respect is repeated often. And victim and offender repeat their previous statements of receiving and giving answers.

At the end of the (very short) round, the co-facilitator summarises what has been said and links expectations from different parties together. What she has written down is put in the middle of the circle and the participants are asked if they can agree. Again, no one disagrees, but there is no real (vocal) agreement given either.

Then, the third phase starts with the co-facilitator talking very briefly about the criminal facts, without going too far into detail. The facilitator afterwards starts a circle round with the TP to invite everyone to share what they want about the facts or expectations they might have.

Before the round can start, the co-facilitator asks whether they are going to follow the circle with the TP. The facilitator acknowledges. This might be somewhat confusing for circle participants, that one of the facilitators (and for the conflict parties: the facilitator who they knew best) has questions on how to proceed. Though this wasn't clearly noticeable from their reactions; the community member who sat next to the victim did pass the TP after the victim spoke, so that the offender could immediately respond to him.

The TP is passed in total four times around the circle, where the offender expressed his regret and explained why he committed the crime (which was an important question from

the victim) and the victim was content with this explanation and even states that he can empathise with the offender. Both the community members and the facilitators give some personal input too (e.g. the facilitator tells a story where she came home as a child to a burgled home). Moreover, the offender also stated that he wants to do something and that he wants to pay for the financial damage.

At this point, the facilitator decides to put the TP away to try and come to a quicker understanding of the damages and how to repair them; which in effect installs a victim-offender dialogue: the community members are more observers/witnesses at this point. During this dialogue, there are some shifts from phase 3 to phase 4: not only are needs identified, but sometimes they look at how they can be repaired too. Although some attention goes to the broader harm (some people of the football club experienced some anxiety right after the facts, but that subsided by the time of the circle), most of the focus went to the financial damage and how to repay that. A suggestion is made, but it cannot be decided completely at the circle, since the victim has to ask if the proposal is OK for the board of directors of the football club and the offender's lawyer had mentioned he couldn't sign a financial damage agreement without his consent.

In the fourth phase, this was made more concrete by thinking about what to report to the judicial authorities. Again, it is mostly victim and offender that talk about this, although after a bit the TP is reintroduced by the facilitator to explicitly involve the community members. Finally, everyone agrees to make two agreements: one about the circle itself, which can be signed by everyone now; and one about the financial damages, which can be signed at a later stage. The circle is paused at this point to write the agreement.

Phase 3 & 4 took in total about 1 hour, with the majority of the time going to phase 3.

After the agreement is written and read out loud by the facilitator, another round with the TP is done to ask how to continue and who could do the follow-up. The community members signal that they don't really see a role for themselves here and everyone agrees that a new circle isn't needed either, since it is just the financial damages that have to be taken care of.

Then, a closing round is done to hear the final thoughts of everyone.

#### 2.2.6. What are circle goals?

The conflict parties both mentioned the financial damages and psychological damage in the preparatory talks with the mediator. So the circle goals, seen from their point of view, is to find a solution/restoration of that harm.

In the circle, the victim referred to the psychological damage directly after the crime, but added that it disappeared by the time of the circle (so the circle could have perhaps meant more, if it had been possible to do it sooner after the crime). The financial damage was discussed and there seemed to be an agreement (which had to be checked with others, not present at the circle).

The community was present to get an outside view and community input. This goal was met partially: there was some limited input during the circle, but (1) the community members didn't really had a connection to the crime or parties and (2) the victim suggested afterwards that he didn't really see the added value of the community members (although his negative feelings towards the PMC had more to do with the methodology – different phases, use of the TP – than the community members themselves; see further).

### 2.2.7. Contributions of participants to each circle phase and their impact

#### *Victim*

He was very open towards the offender, only had two questions for him: why and financial damages. He was satisfied directly with the answers of the offenders and empathised with him.

#### *Offender*

He gave answers to the victim and suggested a financial restoration of the harm done. At times he did seem to hide his own responsibility for a bit behind the two other offenders, who weren't present in the circle meeting. However, none of the circle participants reacted to this, even more so, everyone seemed to trust the offender on this point.

#### *Community members*

Their input was rather limited, but they brought some points that otherwise probable wouldn't have been mentioned (as was acknowledged by a facilitator during the circle: "I wouldn't have thought of that").

Their input can be divided in two general parts:

- Acknowledgement for offender and victim (for wanting to talk to each other, for participating in the circle, for certain things they said).
- Some suggestions about the broader harm and how to restore it (volunteers of a soccer team, meeting with people who were afraid).

Lastly, during the circle itself the offender commented that the community members had an added value, because they looked at things in a neutral way. At the same time he contemplated that their presence can potentially be negative too, if they are people who judge (too) quickly.

The community members themselves however, didn't know if that was the case.

*Though I wondered afterwards if my presence or interventions had a big added value for the way the circle meeting went. (written interview community member – 08/01/2013)*

The victim stated in the interview afterwards that he had no problems with the community members being present there (so his resistance against PMC was entirely on the use of the TP, and perhaps also on too much time spent on the introduction).

### 2.2.8. Questions' impact on the circle

There were questions planned for each of the circle phases beforehand. The questions asked in the circle by the facilitator were (the questions in italic were asked to the circle in general, without starting a round with the TP):

- *"Is everyone OK with using the TP?"*
- "Could you introduce yourself and tell us what motivated you to participate today?" (planned)



- “How do you want this conversation to go? What is needed to listen to each other, and what isn’t needed?” (planned)
- *“Does everyone agree to talk according to these values?”*
- “What do you want to tell about the facts, what questions do you have, what are your expectations?” (planned)
- “Are you [directed towards the victim] satisfied with the answers given by M. [the offender]?”
- “I wonder what M. [offender] and L. [victim] think of the suggestion made by S. [community member]?”
- “How could the harm be repaired, beside the circle, which could be a part of it?”
- “What does everyone want to say to the court?”
- “Who does the follow-up? Can the community members take a role in this?”

The circle participants don’t really ask questions that impact the circle in general. One community member makes a suggestion about restoring the harm to other potential victims (members of the football club), which is discussed a bit.

### 2.2.9. Keepers’ less neutral role

	Not at all			Very much	
Guidance through the different phases	1	2	3	x	5
Summarisation of arguments, important statements, etc.	1	2	x	4	5
Asking of specific questions	1	2	3	x	5
Giving their own opinion	1	2	x	4	5
Explaining the judicial consequences of success/failure	1	2	x	4	5
Putting away the TP	1	2	3	x	5

The facilitators shared something personal in the introduction round (the fact that they were mothers); something that they wouldn’t share that easy in a VOM.

Furthermore, when the topic of consequences of the crime were discussed and the offender admitted he didn’t think of them at the moment itself, but did afterwards, facilitator I. shared a story with the circle of coming home in a burgled home when she was 12 years old. She briefly mentioned what effect this had on her and said she was glad that the offender thought about the consequences afterwards.

Out of the questionnaires it became clear that all circle participants thought the facilitators were pretty to very much impartial. The same was true for how satisfied they were with the work of the facilitators.

Consequently, the fact that the facilitators gave more personal input in the circle meeting than they would have done in a VOM, didn’t seem to bother the circle participants

### 2.2.10 Power relations in the circle

The circle took place in a very open and relaxed atmosphere. There didn't seem to be an power imbalance. Both victim and offender seemed to speak free and without restraints. However, it is not possible to exclude that the offender felt some pressure to participate or "behave good" in the PMC, because of the fact that there was still a judicial procedure following.

### 2.2.11. Security issues

#### *Research*

The presence of the researcher didn't seem to bother any of the circle participants. The filling in of questionnaires was a bit awkward before the circle, especially since there was only one room available and all participants had to fill in the questionnaire at the same time, in the circle itself.

The evaluative questionnaires were filled in during the break, when the facilitators were writing the agreement. This seemed to be the best practical solution, however, there were some elements of the circle that weren't completed (signing of the agreement, closing round, closing ceremony) and that consequently weren't taken into account in the questionnaires.

#### *Security/comfort*

There was nothing that suggested a risk of insecurity or discomfort. There were no real tensions or conflict between victim and offender.

#### *Confidentiality*

There is no one present with a legal obligation to report anything.

At one point, the victim said that he knew the offender, since he used to come sometimes to the football club. However, any risk or anxiety of breaching the confidentiality was immediately subdued by the victim, who said that he would regret if too if the information would go beyond this circle. He himself wouldn't gain anything from it. He even mentioned directly afterwards that the offender could come back to the cafeteria of the football club, because it was a "closed chapter" for him.

### 2.2.12. Social and cultural diversity

There was a cultural diversity: the offender came from a different cultural background (North-African); but this didn't seem to impact the course of the circle meeting itself.

It is possible that it had an impact on his choice of not involving support persons, because he was ashamed. Perhaps this was a cultural feeling, or at least enhanced by the cultural background.

## 2.2.13. Restorative success

	Not at all			Very much	
Taking of responsibility	1	2	x	4	5
Regret/remorse?	1	2	3	x	5
Better understanding of the other party	1	2	3	4	x
Acceptance of compensation	1	2	3	4	x
Relief/healing*	1	x	3	4	5

\* Since the crime happened a while ago and wasn't that severe, the victim wasn't really in need of healing.

Regret, taking responsibility and forgiveness/acceptance in the circle meeting	Not at all			Very much	
In words	1	2	3	x	5
By non-verbal behaviour	1	2	x	4	5
Victim's reaction on regret/taking responsibility	1	2	3	x	5
Offender's reaction on forgiveness/acceptance	1	2	3	x	5
Facilitators' reaction on regret, taking responsibility, forgiveness/acceptance	1	2	3	4	5
"Turning points" in taking responsibility*	x	2	3	4	5
"Turning points" in forgiveness/acceptance*	x	2	3	4	5

\* The offender immediately took (some) responsibility for the crime, the victim immediately accepted it. No real turning points during the circle meeting.

## 2.2.14. Where other circle outcomes reached?

The conflict parties themselves got positive feedback from the community members about being willing to engage in a PMC/dialogue with the other conflict party.

## 2.3. EVALUATION AFTER THE CIRCLE

### 2.3.1. Participants' satisfaction

The victim afterwards was not satisfied with the PMC – although he was satisfied with the outcome. He didn't really see the added value of involving community members, however, they were not really an issue either for him. He did have problems with the use of the TP (he found it way too childish) and with the fact that they couldn't get "to the point" immediately, but that the circle had to go through several stages before coming to the issue at hand. The time investment needed for the circle was too big, according to him. He disliked it so much, that the mediation service had to do a lot of convincing when inviting him for a direct meeting in a VOM afterwards, assuring him that no TP would be used and it would take a lot less time.

The community members were satisfied after the circle, although they questioned their added value a bit.

The offender seemed satisfied with how the circle went.

### 2.3.2. Keepers' satisfaction

The keepers were satisfied with the circle, also with the idea that it was their first circle. One of the most notable things for them was that a PMC took a lot more preparation than a normal VOM.

They acknowledged that their role in the circle was a bit different than that the one in a VOM. They both found "speaking as a human" positive, but one of them also found it a bit uneasy, because she wasn't used to it. However, she did find that it created a different atmosphere (in a good way).

They both saw an added value in including the community members, although it was limited to the macro-community and the presence of the community was, both from the point of view of the community members and the conflict parties, not requested by the participants, but more done as a "favour" for the mediation service.

One of the facilitators questioned the use and added value of the TP in this specific circle, because there was no real tension between victim and offender and because there was only one victim and one offender. She found that the TP took away some of the good interaction between victim and offender and the whole circle took a lot more time than a normal direct meeting in VOM would have. She made a similar reflection about the ceremonies. She thought this made the whole meeting a bit more "soft", while other elements only strengthened this feeling (TP, sitting in a circle).

One of the facilitators remarked that she thought something was really restored in the circle, if only for the fact that the offender got acknowledgement from the victim for his willingness and courage to participate in the circle.

Lastly, the facilitator who didn't follow the training reflected that this was something she missed. She found it good that at least one of them did follow the training.

### 2.3.3. Execution of the action plan

There was no real action plan made; the agreement made mentioned that everyone participated at the circle meeting, including the community members, and that the circle went well. In the agreement, a reference was made to another future agreement about the financial damages.

### 2.3.4. Impact on the larger community

Although two community members were present, there didn't seem to be a real impact of the circle on the community itself. This was most likely the case because only macro-community was present, who didn't see a role for themselves after the circle (this was explicitly asked during the circle; the community members responded that they would feel a bit strange taking up a role after the circle). Also, restoration of the harm towards the community was not really discussed (only a bit towards broader victims).

Therefore, the potential impact on the community was limited to the circle itself. The two community members might be strengthened in their (already existing) belief that restorative dialogue works; however, it is difficult to say what real impact this had on them or on their broader network.

This was corroborated by one of the community members some months after the circle meeting:

*A restorative approach towards crime can have an added value, according to me, though it cannot be a complete replacement of the traditional [judicial] procedure. My participation at the circle meeting has strengthened me in this belief. (written interview community member – 08/01/2013)*

### 3. PMC B3

#### Davy Dhondt

##### Brief case study

Two young men break into a meeting room of a youth organization on two separate occasions. Both times they do some minor damage entering the building and steal some liquor and a small amount of cash. The two offenders were involved in a series of burglaries.

Officially, there is no clear, individual victim here, rather the youth organization as a whole was the official victim. The youth organization had been victim of several burglaries.

When the offenders were apprehended by the police, they were temporarily incarcerated for 2-3 months. At the time of the circle, they were released from prison, but the crimes were still under investigation. The judicial authorities intended to bring all offenders before the judge, but no time frame was known yet.

The judicial authorities informed all concerned parties about the possibility of VOM (this information is standard in certain types of cases, among others burglary).

Both offenders responded, although it remained unclear for a while if they were really willing to start the mediation. The mediator also experienced some trouble contacting/reaching them.

The victim responded; the mediator saw them once and informed them about the possibility of a PMC. They agreed and at the moment the mediator could reach both offenders, the decision to hold the PMC was made quickly. Little to no information had been shared between the conflict parties through mediation.

##### Circle participants

- One active member of the youth organisation (victim).
- One former member of the youth organisation (victim)
- Two offenders
- One community member living near the place of the crime
- One macro-community member
- Two facilitators.

##### Agreement

There was no agreement drafted during the circle meeting, although there was a verbal agreement that the offenders would pay the financial damages of the youth organisation.

After the circle meeting a separate meeting between the conflict parties took place, where the agreement about the reimbursement was signed and the money was given to the victims by the offenders.

### 3.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

#### 3.1.1. Choosing the Peacemaking Circle method

The mediation service selected this case for a PMC. The parties themselves were not the ones asking for it, but they followed the suggestion of the mediator.

Reasons why the facilitator selected this case for a PMC:

- Multiple victims and offenders involved in the criminal case.
- A relatively minor offence: burglaries in empty buildings; not homes (the severity came from the number of burglaries).

The participants knew that there was an alternative (VOM) and that the case would most likely go to court. However, they choose to engage in a dialogue and followed the suggestion of the mediator for a PMC. They therefore definitely had an objective choice and access to an alternative, but subjectively they mostly seemed to trust the mediator to give them the “best option”. Limited knowledge of VOM and PMC could be the cause of this. Consequently, although strictly speaking the conflict parties had the last word, it was the mediator who guided them towards a PMC.

#### 3.1.2. Choosing participants to PMC

The mediator asked the conflict parties who they would like to see present as their support persons (“community of care”).

On the offender side, they chose to not involve support persons. This might be strengthened by a feeling of shame, that they didn’t want their families or friends to know what they have been up to. In hindsight, this might have even be a good decision for the circle meeting itself, since the offenders were very open and honest about the crime they committed and in answering the questions of the victims. This might not or at least to a lesser extent have been the case if their close family was also present in the circle meeting. Though the offenders didn’t bring support persons, they both knew each other very well and in that sense acted as support persons for each other.

The official victim was a youth organisation. However, since the “leaders” of this organisation changed every couple of years and consisted out of a quite large group, there was also no clear “spoke person”. A lot of them wanted to be present, but the facilitators asked to limit it to a maximum of 3 persons (with the goal of still having a balance in the circle). In the end, the youth organisation themselves selected 2 persons: one who was a leader at the time of the offence, but currently wasn’t a part of the organisation anymore, and another who was a leader at the time of the offence and still was at the time of the circle. Especially the former would never have been able to join an official judicial procedure. There were no support persons or community of care on the victim’s side either, although they also acted as each other’s support person.

Regarding community members, it was the mediation service who decided who would be present. They tried to find geographical community (they asked the city government who was representative or a kind of a “spokesperson” for that area) and were able to find two people who wanted to participate. Furthermore, they invited a person from the macro-community: someone who heard of the PMC-project (through her husband, who works in “offender aid” and knows the mediation service well) and volunteered to be present at one of the circles.

Judicial actors weren't invited for this specific circle, since they had notified the mediation service that they wanted some time to think about their role in a PMC before actually joining one of them (see PMC B2).

### 3.1.3. Implementing PMC's into the system

#### *Regarding the mediation service*

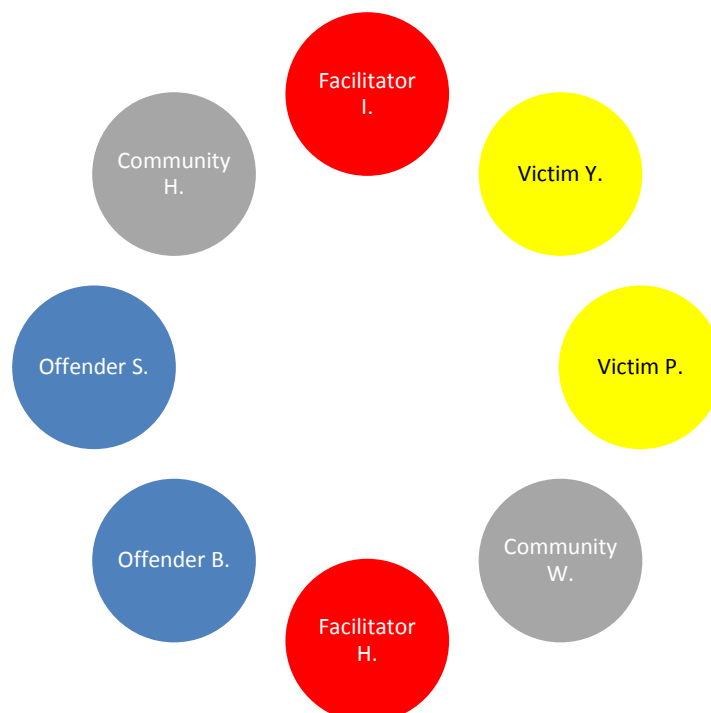
The organisation of the PMC took a lot more time than a normal VOM: not only did they have to search for community members, but also for a suitable room. They tried to find a room in the neighbourhood of the crime and succeeded therein (it was a sort of "community room"); the room itself was very comfortable and nice to sit in (a big difference with the room for PMC B2, for example). Worthy of note: the mediation service didn't have to pay to use the room, because the owners were fond of the idea of PMC.

#### *Regarding the judicial system*

The mere fact of holding a PMC did not affect the judicial system, since the mediation is (1) not a diversion from the judicial procedure and (2) in the majority of cases where they inform conflict parties of mediation, they do not receive information content-wise of the mediation service.

The impact of the PMC on the judicial system (after holding the PMC) is unknown. There was a written agreement made after the circle meeting, which was signed by offenders and victims. In this agreement, the circle meeting was mentioned. This agreement was handed to the judicial authorities, but no information about how it was received by them is known.

## 3.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION





The seating arrangement was made beforehand by the facilitators. As in PMC B2, which was facilitated by the same facilitators, the arrangement is made very symmetrically.

Originally, the seating arrangement was somewhat different though, since the facilitators didn't know if a third victim from the youth organisation would be present or not (he would be seated between victim P. and community member W.; furthermore, one community member cancelled his presence at the last moment – when other participants were already arriving for the circle meeting (reason: see cultural diversity).

I. was the facilitator more in lead of the circle, so the circle started with her (and so would every round of the circle), the first involved party to speak was each time victim Y.

### 3.2.1. Preparing participants

The conflict parties were informed personally in an individual meeting by the facilitator, the community member were contacted by phone.

At the beginning of the circle, the facilitator starts with a short introduction. She explains some of the guidelines of the circle (e.g. confidentiality, participating as equal human beings, etc.). Of note here is that the facilitator explicitly mentions that the confidentiality is something that “we *all* have to take care of”. Responsibility is put with the circle from the beginning.

The talking piece is also introduced here (see further).

### 3.2.3. Ceremonies

As an opening ceremony, both the facilitators shake hands with everyone once seated in the circle. However, no real explanation is given afterwards why they did this.

The facilitators don't use a closing ceremony. However, they do invite people to stay a bit longer in case they want to drink or eat something (the facilitators brought something to drink and eat to the circle meeting, for before (while waiting for everyone to arrive) and after the circle). However, although there was some lingering, all participants left soon after the end of the circle meeting.

When leaving, the participants themselves spontaneously shook hands with other circle participants. However, one offender did not shake hands with the victims. From an outsider perspective, it seemed that the offender didn't want to do this because he was afraid it wasn't appropriate to do it; however, the victims seemed to look surprised they didn't get to shake hands with him.

### 3.2.4. Talking piece

As a TP, a keychain is used. The choice of the TP is made by the facilitator; and she explains the meaning to the participants:

- (1) The key is a symbol for opening doors. In the circle, she wishes for everyone to be open.
- (2) Hopefully they can find the “key” for the solution in the circle.
- (3) Attached to the keychain is a figure, made by one of her children. It has also a personal value for her.

Furthermore, it is clear that the TP is linked to the crime: keys  $\leftrightarrow$  burglary.

The TP is always used in the same order. However, it is not used for a large part of the circle, at first as an initiative by the facilitator, later by request of the circle participants who did not like using the TP.

When the TP is used however, it is completely respected; but it shows sometimes that participants find the TP uneasy or unnatural to use (e.g. being startled when receiving the TP, before passing the TP asking the facilitators if the said enough, etc.).

### 3.2.5. Phases of the circle

All phases of the circle were realized.

After the introduction by the facilitator, the circle started with the first phase (about 10min). The first person to speak here was a bit startled at first when she received the TP (the facilitator herself only asked a question, but didn't answer it for herself before passing the TP... so perhaps it was more a surprise that the TP came so soon), but after that the round goes smoothly. The victims talk a bit about their role in the youth organisation and their expectations (one victim said she didn't have expectations; the other victim expected to receive answers).

The offenders talked less in this round; however they do both already refer to the crime (e.g. one offender already apologizes).

The community members who are present both mention a curiosity towards the PMC-method. The community member from the geographical community also mentioned that he expected some answers and explained a bit his role as spokesperson/middle man between the neighbourhood and the city.

The facilitators in this round both introduce themselves too, not only as facilitators, but as persons (being a mother, past work experiences, having been part of a youth organisation, etc.). Definitely of worth here too is that one of the facilitators mentioned that she was both an offender and victim herself (from life experiences, relationships, etc.) and thinks everyone has a little bit of both in them.

The second phase about the guidelines happens in one round (which again takes about 10min). The TP is passed around and everyone gets the chance to add certain values or guidelines. One of the facilitators writes everything down and puts it in the middle of the circle. During this round, general guidelines are mentioned (speak without being interrupted, talk in a calm way, respect, etc.); but two participants (victim P. and community member H.) mention rather personal items: P. states he can be very passionate about things and will try to be calm; H. says that it is important to be able to talk about the difficult things, however, this isn't easy: sometimes she lacks the words to talk with her own daughters. At the end of the round, the facilitator who wrote everything down, reads the guidelines out loud. Then, the other facilitator asks the circle if everyone can agree with these guidelines.

The third phase starts with the facilitator mentioning some facts about the crime and that the youth organisation was victim to several burglaries and it is not clear in which of those the offenders were involved. The TP is passed through the circle, with some basic information being shared and questions asked. The first round is over quickly, and when the facilitator receives the TP, she seems herself somewhat surprised (the person before her just passed the TP without saying anything). The facilitator holds the TP for a bit and then passes the TP without saying something. This startles victim Y. (for the second time), and

she asks what she has to do now. At this point, the facilitators decide to put the TP away to give the participants the chance to start a back and forth dialogue with concrete questions for each other. After all, it is still unclear in which burglaries the offenders were involved. They do ask to keep to the guidelines/ground rules.

After some dialogue, mostly between victim and offenders, it becomes clear which are the “common crimes”. Then the circle continues on to the concrete questions the participants have for one another. This happens in a very open and honest atmosphere (e.g. the offenders admit that they have made other victims and that they wouldn’t have stopped committing crimes if they weren’t apprehended by the police). The community members sometimes intervene with their own questions. This back and forth dialogue goes on for about 40min.; during this period, the facilitators hardly have to intervene. They themselves keep more to the background. After this, there is a short break.

After the break, the facilitators first do a round about how everyone feels at the moment in the circle (a sort of “intermission round”). This is something extra, that doesn’t really fit under phase 3 or 4. It takes the focus again a step back from the crime and gives some useful insights about how participants view the circle (“method is a bit weird”), each other (“understand the motives of the offenders”, “surprised by the honesty of the offenders and touched by the open attitude of the victims towards the offenders”) and feel about themselves (“glad to have come to the circle”, “I am a privileged witness”).

Next, phases 3-4 are (further) discussed with the question what can or should be restored. As asked by the participants themselves, this happens again in a back and forth dialogue. After some discussion, with concern from all of the conflict parties for each other (victims are concerned paying all the damages will get the offenders in financial problems, one offender is concerned just paying isn’t enough) and also some input from the community members, an agreement is found that the offenders will pay a certain amount of financial damage, which will be given in cash to the victims in a next (smaller) meeting. The judicial consequences are also briefly discussed.

Lastly, the circle is closed with a “closing round”, to ask how everyone felt going home. This round follows the circle, but the TP itself isn’t used.

### 3.2.6. What are circle goals?

The circle goals here can be seen from the different participants:

- Victims:
  - To find answers/get more information about the crime.
  - To receive financial restitution.

Both of these goals were fulfilled during the circle meeting. The offenders spoke very openly about the crimes they committed and seemed to answer honestly to all questions asked. Certain questions that the victims had weren’t answered, but these questions were linked to the other burglaries they were victim of. At the end of the circle meeting, an agreement was found concerning the financial damage.

- Offenders:
  - To be able to restore something (more obvious with one offender).

- Probably: to show the judicial authorities they had made efforts to restore things.

Both of these goals were met in the circle meeting too. The victims stated that financial restitution was enough for them. After the circle meeting, an written agreement was made that was given to the judicial authorities.

- Community:
  - To know more of the motives of offenders.
  - To convince the offenders to speak to other youngsters about their experiences (and so prevent that those youngsters commit crimes themselves).
  - To know more of the PMC-method.

The first and third goal here were reached in the circle meeting. The second goal that came from the member of the “geographical community”, was not entirely reached. The community member was able to say he found this necessary, however, the offenders pointed out they didn’t have a lot of contact with other youngsters and the topic was closed.

### 3.2.7. Contributions of participants to each circle phase and their impact

#### *Victim*

In the beginning, they asked a lot of questions regarding the crime, trying to understand what they did and why they did it. Towards the end, at the dialogue about how to restore things, they (especially victim Y.) showed a lot of concern for the offenders.

#### *Offender*

They spoke in a very open and honest manner, even about things that weren’t positive for them (e.g. that they made a lot of victims, that they wouldn’t have stopped if the police hadn’t arrested them). This openness was appreciated by all other circle participants and was frequently referred to by others.

#### *Community members*

They showed a lot of appreciation towards both the offenders and victims about how they were able to speak to each other in a very careful way. The fact that they were so appreciative towards the conflict parties undoubtedly benefited the circle and helped the conflict parties themselves to speak in an open way (the conflict parties for example afterwards considered the way the community members acted as helpful and even restorative).

Even more so, one of the community members at a certain point stated that he could understand the motives of the offenders (however, he did not agreed with their actions). This seemed indicative for the way the circle participants started looking at the offenders: not as the “evil wrongdoers”, but as humans who made a mistake.

### 3.2.8. Questions' impact on the circle

There were some questions planned beforehand. The questions asked in the circle by the facilitator were (the questions in italic were asked to the circle in general, without starting a round with the TP):

- *“Can everyone agree to work like this?”*
- “Who are you and why are you here?” (planned)
- “How do you want this conversation to go? What is needed to listen to each other, and what isn't needed?” (planned)
- *“Can everyone agree with these guidelines?”*
- “What do you want to tell about the facts, what questions do you have, what are your expectations?” (planned)
- “How does the circle feel for everyone?”
- *“Do you want to start another circle round with the TP?”*
- “What can and should be restored?”
- “Do you want to voice your opinion about the possible judicial consequence?”
- “Do you want to participate in the agreement towards the judicial authorities?” (directed towards the community members)
- “How do you go home? How do you close this circle?”

The circle participants don't really ask questions that everyone in the circle reflects upon (possibly also because the TP was put away). There are a lot of questions directed towards individuals during the back and forth dialogue.

### 3.2.9. Keepers' less neutral role

	Helemaal niet			Heel veel	
	1	2	3	x	5
Guidance through the different phases				x	
Summarising arguments, important statements, etc.	1	2	x	4	5
Asking of specific questions	1	2	x	4	5
Giving own opinion	1	2	3	x	5
Explaining judicial consequences of success/failure	1	2	x	4	5
Putting away the TP	1	2	3	x	5

The facilitators shared something personal in the introduction round. Especially the facilitator sharing that she was a victim and offender herself, set a certain tone for the rest of the circle meeting. By showing her own vulnerability, she invited others to do the same. This doesn't seem to be something that would be said in a normal VOM.

Based on the questionnaires, all but one of the participants thought that the facilitators were pretty to very much impartial. There was one circle participant who stated that he thought that the facilitator was not at all impartial, however, he was still pretty much satisfied with both the facilitator and the circle meeting (just as all the circle participants were

pretty to very much satisfied with the meeting). Therefore, it seems that this participant misinterpreted the question and wanted to say that the facilitator was impartial, or, that even though he thought the facilitators weren't impartial, this doesn't seem to effect the satisfaction about the circle meeting.

### 3.2.10. Power relations in the circle

The circle took place in a very open and relaxed atmosphere; there were even some small jokes (mostly about rival youth organisations) made during the course of the circle. This was directly linked to the attitude all participants present, and perhaps especially the offenders, who were very open and honest throughout the circle meeting.

### 3.2.11. Security issues

#### *Research*

The presence of the researcher didn't seem to bother any of the circle participants. The filling in of questionnaires before the circle was handled quite well, since participants were waiting in different rooms anyhow for some people (who then didn't show up); consequently, it didn't slow the meeting down or create a tension in the room of the circle meeting.

After the circle, the questionnaires were filled in in the room of the circle meeting itself. Because of the good atmosphere during the circle meeting, this seemed to go well.

#### *Security/comfort*

There was nothing that suggested a risk of insecurity or discomfort. There were no real tensions or conflict between victim and offender or community members.

#### *Confidentiality*

There is no one present with a legal obligation to report anything. There were no indications that anyone present would break the confidentiality in some way.

There were signs of confidentiality: at one point, one offender volunteered to help in the youth organisation (help clean up some things), but the victims themselves were concerned about this because others would then know he was the offender.

### 3.2.12. Social and cultural diversity

There was a cultural diversity: the offenders came from a different cultural background (North-African). This wasn't really noticeable language-wise or so. This didn't seem to impact the course of the circle meeting itself; however, the community member who didn't show up mentioned to the mediator that he cancelled his participation because he was afraid to perhaps say something "racist".

It might be possible that it had an impact on the offender's choice of not involving support persons, because they were ashamed. Perhaps this was a cultural feeling, or at least enhanced by the cultural background.

### 3.2.13. Restorative success

	Not at all			Very much	
Taking of responsibility	1	2	3	x	5
Regret/remorse?	1	2	3	x	5
Better understanding of the other party	1	2	3	x	5
Acceptance of compensation	1	2	3	x	5
Relief/healing	1	2	x	4	5

Regret, taking of responsibility and forgiveness/acceptance in the circle meeting	not at all			very much	
In words	1	2	3	x	5
By non-verbal behaviour	1	2	x	4	5
Victim's reaction on regret/taking responsibility	1	2	3	x	5
Offender's reaction on forgiveness/acceptance	1	2	x	4	5
Reaction facilitator on regret/taking responsibility and forgiveness/acceptance	1	2	3	4	5
"Turning points" in taking responsibility	1	2	3	4	5
"Turning points" in forgiveness/acceptance	1	2	3	4	5

### 3.2.14. Where other circle outcomes reached?

The conflict parties themselves got positive feedback from the community members about being willing to engage in a PMC/dialogue with the other conflict party.

Everyone got some insights in the motives of the offender (answer to the "why"-question. One of the victims said to the offenders: "You have become a lot more human than I imagined".

## 3.3. EVALUATION AFTER THE CIRCLE

### 3.1.1. Participants' satisfaction

All participants seemed to be satisfied with how the circle went and what the outcome was. The offenders and victims specifically mentioned the community members: how they received support from them and acknowledgement for doing the circle and meeting with the other conflict party.

### 3.1.2. Keepers' satisfaction

The keepers were in general satisfied with the circle meeting and its outcome. It was their second circle together, in which they took the same roles as the previous circle (see PMC B2).

The facilitator who didn't follow the training did mention that she felt that she was missing this a bit, albeit already less than in the first circle that she did.

One of the facilitators also wondered if the community and PMC-method had really been an added value here. She also refers to the use of the TP here; she thought that it is sometimes more powerful when people can interact in a direct way with each other, if they can do it in a respectful way. Consequently, she wondered if the PMC weren't more appropriate in cases where such a direct, respectful communication wasn't more difficult (as is e.g. often the case in neighbourhood conflicts).

Furthermore, she thought that, if the PMC really had the goal of having an influence on the judicial system, that the community members should be better prepared for this – now they often don't know the judicial system well enough to know what they can or cannot say/report/ask/etc.

Lastly, she wondered whether it was the right decision to limit the number of victims in this case. They did this in trying to keep some balance in the circle, but does this ("excluding some people") not conflict with the basic principles in a PMC?

### 3.1.3. Execution of the action plan

There was no real action plan made; there was an written agreement made after the circle meeting that mentioned the circle meeting, including the presence of the community members, and that the circle went well. In the agreement, the restitution of the financial damage, as agreed upon in the circle, was mentioned as well. This restitution was made as agreed upon.

### 3.1.4. Impact on the larger community

The impact on the community seemed to be limited to the circle itself. The two community members might be convinced that restorative dialogue works; however, it is difficult to say what real impact this had on them or on their broader network.

There was some potential for a broader community impact through the question of one of the community members that the offenders would talk to other youngsters, however, during the circle meeting, this question was not really discussed further.



## 4. PMC B4

### Davy Dhondt

#### Brief case study

A couple has a history of partner violence (husband towards the wife). They have three children (one son, who was 18 at the time of the circle, and two daughters – both minors), who sometimes were victim of violence committed by the father too.

The couple gets divorced, but the problems persist. The divorce procedure goes difficult and there are problems with the visitation arrangement: the children stay with their mother, but the father has the right to see them once a month. However, the children refuse to go with him, which makes it so that there are monthly discussions at the door, when the father wants to pick them up.

The offender has already received a probation sentence (30h of “Victim in sight”) for the violence against his wife after “penal mediation”.

During a court hearing about the difficulties concerning the divorce and visitation rights, the judge suggest that the couple starts a mediation and refers them to Sugnomè.

The couple starts a mediation, which last for about a year. During this period, there are also two direct meetings between the former partners. The children were not present during these meetings. During the mediation, little progress is made. Therefore, in an attempt to let all the parties involved speak and find a “solution”, a circle meeting is held.

#### Circle participants

- Four victim (= offender’s ex-wife, their two daughters – both minors - and adult son)
- The offender
- Three support persons for the victims (girlfriend of the son and a teacher for each daughter)
- One support person for the offender (appointed mediator)
- Three macro-community members
- Two facilitators

#### Circle outcome

There is no agreement found during the circle meeting itself; there is still a lot of discussion about what actually happened in the past. The circle keeper states that they can explore what is possible later (a new circle meeting, a continued VOM); the mediation as a whole is stopped soon thereafter. There is still a document signed by the offender and his ex-wife about the proceedings in the VOM. Although the offender leaves his ex-wife and children alone, there is no definitive solution found.

## 4.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 4.1.1. Choosing the Peacemaking Circle method

The mediation service selected this case for a PMC. The parties themselves were not specifically asking for this (especially not the aspect of involving “outsiders”, involving their children can be seen as more in their line of expectations); but they accepted the proposal for a PMC.

Reasons why the facilitator selected this case for a PMC:

- A way to involve the children.
- A last resort: everything that could be done in a VOM had been tried; the PMC was the last thing the mediation service had to offer to the parties (the mediator also said this to the parties).

The participants knew that there was an alternative (VOM); since they participated in the VOM for a year. You could ask questions how “voluntary” they entered the VOM, as it was suggested by a judge. This was acknowledged by one of the victims.

*It [the mediation] was obligated. From the court. I didn't have another choice. (interview victim – 23/04/2013)*

However, since the mediation has continued for so long, it's unlikely that the parties felt this pressure during the entire VOM; although both victim and offender mentioned in the interviews that they were not likely to stop the mediation themselves because they feared it would have negative consequences for themselves or beneficial ones for the other.

There were no real other alternatives: the court had already made a sentence about the criminal facts, any other judicial procedure would limit itself to the “civil issues”. Through the mediation service, they could talk about all the issues, however, the mediator stated to them – after a year of mediation – that the only thing she had left to possibly help them reach an understanding, was a PMC. Therefore, one could argue that the perceived option for the parties was: do the PMC, or the mediation in its entirety stops.

### 4.1.2. Choosing participants to PMC

#### *Community of care*

The mediator asked the participants who they wanted to be there as support persons. The mediation service set this as a necessity that each person brought a support person.

The three children all brought support persons to the circle meeting – the daughters each invited a teacher, the son invited his girlfriend. The mother originally asked her dentist to be her support person, but he couldn't make it – however, she was actually glad he couldn't make it, since she didn't want too many people present. However, the support person of her oldest daughter was also a friend of her.

The offender said he didn't have anyone to bring as a support person. The mediator found this problematic, since there would be an imbalance in the number of victims (4 + 3 support persons) and offender (1). Therefore, she decided to invite a colleague, who would act as a support person for the offender.

### *Geographical community*

Apart from the support persons of the victims, there were no members of the geographical community present.

### *Macro-community*

The other participants to the circle were chosen by the mediator. She wanted to bring in some people, who could add to the circle from a certain knowledge or expertise. Therefore, she invited three social workers: one who worked with offenders, one who worked with couples where there is violence and one who works with former couples who have problems concerning the visitation rights (none of them however worked with this particular couple). By inviting them, she hoped they would tell stories about similar couples and how they dealt with their problems. These participants were persons from the macro-community.

#### 4.1.3. Implementing PMC's into the system

##### *Regarding the mediation service*

The organisation of the circle meeting took more time than a direct meeting. Also, a suitable room had to be found, since the mediation service themselves didn't have a room big enough to hold the circle. This didn't pose to much of a problem, however, it was somewhat difficult to find a date where all circle participants were free to join the circle meeting.

The facilitators also mentioned that their training as a mediator helped them, in the sense that they felt comfortable in the circle, were trained to listen and knew that something unexpected could happen. However, at the same time they mentioned that the training as a facilitator sometimes compelled them to use mediation techniques, which isn't appropriate in a circle meeting.

##### *Regarding the judicial system*

The sentence for the offender was already passed, so there was no influence of the PMC on the judicial system. The judge who originally made the suggestion that both parties entered a mediation never saw the parties again; the case was not referred back to court again.

## 4.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION

The seating arrangement was made beforehand by the facilitators; although one of the victims mentioned that the seating arrangement the facilitator had shown her beforehand was not the same as the actual seating arrangement of the circle meeting.

E. was the mediator of the case and she was also the one that "led" the circle the most. Each round would therefore start with her; the victim L. (the son) would be the first to speak. This was done intentionally: he was the "older brother".

All the victims had the chance to speak before the offender. The "victim group" was only interrupted by one community member and a facilitator.

There was still an imbalance in the number of victims and offenders, despite the support person for the offender that the facilitator invited.

The facilitators themselves mentioned that it was comfortable for them to sit opposite of each other. Since they agreed to use the TP throughout, they could still “interrupt” the circle halfway if necessary; or clarify some things.



#### 4.2.1. Preparing participants

The former partners had participated in a mediation for a year. They were further prepared individually for the circle meeting by the mediator. Furthermore, the offender met with his support person 30min to one hour before the circle meeting, since they didn't know each other. In the hour before the circle meeting, he shared his side of the story with his support person.

The children were all prepared by the mediator. She held a small circle meeting with them alone, to practice the circle method and explore their stories and needs.

The support persons were only briefed by the victims themselves, the community members/professionals were only prepared briefly by phone. The facilitator chose to not do this in person, because (1) she felt that it was possible to let community members participate without being up-to-date about the whole case and (2) she thought that having separate talks with each community member would give a too big of a “weight”/importance to the circle meeting.

When starting the circle, the facilitator gave a short introduction about how the VOM evolved to a PMC and explains the TP. She then does one round (introduction) and after-

wards give a lengthier explanation about the circle (principles: voluntary, confidential, neutral, etc.) and mentions some practical arrangements (no pause, the hour the circle will end at the latest, etc.).

#### 4.2.2. Ceremonies

There is no opening ceremony used, although the first circle round (between two explanations from the facilitator) can perhaps be seen as part ceremonial. In this round, participants were just asked to introduce yourself by stating your name, however, people started talking about their hobbies to quite quickly.

There was a closing ceremony used (Gatensby – holding hands), although the circle participants interpreted it wrong: instead of giving one value to your neighbour, they started mentioning all values mentioned by the participants before. At the end, people started forgetting what had been said, which brought about some careful laughs. This was a break from/in contrast with the circle itself.

#### 4.2.3. Talking piece

##### *Choice of TP*

As a TP, a juggling ball (explained to the participants as a stress ball) is chosen. The same TP was used in the two other circles where facilitator E. was co-facilitator.

The TP was chosen by the facilitator, however, she gave the children the option to bring a TP to the circle. The youngest daughter thought about bringing a teddy bear, which they used in their preparatory circle as a TP, but she finally decided not to. The reason was that she didn't want the offender (her father) to hold the teddy bear!

##### *Use of TP*

The TP was explained in the beginning of the circle. At the start of the second round, the facilitator also mentioned to practice (among others) its use in one circle round about a positive experience.

Later in the circle, the question came if the TP was to be used throughout the circle. The facilitator confirmed this, and after this, there were no real violations of the TP anymore, despite the difficulty of the circle itself. Sometimes people did signal they wanted to say something extra, but they waited until the TP reached them or respected it (although sometimes reluctantly) when the facilitator mentioned that they couldn't speak.

Of note in this circle, was that the older brother often held the TP for a while, seemingly struggling to say something. He then passed it without saying something. It seems likely that without the use of the TP this would have been less notable; as it was now one of the circle participants made a remark about it (namely stating that him passing the TP without saying anything, was saying a lot).

Another surprising element in the circle was that the youngest daughter, of whom everyone suspected she wouldn't say a lot, spoke on many occasions, sometimes giving very powerful messages to the offender. Although it is difficult to say if this would or wouldn't have happened if no TP was used, it seems likely that the TP at least was a helping factor in giving her the room to be able to let herself be heard.

### *Evaluation of TP*

In the interviews afterwards, there came some remarks about the TP. Members from the macro-community mentioned that they felt restricted by being only able to speak when receiving the TP. They also mentioned that they sometimes forgot to say things, which they thought of during the circle round. This was corroborated by the offender.

*[...] because I had to remember it all sometimes and by the time it was my turn, I had almost forgotten half of it. I found it, that you could, you should have to wait your turn until the question was asked or until they had explained, that it would be my turn again. (interview offender – 17/04/2013)*

Moreover, one of the victims found the use of the TP “childish”. She would have preferred another way to let everyone speak, without waiting for an entire circle round.

#### 4.2.4. Phases of the circle

The circle started with a short introduction by the facilitator, sketching the VOM and PMC and explaining the TP. Then, a first circle round starts to let people introduce themselves. When the TP reaches the facilitator again, she continues introducing the circle, thoroughly stating some of the basic principles of mediation/circles (voluntary, confidential, speak honestly). She then invites the participants to practice this in a circle round, by telling about a positive experience.

This all could be seen as the first phase of the circle; and perhaps even the start of the second phase (greeting and introduction & building trust).

The second phase, building trust, continued then by finding the rules for the circle meeting. The facilitator clearly stated that she wouldn't lay down the rules, but that everyone in the circle can add to them. Moreover, the facilitator also mentioned that once the rules were established, all participants could point them out to others during the circle meeting. While the TP went around the circle and participants were adding rules, facilitator K. was writing them down. After the first round on this topic, facilitator K. put her notes in the middle of the circle and summarized a bit. Afterwards the facilitator mentioned that this “visualisation” of the ground rules seemed very important to her; and it was something she wanted to keep for further PMC.

Then, another round was done to see if anyone wanted to add something. This was repeated until no one wanted to add something; in total 6 circle rounds were done about this topic. All participants contributed at one point or another; the support persons and community members were the ones that did the most additions after the first round. The facilitator reflected afterwards that perhaps even more time should have been spent here, since later in the circle there was some discords about certain values (e.g. honesty); or that at least they should have gone back to this phase when the discord was happening.

It is of note to mention however that a victim said afterwards she didn't add anything else, because she felt it was taking too long.

*I didn't want to say anything else [...]. I had the feeling that it was way too long, that she [the facilitator] should have done this much more concise, more concrete. This and that, these rules, and that's it. (interview victim – 23/04/2013)*

The third phase (identifying issues) started with the facilitator referring to the preparatory talks she had with the offender and the victims. She states that they agreed to talk about three main topics: the past, the present and the future. The facilitator herself mentions a couple of things she heard in these preparatory talks to sketch the situation. She then invites everyone about the past and invites the support and community persons who can't really talk about the past, to imagine how it must have been in such a situation.

The first round is over very fast: almost none of the support persons or community members speak and the victims and offenders only say a few words. Most of them say that they are glad "the past is over". The TP reaches the facilitator, who again mentions the preparatory talks, where all the conflict parties talked elaborately about the past and the victims mentioned they wanted to get recognition for what happened. She states that it might be important to talk about it, although it probably isn't easy. Before passing the TP, she adds: "But maybe I'm wrong".

Another three circle round are done about the past. Participants still talk concise, but they give more detailed information and ask some questions. It is however notable that there is little story-telling; the victims seem to be more accusing when they talk, while the offender is on the offensive. All in all, little progress is made during these circle rounds.

After this, the facilitator wants to start a new round to let the circle decide to continue about the past or talk about the future. However, the first participant starts about the past again, and the rest of the circle follows.

When the TP reaches the facilitator again, she explicitly asks to take a look at the future: what do they need or expect? Again however, the circle round goes on an accusing-defensive course.

Consequently, when the TP reaches the facilitator again, she states that she sees no steps forward taken. She asks for a circle round where only the children can speak about if they want to continue the circle, and if so, what about. However, the son doesn't say a thing, one of the daughters says she doesn't know and the other daughter says "not now". This makes the facilitator draw the conclusion that it is better to stop the circle here.

A closing ceremony (see above) is held; afterwards, participants go to different rooms in the building with their support persons to fill in the questionnaires and to ventilate a bit about the circle meeting.

#### 4.2.5. What are circle goals?

The circle goals seemed to be:

(1) From the victim's point of view:

- Get acknowledgement for what has happened in the past (the violence towards wife and children) and receive some answers to questions.

*We thought we would have a conversation, a good conversation, but that was not the case. (interview victim – 23/04/2013)*

- To not have to go to their father (goal of two of the children).

- To search for a solution and avoid further discussions (goal of one of the support persons).
- (2) From the offender's point of view:
- To try and reconnect with his children, to be able to use his visitation right.

*I want to do everything for my children. This was another chance I could take and hear what they thought and said about me. Maybe I could learn something more for once (interview offender – 17/04/2013)*

- (3) From the mediation service:
- Getting all participants together and make them able to talk and listen to each other.
  - Trying to take the VOM a step further, to let the conflict parties (the former couple, but also the children) take a step in the direction of a solution or at least a way to continue in a constructive manner afterwards.
  - To give the children a voice. The circle spent a lot of attention to the children and what they wanted to say. This seems logical, since the parents already had the opportunity to voice their concern in the VOM and the circle was the first time the children were so actively involved.

This could be seen in different ways: the facilitators who seemed to adjust her way of speaking to the youngest child (14y); the ending circle round where only the children were allowed to say anything; etc.

With none of these goals, the expectation was to have a clear-cut solution on paper at the end of the circle meeting. The idea was more to see how the conflict parties were able to communicate better again and explore how the future could go.

The goal – or perhaps better: reason to be there – of the macro-community members was mostly curiosity towards the methodology of a PMC and how it could lead to a form of restoration.

#### 4.2.6. Contributions of participants to each circle phase and their impact

##### *Victim*

The victims all focused on what happened in the past. They mentioned several concrete examples of violence and also asked more general questions about “being a father”; e.g. did he really love us, being there for us, an absence of a father-figure (role model), etc.

In general, they seem to want to get acknowledgement for everything that happened to them in the past; moreover, it seemed that they needed this before being able to talk about something else (e.g. the future).



*Support persons of the victims:*

- Support of the son:  
She was “his voice” at times, since he seemed to struggle often to tell things. She then told the circle what he told her. Moreover, at one point she also confronted the offender with his own words, where he was minimalizing the facts (“*you said: just a little tick with a hammer?*”).
- Support person of the youngest daughter:  
She really acted as a support person. She at times described how the girl acted in class (“*scared little girl*”) and contrasted that with how she acted in the circle (“*dares to speak*”). She also referred to the ground rules during the circle talk (“*I wonder if everyone speaks honestly.*”).
- Support person of the oldest daughter:  
She is less of a “support” person, as she doesn’t reflect so much on the things victim S. said. She however gives more personal input (e.g. the fact that she is a child from divorced parents) and thoughts. In doing this, she always puts things very “sharp”: she strongly confronts the offender and urges him to take responsibility. The offender did not appreciate her own input, especially the way she worded it.

*If you heard it, she [a support person of the victim] was telling things, of which she said afterwards, yes I have been through that too, I saw that at home, but she was already [saying] for a while that at home there was thrown with dishes. [...]*

*Now it was as if – at least how I perceived it, maybe others saw it differently – I perceived it as if I had done all those things. (interview offender – 17/04/2013)*

*Offender:*

The offender is mostly on the defensive side. He doesn’t add a lot of information on his own, but mostly responds to some (not all) of the things mentioned by the victims – often denying or minimalizing them. Consequently, he wasn’t able to give full acknowledgement to his victims.

His question mostly seemed to talk about the future. About the past, he seemed to be searching for some recognition that he wasn’t the only one that made mistakes, that he wasn’t the “bad guy” the others made him out to be.

*Support person of the offender:*

She tried to calm things down a bit and give some insight about what is going on in the circle (e.g. “speaking in two languages”).

She spoke before the offender, but after the support person of the victim who spoke in a confronting way. She took her time to speak, often staying silent for a while, which brought down the tension for a bit. Moreover, she often encouraged the offender to speak; acknowledging that it is not easy for him to speak.

However, the fact that she didn’t really know the offender was felt as a downside, both by the offender as by one of the victims. The offender felt that his appointed support person couldn’t support him enough.

*She did her best too, but yeah, we gathered about half an hour before, I have been able to explain a bit what happened and she then could mention that a bit and the people who said something about it, she could also... she couldn't do a lot for me. (interview offender – 17/04/2013)*

The victim on the other hand, found that the support person could be manipulated by the offender because she wasn't aware of the whole background of the situation.

*[...]my ex took a person, a professional, who didn't know anything about him. And I found that a pity, because yeah, he tells her, I suppose he had an hour the time, I don't know how much time he had to tell something about him and the family, but then he could again say anything what he wanted. (interview victim – 23/04/2013).*

#### *Community members:*

The contribution of the community members was rather limited, and definitely less than the mediator expected beforehand (they didn't share stories about others they worked with). They sometimes did try to relieve some of the tension and try to further the communication by going away from the pure facts (and the discussion of what did or did not happen) to a discussion about what people feel. However, the offender and victims didn't really seem to hear them.

Both offender and at least one victim felt that the community members didn't need to be present, or maybe one at maximum. However, in an interview with the offender, he did briefly state that the macro-community did mention some useful things.

#### 4.2.7. Questions' impact on the circle

Questions asked by the facilitator E. (who led the circle) directed to the entire circle:

- “Can you tell your name and for the professionals, explain what you do?”
- “Facilitator K. will write the rules of the evening down; but I won't say what the rules are, everyone in the circle can add to them.”
- “Please add things you find missing.”
- “Does anyone disagree with something on the paper?”
- “Does anyone else wish to comment?”
- “Does anyone disagree with something that is said?”
- “I invite everyone to share things about the past. For the support persons, imagine what it must have been and share your personal feelings about that.”
- [talking about the difference between the circle round and the preparatory talks]: “I know it's not easy or enjoyable to talk about it, but it could be that it is important to do so. But maybe I'm wrong.”
- “Do we continue about the past or look towards the future?”
- “What is needed to nullify the debt of R. [the offender]?”
- “Do you [the children] want to continue the circle and if yes, about what?”

The circle participants didn't really add questions that were addressed to the entire circle. The victims, especially the two daughters, did however ask questions that were emotionally "impactful" questions. One of them for example asked her father if he ever really loved them, which she doubted. The other daughter asked the question of what exactly her father regretted. Since he didn't immediately answer these questions, several other circle participants (including the facilitators) referred back to this question and urged the offender to reply to it. However, after the circle it became apparent that no sufficient answer was given.

*A lot of lies have been told. [...] I don't think it has made any difference.  
(from the questionnaire filled in by one of the victims).*

#### 4.2.8. Keepers' less neutral role

Facilitator E. was nervous in the beginning of the circle (e.g. the way she introduced the circle, the (relieved?) comment "that went well" after the first circle round). It is unclear if the participants themselves noticed this, however, she mentioned it herself after the first circle round when she explains her role as a facilitator and the fact that she is there as a human with feelings too.

Out of the questionnaires that were filled in, one can conclude that none of the circle participants found the facilitator pretty to very much partial. However, one third of the participants that filled in the questionnaire found the facilitators partly partial. This might be connected to the fact that two minors were present in the circle meeting. Both of the facilitators afterwards remarked that it felt like a natural reflex to try and protect them. Still, two thirds of the participants that filled in the questionnaires found the facilitators pretty to very much impartial, this was also found in the interviews done afterwards.

	Not at all			Very much	
Guidance through the different phases	1	2	3	x	5
Summarisation of arguments, important statements, etc.	1	2	3	x	5
Asking of specific questions	1	2	3	x	5
Input of own opinion	1	x	3	4	5
Explain the judicial consequences of success or failure	N/A				
Putting away the TP	x	2	3	4	5

#### 4.2.9. Power relations in the circle

There was a definite imbalance in the circle, due to the number of participants. The victim's side consisted out of 7 persons (4 victims – wife, 2 daughters and son – and three support persons). The offender's side consisted out of 2 persons (the offender and his support person), where the support person was someone who was appointed to be his support person and whom he didn't know before the circle meeting. Furthermore, one of

the support persons of the victims was verbally strong and had clear messages and questions for the offender, which were stated strongly, sometimes in a confronting way.

These two things combined made that the offender felt “attacked” in the circle, which led to him taking up a defensive stand.

*I said that that night, I didn't have to do anything else than defend myself, in fact I didn't do anything else... normally, you don't react to that, but you have to defend yourself somewhat, because what was said there, that... (interview offender – 17/04/2013)*

In turn, this made that the victims didn't receive what they were looking for, which made them taken on a more “attacking” stance. The one reinforced the other.

#### 4.2.10. Security issues

##### *Research*

The presence of the researcher didn't seem to bother any of the circle participants. The filling in of questionnaires before the circle was handled quite well, since participants were waiting in different rooms anyhow. Consequently, it didn't slow the meeting down or create a tension in the room of the circle meeting.

After the circle, the questionnaires were filled in in different rooms again; however, because of the tension of the circle meeting itself, some didn't want to fill in the questionnaires. Instead, they were “ventilating” to each other. Also, the two daughters filled parts of the questionnaires in together.

##### *Security/comfort*

See above: power relations in the circle. No real threat to personal security, but an uncomfortable atmosphere. The discomfort was moreover strengthened by the use of the TP, which some of the participants didn't appreciate (see above).

##### *Confidentiality*

There is no one present with a legal obligation to report anything. There were no indications that anyone present would break the confidentiality in some way. However, the offender did get the impression that the victims tried to say a lot of “bad things” about him, so there would be a judicial consequence to it.

*Offender: [...] That they [the children], there are more people present, it might go further. [...]*

*Interviewer: So mostly the feeling, if I understand correctly, that they were a bit pushed to say things in the hope of, if they said enough, there would be consequences?*

*Offender: I think so, I think it. To bring it out, that I'm the bad guy. (interview offender – 17/04/2013)*

There were new criminal facts mentioned in the circle, that weren't known by the judicial authorities. This could be seen as a sign of confidentiality; on the other hand did the offender minimize these facts. It also brings the question what would have happened if judicial actors, who are legally bound to do something with that information, would have been present.

#### 4.2.11. Social and cultural diversity

There was no cultural diversity: the conflict parties all came from the same core family. One could argue there was some social diversity: there were clearly different visions between the offender (father) and victims (mother and children) about work, what taking care of your children means, etc.

#### 4.2.12. Restorative success

##### Were the following goals achieved?

	Not at all			very much
Responsibility taking	x	2	3	4 5
Regret?	1	x	3	4 5
Better understanding of the other party	x	2	3	4 5
Acceptance of compensation	Not applicable			
Relief/healing	x	2	3	4 5

##### Was regret, responsibility taking and forgiveness /acceptance expressed in the circle in any way?

Regret, responsibility taking and forgiveness/acceptance in the circle	not at all			very much
By words	1	2	x	4 5
By non-verbal signs	1	x	3	4 5
Victims' reactions to regret and responsibility taking	X*	2	3	4 5
Offenders' reactions to forgiveness/acceptance	Not applicable, since there was no forgiveness or acceptance given			
Circle keepers' reactions to regret, responsibility taking, forgiveness/acceptance	They reacted to the lack of responsibility taking by mentioning minimizing as a defense mechanism			
Turning points of responsibility taking	Not applicable			
Turning points of forgiveness/acceptance	Not applicable			

\*They reacted, but it was entirely in disbelief: they didn't believe the offender was honest here.

#### 4.2.13. Where other circle outcomes reached?

The children could voice their opinion, more than anyone had expected beforehand. It is however not clear to which extent they were heard by their parents. During the circle, the offender sometimes did not respond to all things mentioned by his children, however, this could be a consequence of the fact that, due to the number of participants and the size of the victim side, he had a lot to answer to. However, in an interview with the offender after the circle meetings, he seemed to brush of what his children had said.

*Also yeah, the children that said things that weren't true, yeah, the children live at home and there can be said what you want to say... say this or say that, I forgive them that too. (interview offender – 17/04/2013)*

The children were heard by the other participants; they all mentioned afterwards that they were drawn to the “side of the children” by hearing and seeing them.

### 4.3. EVALUATION AFTER THE CIRCLE

#### 4.1.1. Participants' satisfaction

Most participants didn't seem satisfied with the circle afterwards: all participants that filled in the questionnaire afterwards, said they were not at all to partly satisfied with the circle meeting. The question is if this is linked to the circle method, or, maybe more likely, based on the (lack of a) circle outcome, to not being heard by the other party.

#### 4.1.2. Keepers' satisfaction

The facilitator was satisfied with the circle in the sense that it felt like an achievement to her that all participants were able to sit, talk and listen in the circle, without it escalating into an argument. The facilitator was also content with the methodology itself: to let the circle do the work and leave the role of mediator somewhat. She mentioned that the training from the Gatensby-brothers was helpful in this aspect, as her training as a mediator did compel her now and then to start a group mediation instead of a circle – this was not notable to the researcher during the circle however. She later also mentioned that she didn't feel as if she was there in a mediator-role, but “he felt she could be “completely present as a human in the circle”.

The facilitator thought afterwards that this circle could be a stepping stone towards a longer PMC with multiple circles. In that sense she regretted not presenting the first circle meeting as such: as the first circle of possibly many circles. However, later it became clear that the participants didn't want to continue and no new circles were initiated.

Furthermore, the facilitator was satisfied with the involvement of the (macro-)community. She saw the added value in that they were trying to find a solution that was suitable for everyone; which sometime support persons (community of care) don't try to achieve. She did however regret to not have involved more community that could support the offender.

Lastly, both facilitators were convinced of the usefulness of the PMC, however, they also thought it wasn't possible to do it in every case. They wondered what types of cases could be the best suited. Possible criteria they thought of: severity of the facts and multiple victims.

#### 4.1.3. Execution of the action plan

There was no action plan made, since no agreement was found about the facts or about how to proceed in the future.

After the circle, there was an agreement set up on paper between the mother and farmer, although this took a some effort too. Surprisingly however, both participants saw this more as something that had to be done for the mediation service, rather than something that could be helpful for them.

*She [the facilitator] just made a decision, put something on paper and we had to sign that. (interview victim – 23/04/2013).*

#### 4.1.4. Impact on the larger community

There seems to be little impact on the larger community from this circle, although it is unclear what the support persons/professionals might do with their experience of participating in a circle meeting.

It was mentioned in an interview after the circle, that the support person of the youngest daughter now and then tried to get through to her and ask how everything was going, without success however.

## 5. PMC B5

### Davy Dhondt

#### Brief case study

In a family of four, there have been some problems between the son, who is already an adult and his parents. The biggest problems are between him and his father, who are constantly confronted with one another: the father has not been able to work for several years due to health issues (which is difficult for him) and the son is unemployed. The son also has followed some therapeutic counseling to deal with problems/behavioral issues.

One day, the father who is cleaning the house asks the son to stop using the computer. This leads to an argument between them. During this argument, the son grabs a knife and threatens his father. He steals some money from him and leaves the house.

The father contemplates on what he should do and the next day he decides to notify the police. He hopes that by taking this step something will be done to change the behavior of his son; to make it clear to him that he needs to stop.

The son has left the house and stays with his grandmother. The contact with his parents and sister is minimal to non-existent.

The judicial authorities inform the victim and offender about the possibility of a victim-offender mediation a couple of months later. It is also clear that the case will go to court later on. Both parties want to participate at the mediation.

#### Circle participants

- The victim (= offender's father)
- The victim's wife
- The victim's daughter
- The offender
- The offender's grandmother
- The offender's former therapist
- Two macro-community members
- Two facilitators

#### Circle outcome

Both the offender and the victim stated during the circle meeting that they wanted to communicate more and in a better way with each other. There were also some plans made for letting the offender live back with his parents. After the circle meeting this was drafted into a mediation agreement, referring back to the PMC, and handed over to the judicial authorities. This agreement was not only signed by the judicial offender and victim, but also by the victim's wife and offender's grandmother.



## 5.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 5.1.1. Choosing the Peacemaking Circle method

The mediation service selected this case for PMC from the beginning of the mediation. In the first meeting (with offender and victim separately) they informed them of the possibility to hold a PMC instead of a victim-offender mediation.

The participants knew that there was an alternative (VOM); since they were both given some time to decide whether they wanted to participate at a PMC or start a normal VOM. They were also informed that the case normally would go to court too.

### 5.1.2. Choosing participants to PMC

The facilitator explored together with the conflict parties who else could be present at the circle. It is of note however, that from the beginning the facilitator talked to the victim and his wife together; so evidently there was someone from the community of care of the victim (and because of the family relation of the offender too) present during the entire PMC. Towards the community of care, the facilitator explored with the conflict parties (+ the wife/mother) who else could be involved. As such, they quickly found some other relevant persons:

- The daughter/sister.  
She agreed to participate, although it seemed that her choice to participate was more funded by loyalty than her own willingness.
- The grandmother.  
She also agreed to participate; she was invited primarily as a support person for the offender.
- The girlfriend of the offender.  
She was invited, but did not want to participate. The reason she mentioned was mostly that she was afraid to endanger the relationship with her “parents-in-law”.
- The former therapist of the offender.  
She agreed to participate to support the offender and perhaps also out of curiosity for the methodology.
- Uncle/aunt of the offender.  
They refused to participate, on the one hand for practical reasons (time-investment) and on the other hand for fear of damaging the relationship with one of the family members.

With the conflict parties, the idea to invite geographical community was also explored, but here they refused – especially the victims: they didn’t want “outsiders” present who knew them in some way. They were however open to the involvement of the “macro-community”.

The members of the “macro-community” were chosen by the facilitator herself; the conflict parties didn’t have a say in choosing them. The persons chosen were two people who were interested in the methodology, where one of them also dealt with family conflicts (mostly related to visitation rights) professionally. However, this was never mentioned during the circle meeting, she was there as a civilian.

### 5.1.3. Implementing PMC's into the system

#### *Regarding the mediation service*

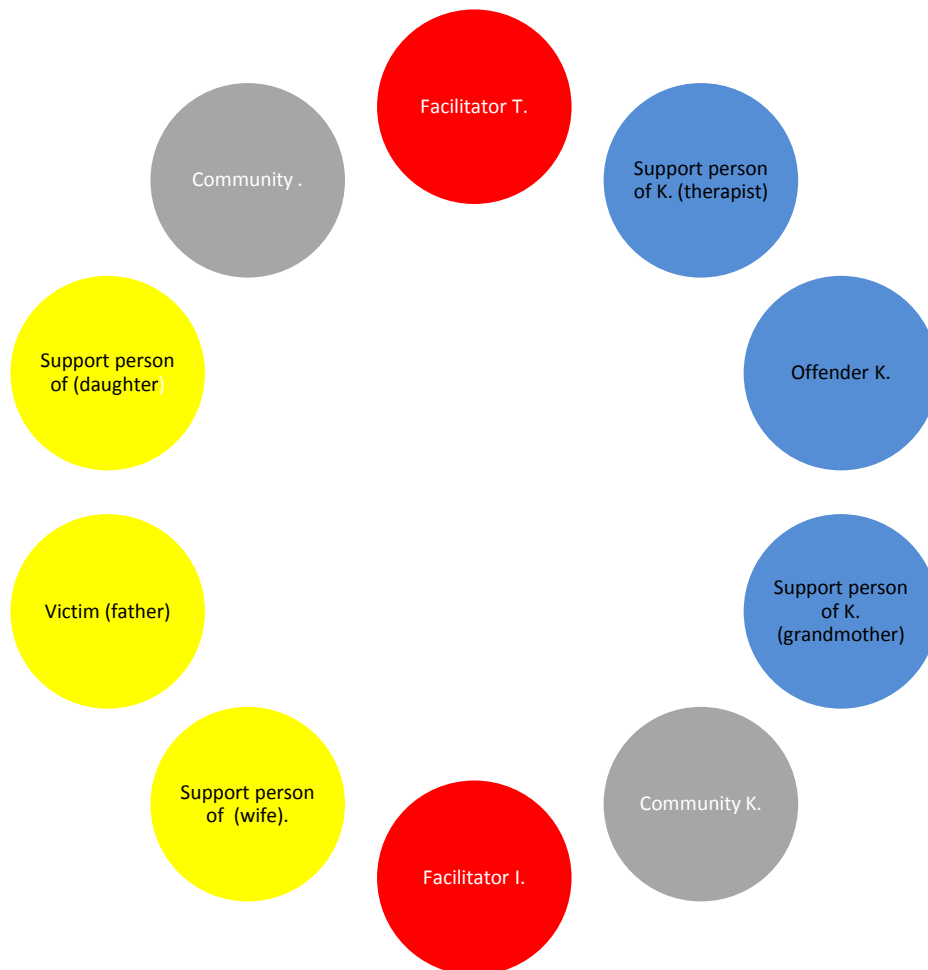
The organisation of the circle meeting took more time than a direct meeting. All parties had to be prepared separately and energy was put in finding people and inviting, with some event (unsuccessfully) trying to convince, them to participate.

Also, a suitable room had to be found, since the mediation service themselves didn't have a room big enough to hold the circle. Fortunately, one of the circle participants knew of a location to use. This fit in the approach of the mediation service, who tried to give responsibilities to each of the circle members in the preparation of the circle meeting (e.g. finding a TP, bringing refreshments, etc.).

#### *Regarding the judicial system*

The judicial system was only alerted in this case about the PMC by the written agreement that was made after the circle meeting, which mentioned the PMC.

## 5.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION



The seating arrangement was made beforehand by the facilitators. I. was the mediator of the case and she was also the one that “led” the circle the most. Each round would therefore start with her; the victim L. (the son) would be the first to speak. This was done intentionally: he was the “older brother”.

All the victims had the chance to speak before the offender. The “victim group” was only interrupted by one community member and a facilitator.

There was still an imbalance in the number of victims and offenders, despite the support person for the offender that the facilitator invited.

### 5.2.1. Preparing participants

The two conflict parties were seen individually by the mediator before the circle meeting. The wife (and daughter) of the victim was also present when the mediator came to see the victim; the grandmother of the offender was also present when she met with him. There were two preparatory meetings with both parties; during the first meeting VOM and PMC were explained and then they got some time to think about the offer. When they agreed to participate in a PMC, a second meeting was held to prepare the PMC further.

The conflict parties were asked to find support persons and invite them themselves. However, the mediator did stimulate them in their search (e.g. she did meet with the girlfriend of the offender to try and convince her to participate – to no effect however).

In general, the facilitator tried to give the circle participants as much responsibility as possible: she asked them to think about a talking piece to use, the room where the circle would take place was sought by the victim, one of the support persons of the offender brought something to drink, etc.

The community members were contacted by phone by the facilitator, giving them some information about the PMC method and very briefly about the situation between the conflict parties (without going too much into detail).

The interviewed circle participants all said that they were prepared sufficiently, although one person mentioned that is impossible to prepare for what will come exactly in a circle meeting. However, he also mentioned that the facilitator had warned him about this.

### 5.2.2. Ceremonies

As an opening ceremony, both facilitators give a hand to everyone sitting in the circle. The facilitators then explains she did this to (1) give an official start to the circle, (2) to greet everyone personally and (3) to make a connection with everyone. One of the community members said in an interview that she appreciated this.

*Yes, that puts one at ease for a bit. Because, you feel a certain tension, everyone is sitting there and yeah, what will happen here? (interview community member – 08/11/2012)*

At the end of the circle meeting, the facilitators again went around the circle to give everyone a hand. However, some circle participants spontaneously stood up and gave them a hug.

### 5.2.3. Talking piece

The facilitator had asked the circle participants to think about a talking piece. However, none of them had come up with a suggestion. She herself then made the choice of using an apple, because the grandmother of the offender made her own apple juice and each time the facilitator visited the offender (who lived with this grandmother) she was offered some of that apple juice. Furthermore, she explained the choice for the apple in the beginning of the circle: it was a round object, just like a circle; however, it was also not perfect: there were dents in it, just like no one of us is perfect.

The talking piece was respected throughout the circle and all circle participants seemed to have no trouble using it.

In the interviews afterwards, all respondents spoke positively about the use of the talking piece.

*I thought that it was positive, that one could say what was on his mind without... not without, but that he [the other participants] could wait, could think about what he would say about that. I found that great. (interview offender – 25/01/2013)*

The facilitator stated afterwards that she thought the TP made the circle meeting go in a sincere way, while she expected that without the TP circle participants might have blamed one another more.

### 5.2.4. Phases of the circle

The circle started with a small ceremony (see above), after that the facilitator who also did the preparatory steps in the PMC, gave a short introduction to the circle meeting. In this introduction, she mentioned that it was a delicate subject that would be discussed and expressed that doing that is sometimes difficult to do. Moreover, she asked everyone to keep the content of the circle confidential.

Furthermore, the facilitator explained the TP (both its use and the choice for that particular TP) and asked if everyone was okay with its use. She also mentioned the fact that everyone in the circle was there as humans, even the victim and offender. She explained the practical issues (pauses) and the overall course of the circle meeting (different rounds, started with a question).

To conclude the introduction, she asked if everyone is okay with this. The circle participants nodded in agreement.

The first phase was started to let people introduce themselves and talk a bit about the meaning of family. The reason behind this was that it was a question everyone could answer, since everyone has or came from a family. Furthermore, there was a link with the facts (that happened inside a family), without needing to discuss the crime itself in answering the question.

The first person to speak (the mother of the offender, wife of the victim) becomes very emotional when speaking; this in turns triggers an emotional reaction with her daughter (sister of the offender, daughter of the victim), who starts crying and doesn't stop for the entire first round. The whole circle round remains emotional, but most people are able to answer the question and share something about their family, including the . There are a few exceptions:

- The daughter is crying and passes the TP without saying anything.
- The offender just states his name before passing the TP.
- The grandmother start to cry too. She says she only wants the best for everyone.

When the TP reaches the facilitator again, she suggests to take a short break. She asks if the daughter is ok, but she is crying even more and can't answer. The facilitator assures her she doesn't need to stay, after which she effectively leaves the circle. Her mother and the co-facilitator go after her.

After a couple of minutes, the co-facilitator and mother come back to the circle with the message that the daughter has gone home. Her chair is put aside, but the facilitator asks everyone to keep her present "in our mind". Later in the circle the facilitator often refers back to the daughter, something that is appreciated.

*[...]I know that the sister had it difficult in the beginning, and once out of the meeting, there was a lot of attention for it, I thought. Is it still possible, does she have to leave for a while? Afterwards she was still, or they [the facilitators] tried to make her still [present], should we give her some feedback, [...] (interview community member – 08/11/2012)*

The circle is then continued with the second phase. The facilitator starts a new round on the values and guidelines of the circle meeting. She herself gives some examples to clarify her question before giving the TP to the next person. While the TP moves around the circle, the co-facilitator writes things down.

After a first circle round, where everyone suggest some rules, the co-facilitator summarises what has been said, while putting her notes in the middle of the circle. Then a new round is started, to see if anyone wants to add something. Only the co-facilitator does so; and when the TP reaches the facilitator, she decides to end this phase.

The third phase is started with the question to share things about the crime or what hearing about the crime does to people. There are five circle rounds done, in which the crime, expectations, emotions and communication are talked about. Then the facilitator decides to hold a break, since in the last round one of the support persons of the offender, his former therapist, mentioned that she was conflicted with her professional confidentiality. Everyone left the room except the offender and his former therapist to give them the possibility to talk about this.

Of note is also that, although this phase is much more about what happened, the circle participants are much less emotional than in the beginning of the circle meeting. Were those emotions mostly linked to the tension of the start of the circle, or did the first two phases had their effect?

After the break, an intermission round is done, started by the facilitator with the question: "how do you feel right now? What impression did you get so far?"

This round naturally changes to a discussion about how to communicate (in the future), so when the TP reaches the facilitator, she doesn't ask a new question before passing the TP. The discussion continues and the co-facilitator asks to make it as concrete as possible. As such, the circle gradually enters the fourth phase, where concrete initiatives are put forward. When the TP reaches the facilitator again, she now asks the question directly which commitment everyone is willing to make to avoid future conflicts. Most participants express their faith that everything will work out.

Next, the facilitator asks what to give as feedback to the judicial authorities. Everyone (accept the grandmother) mentions something. The regret of the offender is something that is mentioned by several people as important to give as feedback. It is also clearly stated that no monetary compensation is expected.

The circle then ends with a closing round, where the facilitator asks how everyone feels going home now. Every circle participant is positive about the circle meeting and its outcome; though some mention that it was hard in the beginning.

Before leaving, the facilitators give everyone a hand and some people give them a hug in return.

### 5.2.5. What are circle goals?

The common goal of all circle participants seemed to be to find a solution so that the family could find a way to again deal with each other as a family. This included things as finding a way to communicate with each other and finding a better understanding of each other.

Furthermore, both the victim and one of the support persons of the offender mentioned that they expected to reach a good solution for the judicial procedure, that was started with the complaint.

For the latter goal to be reached, there had to be a written agreement (otherwise the judicial authorities wouldn't be able to know what happened in the circle meeting, so no influence from the meeting could happen). However, the goals that were given by participants didn't really need an action plan: there was no expectation of concrete things that had to be done by the offender or others; the communication in itself seemed to be enough.

### 5.2.6. Contributions of participants to each circle phase and their impact

#### *Victim*

The victim himself tried to look at his own part in the conflict from the beginning of the circle. The first time he spoke about the crime, he ended "his turn" by saying that "*he probably didn't handle the situation in a good way too.*" Throughout the circle he kept doing this and saying what he would try to do differently in the future.

#### *Support persons of the victims*

The victim had two support persons: his wife and daughter. The daughter left after the first circle round. She stated herself in the preparatory questionnaire that she didn't really want to be there and felt uncomfortable. Leaving the circle was probably the best for her at that moment, and her decision was respected by everyone. Consequently, she didn't really contribute to the circle, however, her leaving did impact it. The other participants, especially the facilitators, often referred to it and said that they found it a pity that she didn't witness the rest of the circle.

The wife of the victim contributed to the circle by telling her side of the story and putting forward her expectations. She wasn't really there as a support person, but more as one of

the conflict parties. This was normal, since the crime situated itself in a history of family problems.

### *Offender*

The offender, definitely in the beginning of the circle, spoke very briefly (sometimes just one sentence) before passing the talking piece. The things he said however were to the point (e.g. the first thing he said in phase 3 of the circle meeting, was saying he was sorry). Towards the end of the meeting, he slowly began to speak a bit more. Throughout, he seemed to be always trying to find a solution.

What was maybe more noticeable than the things he said, was his non-verbal communication. When his parents were talking about their own part in the conflict or about ways to improve the communication in the future, he was often nodding very clearly.

### *Support person of the offender*

The grandmother of the offender also didn't say a lot in the beginning of the circle. When she did speak, she did so as a support person of him, a bit like a guardian: she referred to how the offender acted in her home, at one time she seemed to reprimand him (but in a caring way), she gave tips to the offender's parents on how to deal with him, etc.

She was also very emotional in the beginning of the circle.

The former therapist of the offender was seated before the offender in the circle (thus also always speaking before him). She often referred to things that were said in the circle by others, especially the victim, and before passing the TP often asking the offender if he had heard (in the meaning of understood) those things too.

*What I thought was very strong, was for example the support from the offender for the boy. I know that the father said something to his son and that the therapist emphasised that. As in, did you hear what he has said, that was important.  
(interview community member – 08/11/2012)*

### *Community members*

The community members tried to support the conflict parties in the circle meeting. They did this by asking questions, repeating things that someone else said that they thought were important and by trying to relate (e.g. saying that parenting isn't easy, that they too play video games on the computer like the offender), etc. They didn't really put forward own expectations.

It is of note that afterwards the community members themselves wondered what their added value was. However, the interviews done with conflict parties show that their presence did bring an added value, though there was some difference in opinion how great that added value was. Where one conflict party wondered if the community members helped in bringing a solution; another conflict party, when asked if a normal VOM, without the presence of community members wouldn't have sufficed, answered:

*No, then the conflict might have even grown. Or not might, I'm sure of it.  
(interview offender – 25/01/2013)*

The added value from the community members was seen by this conflict party seen as follows:

*I thought it was necessary. Because sometimes it is useful that people, who know nothing about [the crime], who are from the outside, can say their opinion. Because when you are in the situation yourself, you always see the situation differently.*

*(interview offender – 25/01/2013)*

### 5.2.7. Questions' impact on the circle

The facilitator had prepared a number of questions to guide the circle through the different phases. These questions were:

- Who are you? What is important for you as a person concerning family? What meaning does family have for you? (as the start of phase 1).
- How do you want to hold this conversation? Which values are important? What are essential conversation rules for you? (as the start of phase 2).
- What do you want to tell concerning the crime? What expectations do you have? Which topics do we have to discuss? (phase 3)
- How do you see the future (towards the judicial procedure, towards the family)? How can you prevent new incidents? Who wants to take responsibility and/or do the follow-up? What if agreements aren't completed? (phase 4)

All of these questions were asked in one way or another during the circle meeting. Additionally, the "intermission question" was asked (how do you feel now? What impression did you get so far?)

Additionally, the facilitator asked in phase 4 to make the wish to communicate better more concrete.

The circle participants themselves didn't ask questions directed to the whole circle. There was a lot of interaction between circle participants however; they often picked up what others had said, referring back to it or continuing the thoughts of others. In that sense, the circle was not just different people telling separate stories, but they were "working together" to try and find a solution.

### 5.2.8. Keepers' less neutral role

The keepers' role was mostly to guide the circle. Sometimes they repeated things other circle participants had said or asked questions to clarify some things. These are all elements that are similar to the role of the mediation in a VOM.

However, they did sometimes asked questions that seemed to come from themselves as persons and not necessarily linked to being a mediator (e.g. when the offender said he didn't know emotions, one of the facilitators reacted by wondering how that must be). It were mostly small things, and it didn't seem to affect their neutrality.

This is also seen in the questionnaires, where all but one of the participants said that they thought the facilitators to be pretty to very much impartial. The one exception was a participant stating that the facilitator was not at all impartial; however, since he also mentioned to be very much satisfied with the facilitators, it could be he misinterpreted this question.



In the interviews done afterwards, one circle participant summarised the keepers' role as follows:

*They were there as a mediator, but that wasn't always noticeable, I thought. [They were there] also as a human being, at certain points really from their own point of view, but also always as a mediator. (interview community member – 08/11/2012)*

In other words, even if the facilitators were sometimes speaking from a less neutral point of view and bringing in their own stories and questions, they managed to do this while still being seen or accepted as a mediator.

### 5.2.9. Power relations in the circle

The offender was surrounded in the circle with “authority figures”: both his parents were present (as victims) and his grandmother (where he lived at the time). Furthermore, his former-therapist was also present. However, it didn't seem the case that the offender has less power in the circle, he was mostly supported and stimulated by the others to speak his mind.

### 5.2.10. Security issues

#### *Research*

Circle participants didn't seem to have a problem with the researcher being present. They were informed by the facilitator beforehand. Furthermore, during the introduction the facilitator again mentioned the researcher and asked everyone to “forget he was there”. During the break, some circle participants came to talk to the researcher about the PMC research.

Circle participants filled in the questionnaires (both the preparatory and evaluative ones) without any issues. They were also open to the idea that the researcher would contact them later on for an interview.

#### *Security/comfort*

The circle started in a very emotional way, which was a bit surprising for some of the circle participants and uncomfortable for others. The latter was visible through one circle participant leaving the circle after the first round, the former is shown in the following quote.

*I was a bit dazzled by that, I didn't expect it to come so close [emotionally speaking] so quickly. I thought that I could lean back a bit in the beginning, to see how I got used to it, and then I will... That was “wow” though, people started crying and I was seated next to the sister, I think, so that came really close. (interview community member – 08/11/2012)*

However, even then the circle was secure enough to leave the circle (to be able to do this requires a certain safety too).

After the first break, when one of the circle participants had left the circle meeting, the circle atmosphere seemed to be more relaxed.

### Confidentiality

There were no signs that the circle meeting wouldn't be confidential. The facilitator reminded everyone of the confidentiality of the circle meeting during the introduction. Furthermore, when the former therapist of the offender felt that she couldn't say something because of her professional confidentiality, she spoke about this in the circle meeting and the facilitator decided to take a break so the therapist could discuss this with her former client. After the break, neither of them were pushed to talk about what they discussed.

Lastly, during the circle meeting sufficient time was spent on what the circle participants wanted to share with others outside the circle meeting. Here the facilitator also asked to share information with the circle participant who left the circle meeting earlier. Everyone seemed to be okay with this and, as mentioned before, this attention to this circle participant, was appreciated.

#### 5.2.11. Social and cultural diversity

Since the majority of the circle participants came from the same family, there didn't seem to be a social or cultural difference between them. This was also the case with the community members. One circle participant even mentioned that she thought it was a good thing that one of the community members was about the same age as the offender.

*I know from the other boy, the other "civilian"... they [he and the offender] were somewhat in the same age category; and the things he mentioned were very powerful at that moment. I think that hearing something like that, from someone who is in the same environment and age category, that is very powerful, much more powerful than a social worker [can achieve]. So I think it is an added value [to involve community members].*

(interview community member – 08/11/2012)

#### 5.2.12. Restorative success

	Not at all			Very much	
Taking of responsibility	1	2	3	x	5
Regret?	1	2	3	x	5
Better understanding of the other party	1	2	3	4	x
Acceptance of compensation	Not applicable				
Relief/healing	1	2	3	x	5

Regret, taking of responsibility and forgiveness/acceptance in the circle meeting	not at all		very much		
In words	1	2	3	x	5
By non-verbal signs	1	2	x	4	5
Reaction victim on regret/taking of responsibility	1	2	3	x	5
Reaction offender on forgiveness/acceptance	1	2	3	x	5
Reaction facilitator on regret, taking responsibility, forgiveness/acceptance	1	2	3	4	5
“Turning points” in taking responsibility	1	2	3	4	5
“Turning points” in forgiveness/acceptance	1	2	3	4	5

### 5.2.13. Where other circle outcomes reached?

It was possible for the family to talk about the crime and what should happen to prevent further conflicts in the circle. The circle meeting was seen as a first step, but an essential one, to restore the bonds between family members.

Furthermore, the circle made it so that, on the very small scale of the community members present there, people started looking differently at victim and offender.

*In the beginning it is very clear, victim, offender. For me that was really: that is the offender. But the longer the meeting lasted, the more it intertwined and the less I thought, yeah, that is the offender.[...]*

*In the course of the meeting so much comes up that you begin to see that the boy [the offender] was also victim in a way and then the father as an offender, those words sound strange, but you begin to see each ones part in it and then it isn't clear anymore at all. (interview community member – 08/11/2012)*

Lastly, the circle meeting changed the way (at least) some people look at how to deal with conflicts in a restorative way.

*It was positive. It can help for both parties to change their minds, instead of staying, I'll call it stubborn. I think it is a good system. (interview victim – 25/01/2013)*

### 5.3. EVALUATION AFTER THE CIRCLE

#### 5.3.1. Participants' satisfaction

All of the participants seemed to be satisfied with the circle meeting (though the leaving of one of the circle participants in the beginning of the circle has to be taken into account too). This satisfaction was shown in the closing ceremony, where facilitators went around the circle to shake hands, but some participants (e.g. the wife of the victim) hugged them.

These observations were confirmed by the responses of the circle participants in the questionnaires. All participants stated that they were pretty to very much satisfied with both the circle meeting as with the "agreement" found in the meeting.

Lastly, the follow-up interviews that were done show that this satisfaction was still present several months after the circle meeting.

*I left with a good feeling and that good feeling has stayed.  
(interview offender – 25/01/2013)*

#### 5.3.2. Keepers' satisfaction

The facilitators were satisfied with the circle meeting and felt that the PMC had an added value over a VOM; especially because of the presence of the community members.

The facilitator did regret not seeing the daughter of the victim separately, since that might have given some more insight/preview in her leaving the circle meeting. The facilitator also regretted that some possible participants (like the girlfriend of the offender) couldn't or didn't want to be present.

#### 5.3.3. Execution of the action plan

There was no real action plan made during the circle meeting; however, the conflict parties did mention that they would try to communicate more and in a better way; moreover, since the offender was at the time living with his grandmother, that they would try to let him live with his parents again.

Based on the interviews, it became clear that the communication between the family member did improve. At the time of the interviews, the offender still lived with his grandmother, though the plan was that he was going to live back home in a few weeks. There was some concern however if that was going to work out or not.

*Now he come home every weekend, and the relations are good. [...] And we actually want as parents, together with his grandmother, that he will return for good from in March. But I don't know whether or not that will work out.  
(interview victim – 25/01/2013)*

#### 5.3.4. Impact on the larger community

The actual impact on the larger community was probably limited: there was no geographical community present, the most impact was felt on the family itself.

However, out of one of the interviews afterwards, we can deduce that there seems to be a ground for the community-building aspect of peacemaking circles there. Although it wasn't used or continued in this case, it is of note that it was there in the first place. With the right

approach and attention, this feeling could potentially develop into actions toward community-building.

*When I left, it was very curious, how you could bond with people in such a short time... when I left, I strongly had that feeling. How would it continue then? En then you have to let that go. That feeling of, now I'm never going to know how it actually... and I felt on that moment, those are people I never saw before, and still, with the farewell it felt like, yeah, I was part of something with you.  
(interview community member – 08/11/2012)*

### 5.3.5. Impact on the judicial authorities

The facilitators contemplated that it would have been an added value to have a judicial authority present, as his presence could have helped to make the agreement at the end of the circle more concrete. Now, participants didn't really know what to do when looking at what to report to or ask of the judicial authorities.

After the circle meeting a mediation agreement, in which among others the circle meeting was said to have taken place, was written out and given to the judicial authorities. When the judicial case was brought before the judge, both the lawyer of the victim and the prosecutor mentioned this mediation agreement.

The conflict parties both mentioned in the interviews that they got the feeling that the judge took this into account when he made his verdict.

As mentioned before, this was also a goal from both conflict parties to have such an impact on the judicial outcome.

## 6. PMC B6

### Davy Dhondt

#### Brief case study

After a family party, a couple gets into an argument in their car on the way home. At a certain point, they pull over. The parents of the woman, who were driving behind them, also stop. There is an argument between the father of the woman and the man of the couple. The latter pushes the former, who falls and breaks his leg.

The father, who was already seriously ill (chronic and possibly terminal disease) is taken to the hospital and has to undergo surgery. All seems to go well, until a few days later, when he slips into a coma. A week after the fall, the father dies in the hospital.

There is a lot of emotions towards the offender from the victim's side of the family. However, the relation between the offender and daughter of the victim remains, which brings about additional tensions in that family (the offender can't come to the funeral, the offender and victim's son can't be present at the same time at the house of the victim's wife, worsened relationship between the victim's son and daughter, etc.).

The police, who was present at the night of the argument, first dismissed the case as a family issue. A month after the victim died, his son goes to the police to file a complaint. The judicial investigation concludes that there is no legal link between the offence and the death of the victim.

During the judicial investigation, the victim's wife is aided by "victim reception of the prosecutor's office" (referred to as SOP). Because of the tensions in the family (mostly due to the relationship between the offender and the victim's daughter, SOP refers the victim's wife to the mediation service.

The mediation service starts with a normal VOM between the offender and the victim's wife (indirect) and the victim's son (indirect, eventually leading to a direct meeting). Since the tensions are still there and affecting the entire family, the mediation service proposes to continue as a PMC. The parties agree with the hope of being able to continue afterwards as a "normal family".

After a first circle meeting (see PMC B1), there were some tensions and small arguments, but for the most part the parties didn't talk openly about the meeting or the further judicial consequences. Four to five months later, they decided to hold a new circle to talk about what happened in the meantime and the judicial verdict.

The judicial authorities had decided to not go to the (public) court, but handle the case in a sort of "pre-trial court". A verdict had been ruled a couple of weeks after PMC B1; the offender received "probation measures". Therefore, this circle meeting happened "post-sentencing".

#### Circle participants

- Victim's wife
- Victim's son
- Victim's daughter = offender's girlfriend
- Offender
- Offender's mother & father
- SOP
- 2 facilitators

#### Circle outcome

There is no written agreement made during or after the circle meeting. The circle does take place in a very positive atmosphere and all participants mention that it was a positive experience for them.

## 6.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 6.1.1. Choosing the Peacemaking Circle method

The mediation service selected this case for a PMC, because the issues at hand affected the entire family of the victim, especially the close family (wife, daughter and son) and also the family of the offender (parents). The PMC seemed a good method of bringing them all together. Consequently, the choice for the PMC came especially from a “community of care” perspective.

The parties had and knew of the alternative of VOM, since a VOM was started before a PMC was offered. They also already experienced one circle meeting; so most of them could choose between VOM or PMC on the basis of experience.

However, at the end of the first circle meeting, everyone agreed that a second circle meeting might be appropriate, so the basis for actually holding a second circle meeting was laid there, in consensus.

Again, the relationship between the victim’s daughter and the offender plays a significant role in the holding of the circle meeting: if her relationship with the offender would have ended, it is not sure whether this would have taken place. Moreover, the person with the biggest wish to do a second circle meeting – who had the most concrete question – was probably the victim’s wife.

Lastly, the verdict mentioned that the offender had to keep in touch with the mediation service. Although this is a condition with no “real value” (since it can’t be monitored and the mediation service holds to the principle that no one can be obligated to continue mediation or a PMC); it can still bring about some pressure for the offender to oblige.

### 6.1.2. Choosing participants to PMC

The mediator, together with the conflict parties, found it a self-evident choice to invite the same people who participated at the first circle. However, the mediator herself primarily had contact with the conflict parties and let it up to them to invite their support persons (community of care). As a consequence (?) of this, one support person (cleaning lady) was only contacted the day before the circle meeting by the victim’s daughter and she wasn’t able to participate because she already had other plans. She did express afterwards that she wished she could have been present and that the case affected her personally too.

For a while it wasn’t clear if the mother of the offender would participate or not, but finally she agreed to be there.

#### **People present:**

- Victim’s wife, son & daughter.
- Offender and both of his parents.
- SOP.

### 6.1.3. Implementing PMC's into the system

The PMC made it possible for the two families to sit together, which would be more difficult in a VOM.

There was already a verdict in this case, in which it was mentioned that the offender had to stay in contact with the mediation service. Although this was judicially speaking not binding (since the judicial authorities have no judicial way of checking whether the offender does this or not), it does give some idea about how the judicial authorities perceived the mediation as an added value in this case. Moreover, in a way the judicial authorities also used mediation and PMC here as an extension of their verdict.

## 6.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION



The seating arrangement was made beforehand by the facilitator. There are some changes seen in comparison with the first circle meeting, which are not all linked to the fact that there is one person less present.

Noticeable is that the offender's parents are split up: one is now sitting next to the offender, the other is sitting between two victims.

Victim C (wife of the victim). and her support person So. are again sitting opposed from each other (important for eye contact).

A. was the facilitator of the case, so the circle started with her (and so would every round of the circle), the first involved party to speak was each time victim K (daughter of the victim).



### 6.2.1 Preparing participants

All participants already experienced one circle meeting. In preparation of the second circle meeting, the facilitator only had contact by telephone with some of the conflict parties. When they mentioned that the communication between all concerned parties was still problematic and specifically the verdict itself was hardly discussed, she proposed to do another peacemaking circle. She did not prepare them specifically for the circle meeting and she asked the conflict parties to invite their support persons themselves.

At the beginning of the circle, the facilitator started with a short introduction. The emphasis here was on two aspects, both linked to the first circle: there will be a limit on the time (max. 2h – an alarm clock is even set) and the TP will be used and respected throughout the circle.

### 6.2.2. Ceremonies

There is no opening ceremony used. The facilitator starts with a short introduction, which mostly consists out of establishing some clear boundaries (time and use of TP).

A closing ceremony is done (as the Gatensbys have shown us: holding hands and sharing values). The facilitators themselves did not think about doing the closing ceremony. Instead, this was explicitly asked by one of the circle members (otherwise the facilitators seemed to have forgotten to do it).

Afterwards, the facilitators contemplated if they couldn't/shouldn't have put a picture of the deceased victim in the middle of the circle and lit a candle beside it as an opening ceremony and put it out as a closing ceremony.

### 6.2.3 Talking piece

#### *Choice of talking piece*

As a TP, a “juggling ball” (described by the facilitator as a stress ball) was used. This was chosen by the facilitator herself.

#### *Use of talking piece*

The facilitator mentioned the TP in her introduction and clearly stated that it should be used throughout the circle, as it would bring the added value of the PMC/intervention of the mediation service.

*A discussion like the last time can't happen this time. The discussion was not necessarily a bad thing, but you can do that at home too, you don't need the help of the mediation service to do that. So use us to do something different, to use the talking piece and listen to each other.*

The TP was used throughout the circle meeting and always in the same order. The TP is largely respected during the circle meeting – there are some small interruptions now and then, mostly to help the person speaking or making a small remark; they general-

ly don't break the circle flow). When someone tries to say something that would really break the circle order, the facilitator immediately intervenes.

### *Evaluation of the talking piece*

Most of the participants seemed to find the use of the talking piece favourable; although only one participant (victim) referred to it explicitly in the questionnaires (referring to the order of the discussion and being obligated to listen to one another).

A possible critique to the TP was given by another circle participant (offender), stating that he sometimes had to write things down to help him remember everything to say until it was his turn.

### 6.2.4. Phases of the circle

Not all phases were realized. The circle started by an introduction by the facilitator.

The introduction phase was skipped – the reason the facilitator did this, was that she felt that there was a too big of a difference in atmosphere between the introduction phase (relaxed, jokingly) and issues phase (serious grief) in the previous circle. One could also argue that, since all participants already knew each other and did a circle together, introductions weren't really necessary.

The phase about guidelines and values consisted out of 2 circle rounds. The facilitator explicitly chose to add this round (in her previous experience, she skipped this round) for two reasons: she wanted to avoid an escalation of the circle (as happened in PMC B1) and she wanted a more gradual build-up to the next phase of the circle (*identifying issues*).

In the first round, the facilitator repeats the things she mentioned in her introduction (respect for the TP and time) before passing the TP. Everyone then go a chance to add something, which was written down by the second facilitator and placed in the middle of the circle. After the first round, the facilitator read all that is written down and starts a new round to see if anyone has something to add or question. Two people (facilitator and offender) added something. When the TP reached the facilitator again, she continued the circle (no explicit consensus about everything, no question: does anybody disagree). This phase takes about 10min.

In the next phase, which could be seen as "identifying the issues", people were invited to share what they want about the verdict and what happened after that. This phase took 4 circle rounds, where the verdict, the difficulty the participants seem to have communicating with each other about sensitive topics and a taking responsibility and the meaning of responsibility are discussed. In total, this phase took 1h30.

The closing round can be seen as the last phase, although no action plan was made – but that was also not the intention or expectation of any of the participants.

### 6.2.5. What are circle goals?

The goal of the circle was in general to build further on the previous circle meeting and to strengthen the relationships that were getting better. Specifically, the circle meeting was also held because some issues (e.g. the verdict) were not or could not be discussed amongst themselves and they wanted to do this with the help of the mediation service.

In short: building relationships and facilitating communication. These goals seemed to be shared by all circle participants and the facilitators.

#### 6.2.6. Contributions of participants to each circle phase and their impact

##### *Support person of the victim (SOP):*

She was the person, next to the facilitators, with the most “outside view”. She also confirmed some things about the court session/verdict.

She was also the target of some anger/frustration from the offender and his support persons because the offender didn’t receive the verdict yet.

##### *Victims*

The victim’s wife asked a question in the values round (see below), that impacted a part of the circle. The emotions of the victims in general were less profound than in the first circle meeting.

Of note was also something the victim’s son said towards the end of the meeting: when it was discussed whether a new circle was needed with the broader family, he suggested maybe two circles were needed, like they did. The first one to get all the emotions out, to shout at each other, etc. and the second one to come together. As such, he stated (for the whole circle and to all circle participants) that the first circle was not a failure in his opinion, but a necessary step.

##### *Support persons of offenders*

The support persons of the offender, most notably the father, took a very reconciling role upon them. They gave a lot of acknowledgement towards the victims, especially towards the victim’s wife.

This is in contrast with the first circle, where they took on mostly a defensive role.

#### 6.2.7. Questions’ impact on the circle

There were only three real questions asked to all of the circle participants by the facilitators; two of these questions (the questions about the values was planned and the question about the one general topic) were planned beforehand. The last question, asked during phase 3, was made up as the circle went. The three questions were:

- “What do you need to let this circle happen in a good way?”
- “Please share what you feel, want to tell or ask about the verdict and the time after the verdict.”
- “Why is it that communication is so difficult?”

The participants themselves did also ask some questions. In general, there was also more interactivity (referring to what other said) than in the first circle meeting. Stories (although it was less story-telling than in the first circle meeting) were not only shared, they were used in telling their own story.

Questions asked by the participants:

- “I would like that everyone looks at everything from my point of view. If they were in the same situation, would they have done the same as she did? Look at the whole situation like her?”

This was a question from the victim’s wife and was very important for her (she wanted to ask the same in the first circle meeting); also because it hadn’t and at the time of the circle meeting still wasn’t always easy for her (e.g. not always being able to say what she wants, in order to keep the “peace”).

This question also had an impact on the meeting itself: the offender and his support persons all responded to that question at some point in the circle meeting and one of them (the offender’s father) even congratulated her on coping with the situation the way she did. This question therefore seemed to bring forth acknowledgement for her as a victim and for the way she handled things.

- “K. maybe never told C. I wanted to talk to her?” (question asked by the offender’s father).

This was not really a question directed at the circle, but at K. in particular. It was a noticeable question though, because the answer of K. (she hadn’t) brought about different reactions with the offender (her boyfriend, who reacted more angry, which brought about an angry reaction of K.) and the offender’s father (“It doesn’t matter”).

#### 6.2.8. Keepers’ less neutral role

The facilitators shared something about their relationship as co-workers and how they communicate with each other; more specifically, how they have both different styles of communication and how they have learned to handle that. One of the facilitators also clearly mentioned that she recognized herself in one of the victims (in the sense of style of communication).

This sharing came when the topic of the circle was difficulty in communicating with each other and thus fit perfectly. It is not entirely clear if this would however, also not have been possible during a normal VOM.

Their most important function in the circle was guiding the circle through the different stages & questions; referring back to what was said (even in the previous circle. Sometimes this was also done in a value-related way: “A lot of beautiful things have been said”; “I see the added value of the circle, even of the first one”; “try to communicate like this at home too”).

The questionnaires showed that all circle participants were pretty to very much satisfied with the facilitators and thought they were similarly impartial.

	Not at all			Very much	
	1	2	3	4	x
Guidance through the different phases	1	2	3	4	x
Summarisation of arguments, important statements, etc.	1	x	3	4	5
Asking of specific questions	1	2	x	4	5
Input of own opinion	1	2	x	4	5
Explain the judicial consequences of success or failure	N/A				
Putting away the TP	x	2	3	4	5

### 6.2.9. Power relations in the circle

All conflict parties, except the victim's son and daughter, had support persons. The victim's son wanted to bring his therapist, but she wasn't allowed to come by her employer. The victim's daughter invited her support person too late.

The "victim's side" was slightly larger than the "offender's side" (3 victims + 1 support persons versus 1 offender + 2 support persons). However, this didn't seem to bring an imbalance, perhaps also because one of the victims had a relationship with the offender and one of the support persons of the victims took a mostly "mediating" role and victims and offenders were placed not in "groups" together. Consequently, there seemed to be no real power differences in the circle.

There was however a couple in the circle (offender and victim's daughter), who were almost facing each other. It could be that there was an unnoticed impact here, depending on the balance in their relationship.

### 6.2.10. Security issues

#### *Research*

The presence of the researcher didn't seem to bother any of the circle participants; most of them also greeted and recognized the researcher from the previous circle meeting. After the circle, the questionnaires were filled in (although it was probably not ideal: the circle had ended, people wanted to go home).

#### *Security/comfort*

The offender's father is seated between two victims, although he knows them both and one of them (the girlfriend of his son) well. Because of the reconciling role that he took (or maybe the seating arrangement was – partly – the cause of the role he took), this didn't seem to be a problem for him. However, I sometimes wondered how it felt for the victim's wife to receive this kind of support from him.

### Confidentiality

There is no one present with a legal obligation to report anything.

There are no community members present that are seen as “outsiders”, so no issues there.

#### 6.2.11. Social and cultural diversity

The only issue that could play a role, is that the offender’s family owned a shop and might be trying to protect their “good name” or “reputation” against accusations, public attention to the court hearings, etc.

Otherwise, all participants were from the same social and cultural background.

#### 6.2.12. Restorative success

##### Were the following goals reached?

	Not at all			Very much	
Responsibility taking	1	2	x	4	5
Regret?	1	x	3	4	5
Better understanding of the other party	1	2	3	x	5
Acceptance of compensation	N/A				
Relief/healing	1	2	x	4	5

##### Was regret, responsibility taking and forgiveness /acceptance expressed in the circle in any way?

	not at all	very much			
Regret, responsibility taking and forgiveness/acceptance in the circle					
By words	1	2	x	4	5
By non-verbal signs	1	2	x	4	5
Victims’ reactions to regret and responsibility taking	1	x	3	4	5
Offenders’ reactions to forgiveness/acceptance	N/A, forgiveness was not really mentioned				
Circle keepers’ reactions to regret, responsibility taking, forgiveness/acceptance	1	2	x	4	5
Turning points of responsibility taking	N/A, responsibility taking from the beginning of the circle (maybe the verdict can be seen as a turning point: offender might have not felt the need to be on the defensive anymore)				
Turning points of forgiveness/acceptance	N/A (relationship between the offender and victim’s daughter might be seen as the “turning point”/sole (?) reason for any acceptance)				

### 6.2.13. Where other circle outcomes reached?

The added value for all participants was that they were able to (1) all meet in the same room and (2) talk about a number of things that were previously left silent. In the circle itself, participants mentioned that their relationships were already healing, although some (e.g. victim's son) also clearly stated that it could never be the same again.

Participants seemed to agree that a similar circle might be a good thing to do towards the more extended family of the victim, or at least some of them (the offender thought that he could do it himself for some of them).

## 6.3. EVALUATION AFTER THE CIRCLE

### 6.3.1 Participants' satisfaction

At the end of the circle meeting, several participants (especially victims) clearly mentioned that the circle meetings were an added value.

### 6.3.2. Keepers' satisfaction

The facilitators were satisfied with the (course of the) circle meeting, much more than with the previous circle meeting – although they agreed with the circle participants that the escalation in the first circle was probably necessary.

The facilitator emphasised that the decision to explicitly hold the circle rounds about the values had been a good decision. Not only did she find that it set the right mood for the rest of the circle, but she stated that circle participants really come back to what has been said during that round (even after the circle: when she phoned with a support person from the offender, he mentioned: *"We have to keep what was written on the ground in mind and then we will be okay"*. - this is also a sign that the visual aspect of the values is important).

The facilitator also mentioned that she wrote some things down and found it more comfortable, since she didn't forget things and could listen more thoroughly (instead of thinking about the things she mustn't forget). She wondered if all participants shouldn't receive the possibility to write things down, though she also saw downsides to it. E.g., she mentioned: *"It might again make for a more 'violent discussion' and people might come back to little things that weren't that important, otherwise they would have remembered them anyhow"*.

### 6.3.3. Execution of the action plan

There was no action plan made nor was a mediation agreement drafted up after the circle meeting.

### 6.3.4. Impact on the larger community

No impact on the macro-community or geographical community (most people of those communities didn't even know what truly happened). There is a significant impact on the community of care and the way the participants can get along with each other (between victim and offender and between victims themselves).

The circle had also another impact on the “larger community of care”, in the sense that it was a stepping stone in restoring the relationship between the offender and victim’s family. After the circle, he (together with his girlfriend) also tried to restore the relationship with other members of the victim’s family, some of it on their own, some of it through another circle meeting (see PMC B7).



## 7. PMC B7

### Davy Dhondt

#### Brief case study

After a family party, a couple gets into an argument in their car on the way home. At a certain point, they pull over. The parents of the woman, who were driving behind them, also stop. There is an argument between the father of the woman and the man of the couple. The latter pushes the former, who falls and breaks his leg.

The father, who was already seriously ill (chronic and possibly terminal disease) is taken to the hospital and has to undergo surgery. All seems to go well, until a few days later, when he slips into a coma. A week after the fall, the father dies in the hospital.

There is a lot of emotions towards the offender from the victim's side of the family. However, the relation between the offender and daughter of the victim remains, which brings about additional tensions in that family (the offender can't come to the funeral, the offender and victim's son can't be present at the same time at the house of the victim's wife, worsened relationship between the victim's son and daughter, etc.).

The police, who was present at the night of the argument, first dismissed the case as a family issue. A month after the victim died, his son goes to the police to file a complaint. The judicial investigation concludes that there is no legal link between the offence and the death of the victim.

During the judicial investigation, the victim's wife is aided by "victim reception of the prosecutor's office" (referred to as SOP). Because of the tensions in the family (mostly due to the relationship between the offender and the victim's daughter, SOP refers the victim's wife to the mediation service.

The mediation service starts with a normal VOM between the offender and the victim's wife and son, which eventually led to peacemaking circles (see PMC B1 and PMC B6).

After two circle meetings with the "core family", some (most?) issues seem to be cleared up. However, tensions remain between the offender (with his girlfriend) and the larger family of his girlfriend (grandparents, aunts, etc.). Towards the grandparents, he took steps himself and already talked to them. Towards one of the aunts (sister of the deceased victim), another circle meeting was organized.

The judicial authorities had decided to not go to the (public) court, but handle the case in a sort of "pre-trial court". A verdict had been ruled a couple of weeks after PMC B1; the offender received "probation measures". Therefore, this circle meeting happened "post-sentencing".

#### Circle participants:

- Victim's sister
- Husband of victim's sister
- Two children of victim's sister
- Victim's daughter = offender's girlfriend
- Offender
- 2 facilitators

#### Circle outcome:

There was no action plan made or written agreement drafted during or after the circle meeting.

However, the circle meeting was the first step in restoring contact between the circle participants. During the circle, some (general) agreements were made to keep in touch (which was the expectation of circle participants).

## 7.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 7.1.1. Choosing the Peacemaking Circle method

After the first two circles, the mediation service gave the participants the possibility to hold another circle for addressing the larger family, if it was necessary.

A couple of months after the last circle, the mediation service was contacted again by the victim's wife. She mentioned that the offender was trying to get in touch with the rest of the family, in an effort to restore the relationships. He (together with his girlfriend) already went to the grandparents of his girlfriend and now he wants to go to an aunt (the victim's sister). However, the victim's wife and the aunt thought it would be better if the mediation service facilitated this first step. They did not want the offender to show up unexpectedly.

Again, the relationship between the victim's daughter and the offender plays a significant role in the holding of the circle meeting: if her relationship with the offender would have ended, this circle would probably not have taken place. This is seen in the following quote:

*I was going to do it anyway. Like I said, and I'll keep repeating it, for my sister-in-law and for X [the offender's girlfriend]. Because it has to stay bearable for them too. (interview victim – 29/04/2013)*

The offender himself did not find the intervention of the mediation service (through a PMC or otherwise) necessary. He wanted to go to the victim's sister (his girlfriend's aunt) himself, like he did with the grandparents of his girlfriend.

His girlfriend (victim's daughter) felt some resistance in participating a PMC again, especially because she did not want to go through the whole process again. This resistance was countered by focusing the content of the circle meeting on the future (see further).

Lastly, the verdict mentioned that the offender had to keep in touch with the mediation service. Although this is a condition with no "real value" (since it can't be monitored and the mediation service holds to the principle that no one can be obligated to continue mediation or a PMC); it can still bring about some pressure for the offender to oblige.

### 7.1.2. Choosing participants to PMC

The offender and his girlfriend wanted to do the PMC for repairing the relationships with her aunt, uncle and their two children. Therefore, these were the persons to naturally invite to the circle meeting.

The victim's sister and her family thought it would be better if the victim's wife would not be present during this circle, this to spare her from another circle meeting and confrontation. They however gave her the final choice: if she really wanted to be there, she could. However, she accepted the decision by the victim's sister and her family.

The victim's sister and her family also said they didn't want the offender's parents to be present. The reason for this is that they didn't want the meeting to be dominated or controlled by one of them.

It was the mediation service that decided to not further widen the circle (with geographical or macro-community), because after hearing all the "conflict parties" (offender, his girlfriend, sister of the deceased victim, her husband and two children) it was clear that the only motivation for all of them to participate was to try and restore their relationship; and not to talk about the crime or other, broader consequences that came thereof.

Consequently, other participants from the previous circle meetings (e.g. wife of the deceased victim) weren't there, nor were members of the geographical or macro-community.

**People present:**

- Victim's sister with her husband, son (>18y) and daughter (<18y).
- Offender and his girlfriend (= daughter of the victim).

**7.1.3. Implementing PMC's into the system**

*Regarding the mediation service*

The PMC made it possible for the two families to sit together, which would be more difficult in a VOM. The additional work for the mediation service (compared to a VOM) was limited, as no community members were involved (that needed to be prepared) and the room where the circle meeting could take place, was found with relative ease.

*Regarding the judicial system*

There was already a judicial verdict in this case (which mentioned that the offender had to stay in contact with the mediation service – see above and PMC B6); however, there was no connection made between this PMC and the judicial authorities.

**7.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION**

*Seating arrangement*



A. was the facilitator of the case, so the circle started with her (and so would every round of the circle), the first involved party to speak was each time the victim's nephew.

The seating arrangement was made beforehand by the facilitator. The reasoning behind it:

- The victim's nephew will speak first; he will talk, but will not take too much time.
  - The victim's sister will probably be the most emotional.
  - The other facilitator can cope with the message of the victim's sister and be a buffer between her and the offender.
  - The offender can speak soon enough in the circle.
  - The offender's girlfriend can act as a buffer between the offender and the victim's brother-in-law.
- o The victim's niece will probably talk the least (she mentioned this herself in the preparatory talks); so she can come last.

### 7.2.1. Preparing participants

Since it was the victim's wife who contacted the mediation service (while she herself probably would not participate), the mediation service first asked that the victim's sister contacted the mediation service herself, before further steps were made. This kind of responsibility-giving continued to the others (victim's brother-in-law and victim's nephew) during the preparation.

Two of the circle participants already experienced two circle meetings. In preparation of the third circle meeting, the facilitator still had a separate meeting with both of them together. This was done mostly to prepare the content of the meeting with them, per request of the victim's sister. Specifically, she did not want to talk about the crime itself, but look forward to the future: how would the act towards each other?

All the other participants were prepared through individual talks in person: G. & J. were seen separately, Kat. & C. were seen together.

At the beginning of the circle, the facilitator started with a short introduction, where she summarized what has happened already in the mediation/PMC and the court. Next, she mentioned the two central topics (see further) of the meeting (which were also discussed in the preparatory meetings and the time limit (max. 2h – an alarm clock is even set) and also mentions the use of the TP.

### 7.2.2. Ceremonies

There is no opening ceremony used. The facilitator starts with a short introduction, which mostly consists out of establishing some background to the circle meeting.

A closing ceremony is done (as the Gatensbys have shown: holding hands and sharing values). The facilitator introduced this by saying it's something a bit ridiculous, but that it has its value.

### 7.2.3. Talking piece

#### *Choice of the TP*

As a TP, a "juggling ball" (described by the facilitator as a stress ball) was used. This was chosen by the facilitator herself (and was the same for every circle she facilitated).

The facilitator mentioned the TP in her introduction. Furthermore, when the first round started (which was the one about the guidelines) she herself added that she finds it important that the TP is respected.

### *Use of the TP*

The TP was used throughout the circle meeting and always in the same order. The TP is largely respected during the circle meeting – there are some small interruptions now and then, especially when the atmosphere in the circle becomes more relaxed; from the moment on that is becomes clear that everyone wants the circle and their relationship evolve in a positive way. Interruptions that are done are mostly done in a jokingly way.

Participants seemed to like the use of the TP.

*I found it good, because when everyone is talking at the same time, you cannot proceed. (interview victim – 29/04/2013)*

There were some slight critiques towards the TP too however. One was also linked to the seating arrangement: the offender and his girlfriend thought it would have been better if the offender could have been the first one to speak (at least in the phase of “identifying issues”), so he could explain and apologise. Due to the fact that all the people before him passed the TP in this round without speaking, this was not a big problem (the facilitator even stated this was ideal: although the offender actually spoke first, the victims had the chance to speak first and it was their choice not to).

A second “critique” to the talking piece was the fact that participants sometimes forgot the things they wanted to say when the TP was going around the circle. The suggestion of being able to write things down was made (and actually the victim’s brother-in-law did write some things down during the circle meeting).

### 7.2.4. Phases of the circle

Not all phases were realized. The introduction round was skipped, because the facilitator felt that this wasn’t necessary: everyone knew each other in the circle.

After the introduction by the facilitator, the circle started by the phase about the guidelines and values (building trust). The question asked to introduce this round was: “What is needed to hold this conversation in a good way?” The facilitator herself answered this question (“respecting the TP”), before passing the TP. During this round, the other facilitator notes things down on pieces of paper and puts them in the middle of the circle. This phase takes in total 5 rounds: the TP is passed through, until no one adds anything else. Notable, at the start of the fourth round, the facilitator mentions that it might seem “ridiculous” to keep passing the TP, but that it is important to do so until no additions are made”.

In the next phase, which could be seen as “identifying the issues”, people are invited to share what they want with each other. This is a very open question; and in the first round the TP is passed through quickly (J. mentions he wants to wait a round, Kat. doesn’t say a thing. When it reaches the offender, he is the first to actually speak. Among other things, he apologises.

In total, 6 rounds are done in this phase. Content-wise, the past is handled (mostly the lack of communication that was there) and expectations for the future are mentioned (being able to sit together at family meetings, etc.).

Lastly, there are three rounds done as a sort of a closing rounds of the circle meeting. People talk here a bit how they see the future after the circle meeting and how they experience the circle meeting; but there were no action plan made or very clear things agreed upon. It was more a general feeling of “it will be okay”.

#### 7.2.5. What are circle goals?

The goal of the circle was in general to rebuild the relationships. More specifically, since the offender was planning to visit the victim’s sister on his own, the circle meeting was organised as a way to facilitate this first step in a safe environment. As stated before, the victim’s side found this more necessary than the offender himself. Still, the goal of restoring the relationships is shared by everyone.

After the crime, all communication between the family members had halted and in the circle it became clear that, definitely after the initial shock and anger had gone away, this was caused by misconceptions and no one daring to take the first step. In that sense, the circle meeting could be seen as the first step in re-building the relationships and facilitating communication between them.

Since the atmosphere of the circle was very open to everyone and they all left with a positive feeling, it seems safe to say that the goal of the circle was reached.

#### 7.2.6. Contributions of participants to each circle phase and their impact

##### *Support person of the victim (family):*

The line between support persons and victims is really thin here, since they were all family of the deceased victim.

Her husband can be seen as taking on a reconciling role: he tried to show their point of view, but always mentioned he could understand if it was perceived differently by others.

Her two children were initially more in the background, not participating that much. As the circle shifted more towards the future, they were the one who most clearly stated that they wanted things to be “normal” again. Especially the youngest daughter also mentioned some things in a very open and sincere way, e.g. her mixed feelings after the crime, the guilt she felt, etc. She also countered her parents sometimes (e.g. when her father said that maybe it would have been possible to have done a circle meeting much sooner; the daughter stated that it probably wouldn’t have worked, because everyone felt more angry then).

##### *Victims*

The victim, where we only mean the sister of the deceased victim here, seemed to have a relatively small impact on the circle meeting. She was the one that mentioned the most grief about losing her brother, although this was limited, since the circle mostly focused on the future.

She did however give a clear message to the offender that she didn't hate him for what he did. She also shared that her priority to do this circle was the "well-being" of K. (her niece, the girlfriend of the offender): she wanted her to be happy.

### *Support persons of offenders*

The girlfriend of the offender was also the daughter of the deceased victim, so she sat there in a very difficult role. However, in this circle she was more clearly a support person for the offender than in previous circles, since they sat there as a couple trying to re-establish relationships with the rest of the family. On the other hand, she sometimes also took on the role of the victim, in the sense of the victim of broken relationships and being caught between her family and boyfriend.

### *The offender*

The offender spoke in a different way than the previous circle meetings. He seemed to take a less "defending" position and stated several times that it was him that made a mistake, that it shouldn't have happened, etc. He was also more responsive when others talked: he was looking at them more, nodding when they said something, etc. He was also supportive of his girlfriend; sometimes even so much that the impression could be given that by defending her, he blamed some of her family members.

#### 7.2.7. Questions impact on the circle

There were two questions planned before the circle meeting:

- What is needed to hold this conversation in a good way?
- What do you want to share with each other?

One other question was asked by the co-facilitator towards the end of the circle, that was aimed at everyone:

- Is it possible to be more concrete [about how you want to meet in the future]? Do you wait until the next family gathering, or do you actively meet?

The facilitators didn't really ask other content-wise questions (she did ask, before one of the final rounds, that it might be time to close the circle). However, when the facilitator received the TP, she sometimes shared something she noticed during the circle round or things she heard in the preparatory talks she had with everyone.

The participants themselves did not ask questions that were directed at the entire circle.

#### 7.2.8. Keepers' less neutral role

The less neutral role of the facilitator, that is more possible in a PMC than in a VOM, was not so pronounced in this circle. The facilitators did sometimes add things that could be seen as "personal opinion" (e.g. beautiful things are said, communication isn't self-evident, etc.); but these are things that fit in a VOM too.

Their most important function in the circle was guiding the circle through the different phases and keeping the circle on track by adding some information or repeating things

that were said during the preparatory talks. They themselves saw their role more defined as just “being there” for the first step in re-establishing contact between the circle participants than really having an active role.

Also notable: the co-facilitator passed the TP rather often without saying something (6 times). This might be explained somewhat by the original idea of the seating arrangement: she sat there to act as a buffer between Kat., who might become emotional, and St.. However, Kat. didn't really become emotional and the atmosphere of the circle was always very open and positive, consequently, there wasn't a real need of a “buffer”.

The participants themselves seemed to be content with the work of the facilitators, although it is difficult to say for sure, since they didn't fill in the questionnaires. In the follow-up interviews that were done with some of the participants, the respondents were positive about the facilitators.

	Not at all			Very much	
Guidance through the different phases	1	2	3	4	x
Summarisation of arguments, important statements, etc.	1	x	3	4	5
Asking of specific questions	1	x	3	4	5
Input of own opinion	1	2	x	4	5
Explain the judicial consequences of success or failure	N/A				
Putting away the TP	x	2	3	4	5

### 7.2.9. Power relations in the circle

The victim (deceased victim's sister) had her family (husband and children) with her as support persons, although those can be seen as victims too. The offender had his girlfriend with him as a support person, although she can be seen as a victim too (daughter of the deceased victim). In that sense there was a potential risk for a power imbalance (5 victims against 1 offender), but because of the goal of the circle (restoring relationships) and the way the victims were present in the circle (open, not confronting, searching for a solution through talking) this power imbalance never became an issue.

There was one minor present in the circle. While the fear beforehand was that she wouldn't say much in the circle itself, and the first few rounds she did just pass the talking piece without saying something, she was the one that mentioned a few things other people took over (e.g. “we are a small family => everyone extra is positive”) or that were very meaningful (e.g. “not everything is the fault of [the offender]”; “I was sad for K., now I want her to be happy”). She seemed to be the one that could pick up things in the circle and mention them in a way no other participant could.

### 7.2.10. Security issues

#### *Research*

The presence of the researcher didn't seem to bother any of the circle participants. There was some resistance with filling out the questionnaires before the circle however, especially with the offender, though everyone filled them in. The questionnaires after the circle



however were not filled in, possibly due to this resistance and the facilitator mentioning that the questionnaires didn't need to be filled in now.

Everyone seemed to be OK with the possibility that the researcher would contact them afterwards for a follow-up interview. However, when the researcher made contact with one of the participants, he mentioned he didn't have the time to do the interview. He did give some feedback over the phone though.

### *Security/comfort*

The minor and the offender both mentioned that they had mixed feelings coming to the circle, because they didn't know how it would go. At the end of the circle they both said that they were glad to have done the circle.

You could therefore say that there was some discomfort in the beginning for the participants, which might be also the explanation why in the beginning of the circle some participants (e.g. the two children) passed the talking piece consistently without saying something and from the middle to end of the circle they started talking.

There didn't seem to be any issues about security.

### *Confidentiality*

There is no one present with a legal obligation to report anything.

There are no community members present that are seen as "outsiders", so no issues there.

### 7.2.11. Social and cultural diversity

All participants came from the same social and cultural background.

### 7.2.12. Restorative success

#### **Were the following goals reached?**

	Not at all			Very much	
Responsibility taking	1	2	3	x	5
Regret?	1	2	x	4	5
Better understanding of the other party	1	2	3	x	5
Acceptance of compensation	N/A				
Relief/healing	1	2	3	x	5

Of note: the facilitator and the victims feared before the circle that the offender would want to explain and/or minimise his behaviour by speaking about what the victim did wrong, etc. They were both relieved that he did not do this and only focused on his own responsibility, before talking about the future.

**Were regret, responsibility taking and forgiveness /acceptance expressed in the circle in any way?**

Regret, responsibility taking and forgiveness/acceptance in the circle	not at all			very much	
By words	1	2	3	x	5
By non-verbal signs	1	2	x	4	5
Victims' reactions to regret and responsibility taking	1	2	x	4	5
Offenders' reactions to forgiveness/acceptance	1	x	3	4	5
	Forgiveness was only explicitly mentioned in one of the last circle rounds. The offender repeated the words "we cannot forget, but can forgive".				
Circle keepers' reactions to regret, responsibility taking, forgiveness/acceptance	1	2	x	4	5
Turning points of responsibility taking	N/A, responsibility taking from the beginning of the circle (maybe the verdict can be seen as a turning point: offender might have not felt the need to be on the defensive anymore)				
Turning points of forgiveness/acceptance	<ul style="list-style-type: none"> <li>Relationship between the offender and victim's daughter might be seen as the "turning point.</li> <li>See above: the offender focused on himself and not on the possible responsibility of the victim.</li> </ul>				

7.2.13. Where other circle outcomes reached?

The restoration of relationships, or at least a first step towards it, seemed to be made successfully in the circle meeting.

**7.3. EVALUATION AFTER THE CIRCLE**

7.3.1. Participants' satisfaction

At the end of the circle meeting, several participants clearly mentioned that the circle meeting was a positive experience. They also referred to the deceased victim and that he would be glad with the way they handled this.

7.3.2. Keepers' satisfaction

The facilitators seemed satisfied with how the circle went. They saw themselves as only having a minimal role in the circle and thought the goal of the circle was reached.

7.3.3. Execution of the action plan

There was no action plan made.

#### 7.3.4. Impact on the larger community

No impact on the macro-community or geographical community (most people of those communities didn't even know what truly happened). There is a significant impact on the community of care and the way the participants can get along with each other (between victim and offender and between victims themselves).



## CHAPTER 2: CIRCLE PROCESS ANALYSES IN GERMANY

Beate Ehret

### 1. PMC G1

Beate Ehret

#### Brief Case Summary

A young couple, Felina Sieber and Simon Meier has a child together Karina (2 ½ years old). The couple split up a while ago but is back together again. The child's mother lives in an apartment by herself, the father still lives in his parental home together with his twin sisters and his mother, Mrs. Meier, who takes care of his child. Shortly before the incident, the young mother, Felina lost custody and it was transferred to her boyfriend's mother. (During the circle she claimed to not have known about this fact.)

On the day of the incident Mrs Meier is in the yard together with her grandchild Karina. Felina shows up in the yard and wants to take the child with her. The grandmother refuses to hand the child over to her. They get into an argument about it and Mrs. Meier pushes Felina away. Felina hits a child swing behind her with her head. Then Felina bites M.M. in the arm followed by M.M. pushing her backwards again causing her to hit the swing once again. Following this Felina slaps M.M. with her flat hand in the face. Bernd Meier, Simon's older brother who was visiting that day observes this from inside the house, comes outside and pushes Felina away causing her to fall down. During the whole fight the little 2 and ½ year old child is present. In this specific case there are no clearly defined victim and offender roles, instead everybody feels harmed and accuses the other party of having caused this.

#### Circle participants:

The family name is Meier, their family ties are all labeled according to their relationship to the grandchild, Karina.

Mother: Felina Sieber, Father: Simon Meier  
(son of M.M., brother of B.M.)

Grandmother: Maria Meier  
(mother of S.M. and B.M.)

Uncle: Bernd Meier

(brother of S.M., son of M.M.)

Community member and support person for

Felina Sieber: Marie Winter (M.W.):

1<sup>st</sup> Keeper: Michael Schadt (M.S.)

2<sup>nd</sup> Keeper: Regina Steinborn (R.S.)

#### Agreement/Action Plan/Added Value:

They both apologized for what they did. Felina Sieber admitted that she was insulting the grandmother. The grandmother expressed how well liked F.S. is in her family is and explained that with the 'privileges' come some obligations. We developed rules for dealing with each other in better ways and collected them on the flipchart. Suggested rules centered on competencies of avoiding conflict escalations such as: asking for a break and taking a break, leaving the room, waving a white flag, etc.

#### Fulfillment of Agreement:

From a follow-up interview with the grandmother we know that the family found better ways to communicate and continuously uses some of the techniques we discussed. Particular the word "white flag" is used to avoid escalations—and with success. Interestingly, the twin sisters adopted it and sometimes remind the young couple of it too. They feel like they benefitted from the circle very much even though it was rather indirectly.

Note: The twin sisters of Simon Meier originally wanted to participate in the circle but their mother decided not to take them out of school for it.

## 1.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 1.1.1. Choosing the Peacemaking Circle Method and Participants

Since we are partnering with Handschlag, Reutlingen, we are dealing with juveniles or young adults (Heranwachsende 18-21) only, because they do not provide VOM services for adults. Typically, the State attorney refers cases to the German Child Protection Services "Jugendgerichtshilfe (JGH)" and they transfer them to Handschlag for mediation.

Sometimes cases are referred or suggested directly by the JGH, a judge or a police officer but it is ultimately the StA's decision if they consider a case suitable for a VOM or not! There is also the possibility of 'Selbstmelder' self referred cases, which means the conflict parties are aware or know about the possibility of mediation and approach Handschlag directly to request it. One of our "failed" cases was a self-referral (Feurwehrfall).

If the Jugendamt is involved already in a case, they have the ultimate right to decide if a VOM (or circle) is in the interest of their juvenile/young adult. They are in the role of a "superparent" protecting their rights and interests (According to the law, provision § 8a KJHG the Jugendamt has the leading authority to decide ("Steuerungsrecht des Jugendamts"). In practice, this is usually decided by the prosecutor's office or the judge.

For general case selection, including offender and offense characteristics, Handschlag follows the German VOM/TOA standards. Although these are not legally binding and it is not obligatory to follow them, they have been developed by some of the leading mediation and social services agencies and formulate important safeguards and minimum standards for VOM (for details please see Annex "German-VOM-Standards-6<sup>th</sup>-Edition"). They also formulate basic exclusion as well as inclusion criteria such for cases, for example excluding cases without a personal victim, cases where someone has serious psychological issues or drug addictions, etc.

Handschlag developed a set of criteria for deeming cases suitable for the circle method such as: several people are involved in the case, some of them were rather indirectly harmed, there will be future interactions, etc. (for a more detailed description please see the full report (chapter 5.3). All mediators at Handschlag screened cases and showed potential ones to a Circle Keeper. Then, these two mediators discuss and decide about its suitability together.

In general the Keepers suggested VOM or circles to the conflict parties and explained the differences of the new method. Later on, after the xxx circle, they mentioned circles right away and discussed the option with them. If the conflict parties had serious objections, doubts or fears, that could not be cleared, they were offered a VOM. Ultimately, it is the decision of the conflict parties if they want to choose the circle method or not and the Keepers make this transparent to them.

In this individual family case, child protection services were involved already before the incident, because of the child custody case. For this reason the Keepers found the case particularly suitable and originally intended to include someone from child protection services in the circle. However, the young mother objected to this idea. She seemed to feel like they are not on her side or at least not neutral. However, there were additional criteria which made the selection of the case for the circle method meaningful. First of all we are dealing with a large family, including the twin sisters and the older brother of Simon. The girlfriend of this older brother was also involved and the Keepers suggested including her

as well, which was not accepted. The Keepers also intended to include supporters from the young mother's family or circle of friends, but she claimed to not know or trust anybody. Many times as well as in this case, it was the conflict parties who limited the number of participants. In some cases the Keepers suggested additional people that had not been considered by the conflict parties and were able to convince them. However, the conflict parties were always informed and had the "last say" in this!

Participants are usually invited by letter to come to the Tuebingen or Reutlingen office of Handschlag for an informational talk. There is a first and a second letter template (see attachment xxx). Accused and harmed parties are always invited separately; in case of minors they sent the letter to the parents. The Keepers always conducted preparatory talks either face to face or if not possible by phone with everyone invited to the circle except for the school circles!). As a very important and necessary precaution they assess everybody beforehand and their suitability for mediation in order to be prepared for potential problems, arguments or escalations. This way, they aim to prevent taking too much of a risk and aim to ensure that everybody is safe and sound during circle.

### 1.1.2. How are PMCs Embedded into the Existing Organizational Setting?

Colleagues showed the case to a Keeper; and they decided or discussed it's suitability with the mediator.

### 1.1.3. What is the Impact of PMCs on The Judicial System?

Since we are not including judicial representatives in Germany, the impact on the justice system is of rather indirect nature. The original intention was to expand the perspectives on VOM as a method and therefore increase its range of applicability in the minds of important "gatekeepers" who are in key positions of deciding for or against it. However, the fact that Peacecircles were available and conducted at Handschlag did not change the existing referral practice on the part of the prosecutors very much—at least not to our knowledge. However, it is entirely possible that individual actors such as involved judges, prosecutors or child protection service personnel were influenced by the project and by Handschlag conducting circles.

It is not the goal of Handschlag to include minor offenders in VOM or circles and therefore expand the range of formal social control as they want to prevent such net-widening effects. If minors are included, the letter is complemented by additional explanations about them not being legally culpable, not obliged to partake, and that there won't be any legal consequences for them if they decided not to join the mediation. However, the social conflict is of higher importance in these cases than the legal issues and may nevertheless warrant mediation. This is not specific to circles but also handled this way in VOM. It should be emphasized that addressing these dimensions is a strength of restorative justice methods and they seem particularly well-suited for these cases because the focus is not on criminalization but on repairing that harm caused by the offence as good as possible.

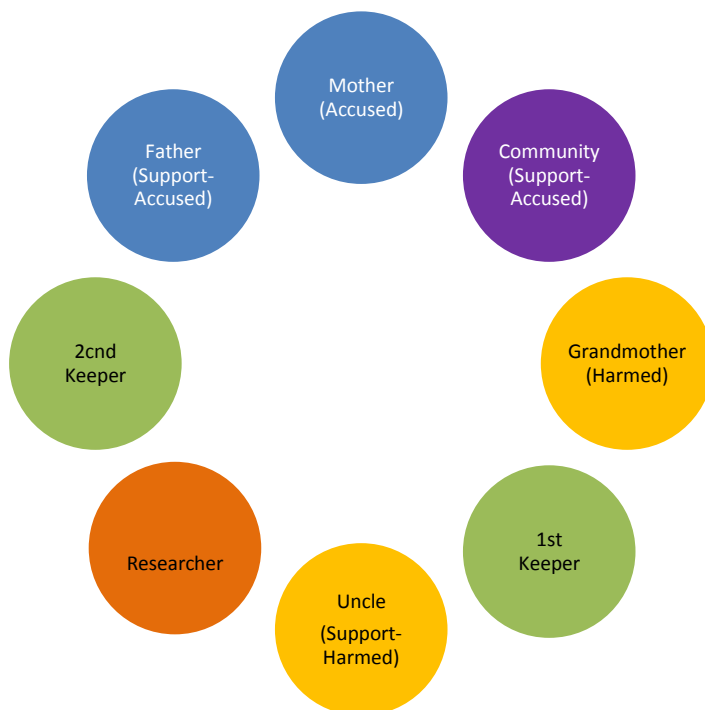
## 1.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION

### Seating arrangement

The seating arrangement was well thought out and planned. Of particular importance was to make the “accused” young mother feel safer and more comfortable. We knew from the preparatory talks that she is not on good terms with her own mother and does not have any other support person outside the family whom she would want to include in the circle. For this reason we took extra measures by placing her boyfriend right next to her and a selected community member (a mediator from Handschlag) for her support on her other side.

The older brother of the young father, B.M. was facing the accused from across the circle which could have felt intimidating but this is difficult to assess. However, he did talk “down” to her several times by telling her what to do or not to do in a rather paternalizing way. This is particularly relevant because he was involved in the incident and pushed her away that day. The fact that he is physically and verbally superior makes it seem likely that he intimidated her to some degree.

Both harmed parties, the grandmother and her supporter B.M. were placed right next to a circle keeper in order to make them feel safe and comfortable. This is also helpful in case interventions were needed for example if they would start talking to each other or changed the subject substantially.



#### 1.2.1. Preparing Participants

All preparatory talks were held by Regina Steinborn and Mary Winter. They talked to every circle participant in person, following the German steps for preparation (listening to their concerns, informing them about everything they needed to know, suggesting to them to think of questions they may want to ask in circle, etc.).



Michael Schadt was not participating in these talks but informed about relevant matters before the circle meeting by his colleagues. Marie Winter participated in this circle as a community support person for the accused young mother. So she and the trust she had built during the preparatory talks was present.

### 1.2.2. Ceremonies

Every arriving participant is greeted by shaking their hands and welcoming them. However, we depart from the Gatensby example as we do not shake hands again once everybody is seated by walking around in the circle.

We always place some kind of centerpiece such as a vase with flowers and a scarf, in the middle of the circle to create a good and positive atmosphere. This kind of decoration is a welcoming symbol in many cultures even though this is not a ceremony it can have a ceremonial character or create a welcoming ambiance.

Keeper 2 reads a story (two wolves inside us) and it was well perceived.

However, one of the keepers distanced herself from the story immediately after reading it by saying "I don't know if this is a good fit but..." The second keeper responds by saying he thinks it is a fairly good fit though, which probably helps. This strategy of distancing yourself from what you offered stems from family therapy. The idea behind it is to avoid defiant reactions of clients/juveniles rejecting an idea or offer for the sake of rejecting it. By distancing him/herself from it the therapist (keeper) is not identified with the idea and the client can feel free to choose if they like it or not—independently of their relationship to the therapist (keeper). This also helps clients keep their own autonomy in choosing and assigning their own personal meaning to it. In a way this is a ritual too or at least a structured communication to offer freedom of choice.

We always write the values that are suggested by circle participants on colorful sheets of paper and put them in the middle of the circle. This ritual is more a visualization and serves to illustrate the values and remind everyone of them during the circle dialogue. Most of us use little sheets of paper to remind us of things that are important and using colorful papers also brings this message across in a positive way or sets a positive tone.

We used the 'giving good wishes' circle as a closing ceremony. Everybody holds hands (by putting their right hand on top of the left hand of their neighbor to their right). Then someone begins by expressing a good wish such as a value or strength for their neighbor to their left. Something they would like to give to them. Then they move their right hand up and "put" the wish into their neighbor's right hand (which is placed on top of their own left hand). This way we go around the circle until everyone has expressed their wish. The last person who receives all the good wishes this way, gets to decide who to give this gift to.

### 1.2.3. Talking Piece

The talking piece is explained well at the beginning of the circle and everybody agrees on its use. M.S. explains the talking piece two more times and very well because there are some rule violations, afterwards everybody respects it. The main rule violations come from the young couple. They get into arguments and interrupt each other several times. In these instances one of them has the TP and the other ignores it. The Keeper M.S. intervenes by reminding them of the TP and listening. There seems to be a strong relationship dynamic between them which causes these rule violations. The lesson learned here is to

not seat couples or people with other very close relationships such as family ties or friendships right next to each other. This way, some of these rule violations can probably be avoided or more easily stopped. This precaution will make the appropriate use of the TP more likely.

Another rule violation is caused by the uncle, B.M. He addresses the young mother directly once and pushes for an immediate answer. This could have to do with the fact, that he arrived late and was not paying enough attention when the use of the TP and the rules were explained.

Altogether, circle participants became great co-keepers and enforced groundrules in a friendly and respectful manner. For example, when the older brother B.M. wants to speak immediately without holding the TP, everybody in the circle is laughing, which makes him aware of his mistake. The laughter does not come across in an arrogant way or as a means of shaming him about his mistake but rather friendly as a way of dealing with the new set of rules in a humorous way.

When F.S. was quiet again, her supporter M.W. offered to speak for her, gave it a try and returned the TP to her (counterclockwise) to ask for her confirmation for what she said. She does this twice. This works very well as Felina seemed content with what M.W. expressed on her behalf and explicitly confirmed this.

#### 1.2.4. Where Circle Phases Realized?

All phases were realized and took place in the right order. However, it was difficult to slow participants down for and during the first phase because they were pushing towards addressing the issue. Moving through the other phases went well and did not require much direction or intervention by the keepers. Shifts between phases were initiated by the keepers with their opening questions for the different rounds.

The discussion of **values** did not go real well as participants did not make suggestions themselves (aside from the keepers, researcher and community member). Maybe the question "Which values are important to you for talking to each other?" remained too abstract? We explained it further but participants got off track. The Keeper M.S. once returned the TP backwards to M.M. (counterclockwise) and repeated the starting question of the round because it had not been answered which helped. However, several participants pushed towards talking about the issue.

Examples:

S.M. (father): Can't think of anything. Would rather talk about the problem, than about the talking piece. This is what everybody does right now.

B.M. (uncle): Does not have anything to add.

Participants agreed to the values and their importance. Keepers did not ask for consensus in addition to asking everybody what they would need or like to add because participants seemed to agree and wanted to move on.

The **trust building** phase did not require much time since we were dealing with a family and there is a good base of trust present. However, the grandmother brought up some trust issues. She mentioned that she lacks trust because private things had been shared with people outside the family before and this had happened several times. However, it remains unclear if this accusation is directed only towards F.S. or if she also suspects other family members of having contributed to this. Altogether, her criticism functioned as

an important reminder of the possible damages or violations of trust caused by not respecting the privacy of the family and increased everybody's awareness of it.

To start **identifying issues and needs**, we asked how they perceived the police report that was read to them at the beginning and this way they were able to express some emotions about it and about the events. F.S. had difficulties opening up. She barely said anything and continuously passed the TP on without contributing. It turned out later (her boyfriend mentioned this) that she felt hurt by the police report, its one-sidedness and technical language of presenting the events.

**Clarifying issues and needs** was challenging because victim and offender roles were not "clear cut." Rather the involved parties were in a kind of "double role" since the argument escalated, turned violent, and both sides used physical means of fighting. The young mother was accused of biting and hitting the grandmother and the grandmother of pushing her against a child swing. Both acknowledged this in circle though and took responsibility. Even the young mother who is mostly quiet is able to open up for this. We learned from other family members in later follow-up interviews that this was impressive because in other circumstances, such as a court trial, she cooperated even less, said nothing at all, and just left the scene crying. We think her ability to take responsibility is partly attributable to the circle and its dynamics which was perceived as encouraging and empowering. Unfortunately, Felina S. was not willing to be interviewed afterwards to ask her about this specifically. Instead, the young couple stated that they wish to leave the incident behind and move forward. S.M. had a "mandate" from Felina to speak on her behalf for the second half of the circle after she was crying because she felt too upset to further participate. In comparison, the older brother did not take responsibility for having pushed A.S. but acted rather self-righteously. He seemed to have the role of the family protector. Considering that his father had left the family behind a long time ago without supporting them in any way, he might have partly taken over the role of the "man in the house."

For developing ideas to **repair harm** and an **action plan** we explored options and developed rules for dealing with each other in better ways. Everyone was contributing ideas except for the young mother who remained silent again. We collected the suggestions on a flipchart. Suggested rules centered on competencies of avoiding conflict escalations such as: asking for a break in escalating arguments and taking a break, leaving the room, waving a white flag for signaling a need for a break, etc. Moreover, both women apologized for what they did and expressed regret.

#### 1.2.5. Other important Circle Features and Their Relevance

All in all, everybody seemed to care greatly about each other, took responsibility beyond the legal dimension of the incident—except for the older brother—and acknowledged the harm this could and may have caused for the weakest family member—the young child who witnessed the violence between the two women. In legal terms the child would not be considered a victim but the circle process allowed for addressing this dimension of harm, which was causing a major shift in the circle and seemed helpful for coping with what had happened. Once everybody became aware or expressed their awareness about the potential damages something like this could cause for a child they re-connected as a family around their concern for Melina, who is depending on them. This was the base for building consensus and from there on the dialogue became more constructive. The consensus was tangible and build together around everybody's contributions, thus it was not necessary to re-confirm it again towards the end.

Both accused women acknowledge the harm and took responsibility while the uncle did not. He failed to acknowledge that he was involved in the conflict, clearly took sides, and by pushing Felina away, also used violent means to intervene instead of trying to calm them down and suggesting something else. The fact that he did not take responsibility for his actions also obstructed the movement towards the phase of repairing harm because of this “missing link” or “piece of the puzzle.” The way he acted and articulated himself made him seem rather self-righteous, as if he was not willing to question what he had done or contributed to the conflict at all and as if his actions were perfectly fine or justified. However, the two women took responsibility and the circle philosophy of addressing the harm done to relationships in a constructive collaborative way was a very suitable approach in this case. It also contributed to making the young mother feel safer. In a more accusatory or trial-like setting aiming at establishing guilt, the young mother would have probably been even less cooperative.

### 1.2.6. Circle Goals

The Keepers set as their goal for this circle to prevent further violence for the sake of both families the young and the older one. This was an expressed need of both conflict parties and the other family members they had learned about in the preparatory talks. Another goal was to speak about the harm done to the young child, Karina, by the incident and the way the two mothers handles their conflict. The child’s harm would not be addressed in standard criminal procedures but was at the centre of the conflict.

Removing the custody from the young mother might have been a necessity and we don’t know what exactly drove the decision. However, the outbreak of violence between these two mothers could have probably been prevented by communicating this decision better to both of them. It was an additional more subtle goal of the circle to facilitate communication about this issue and help them with reconnecting.

The main goal of the two conflict parties was to leave the incident behind and move forward as soon as possible. They were a bit “pushy” about this at the beginning of the circle because of this. The circle process made them realize quickly that it was to their benefit to slow the process down, move through the respective phases, and take more time for them because of the way they build on each other.

### 1.2.7. Contribution of Participants to Circle Phases and Impact

#### *Conflict Parties*

The contributions of the two mothers have already been discussed as part of the realization of circle phases.

The contributions of the uncle, B.M. were hindering progress at times because he acted and spoke too confrontational and potentially intimidating to Felina. Most importantly, he failed to acknowledge harm he may have caused and he did not take responsibility for it, as discussed in more detail under “Other circle features and their impact”. However, the mediators focused on the positive aspects of the circle: the two women, the progress they made in taking steps towards each other, and the resolution of their conflict. Paying too much attention to the uncle would not have created as much of an added value for the two families. Considering the uncle doesn’t live with them anymore this was a wise way of setting the right priorities.

### *Community representatives*

Particularly the role of M.W. as our “selected” community member was outstanding. She is currently a trainee at Handschlag and her skills were substantial for this circle. Her offer and ability to speak on Felina’s behalf mattered greatly for making the shy young mother feel safe and including her in the dialogue at least part of the time. M.W. managed to find the right words and found a very sensitive and respectful way to ask Felina for her confirmation of what she said. M.W. does an excellent job of supporting F.S. this way and this could have helped empowering her as well. By asking her if she confirms M.W. offers a direct opportunity to F.S. to step up and act less like a victim. However, F.S. does not take advantage of this offer and just nods.

The two are also in a similar age range which might have helped with building trust. This was only possible to do in a supporting role of a community member. As a keeper this would have violated her mandate to remain all-partial and not take sides. She was also filling the “gap” that there was no support person available for Felina and her boyfriend was in some kind of double-bind situation because his mother had been harmed as well.

#### 1.2.8. Questions’ Impact

There were situations where the circle keepers answered their own question and it had an impact on the participants. For example when discussing values Keepers suggest answers/values on their own. This works as a “role model.” However participants were confused because of the long and rather abstract introductions of rounds and did not contribute values on their own. This makes it hard to judge if the Keeper answering their own question helped or not.

Since this is a family they bring up other issues or problems several times. Since this never lasted very long and did not escalate (except maybe for F.S. and S.M. arguing with each other briefly) the keepers mostly did not have to intervene, participants usually came back to the topic by themselves and the circle took its course.

#### 1.2.9. Keepers’ Less Neutral Role

The Keepers remained rather neutral in this circle. This was fine since M.W. became more involved as a community member and there was no need for additional emotional expressions by the Keepers. However, at one point, the 1<sup>st</sup> Keeper, M.S. expressed that he started to feel insecure and unsure because the young mother was not participating in the dialogue. He showed his emotions about this and how it affected his self confidence about his work and potential impact on her.

In doing so, he was presenting himself as a human being who was affected by her behavior and needed her input to proceed with his work. This was a very sensitive way of expressing criticism of her behavior. Instead of blaming her or confronting her, he used a so-called “I-statement” and referred to his feelings about her. This way of providing feedback to her was less confrontational and probably easier for her to hear and accept. It impacted the circle greatly because it relieved a tension everybody was sensing because her behavior affected other participants as well and made them uncomfortable. To hear that even an experienced mediator like M.S. was affected by it was a relief and participants felt more comfortable once the truth was “said out loud.”

We also found a solution for the problem once it was openly addressed and—after taking a break—she gave her boyfriend a mandate to speak on her behalf.

### 1.2.10. Power Relations

Altogether, this was an articulate family with the ability to engage in a good dialogue and constructive exchange about the issues at hand as well as about possible solutions for the future—with the exception of Felina. She was noticeably less educated and less articulate, which could be part of the reason for her intimidation. There was a subtle power imbalance noticeable between the entire family Meier and Felina due to these discrepancies. This was amplified by the fact that Felina did not bring anyone for her support and couldn't even think of anyone who she would want to be there for her in that role. At least her boyfriend was supportive of her but he also disapproved of her violent actions towards his mother and was in a kind of "double role" due to this. Interestingly, F.S. was accused and was victimized but acts and comes across like she sees herself as a victim very much. She also mentions her difficult childhood and lets her boyfriend S.M. tell us that she feels hurt by the language of the police report. This could be interpreted as a strategy of taking a victim's role in order to not be held responsible for her action completely. M.M. seems very powerful as she is the head of the family and the household. She seems to handle this in a considerate way though and explains why certain rules are important. She seems to try to hold herself back.

Another noticeable power dimension was the grandmother's strong personality, dominant role as the head of the family and the fact that she talked a lot. Her contributions were also rather long. However, she seems to handle this in a considerate way though and explains why certain rules are important. She also seems to try to hold herself back.

Since this is a family they are used to this imbalance and it is part of their everyday life so it was not related to the circle or the mediators. It is possible that this also intimidated Felina but seems unlikely as the grandmother made several generous offers to her by saying nice things to her. While M.M. is sometimes maternalizing towards F.S. she tries to combine criticism with saying positive things. For example when criticizing Felina's sometimes selfish behavior (e.g. sleeping in and then claiming the child at mid-day and treating M.M. as if she wanted to take the child away from her) she also mentions how well liked she is by everybody and how she is part of the family and under what conditions she can benefit from the privileges this comes with.

Power relations between the uncle and the young mother have already been addressed under contributions of participants to circle phases (see conflict parties).

#### *Legal professional*

German circles do not include legal professionals. The reasoning behind this is described in the full research report

### 1.2.11. Security/Safety/Confidentiality Issues

F.S. seems insecure as described in the above. However, her silence does not seem related to confidentiality issues but rather the described power relations in this family. She is less articulate and less educated as the M. family which may be part of the reason for her feeling intimidated or saying less.

The grandmother mentioned a lack of trust on her part at the beginning of the circle, because private things had been shared with people outside the family before as discussed under circle phases as a trust building issue. However, after we all agree on the confidentiality of things said in circle she opens up substantially and there seem no substantial confidentiality issues remaining.

### 1.2.12. Impact of Social and Cultural Diversity

Please see power relations.

F.S. was born in Germany but has a Sinti or Romanies family background. In the preparatory talks she mentioned her mother being a “gipsy.” This was probably one of a variety of reasons for her feeling insecure. It probably also mattered regarding her role in the family or her silence in the circle? However, it was not brought up during circle by anyone—not even F.S. herself. She did mention that she had a difficult childhood but did not want to go into any more detail about it. She also articulated that she does not feel supported by her family. This does not mean she did not care about them though. On the day of the incident, some family members were there “visiting” and she wanted to show Karina to them. It also seemed to matter greatly for her to be able to do this as she was pushy about this wish of hers and the escalation of the argument with Mrs. Meier probably had to do with this string desire.

### 1.2.13. Other Circle Outcomes (Added Value)

Most outcomes were written down on a flipchart as an action plan and provided to the family. There are always other, additional valuable outcomes though. Altogether, the family benefitted from the circle as a good and calm way of talking to each other, expressing frustrations, and building new trust. The level of awareness about violence and the potential bad impact for a child witnessing it was raised substantially. Several skills were shared and introduced to everybody for avoiding conflict escalations, controlling our emotions and preventing violence.

## 1.3. EVALUATION AFTER THE CIRCLE

### 1.3.1. Participants' satisfaction

All participants were content that they participated in a circle and would do it again. Most of them would also recommend it to others and preferred it above standard judicial proceedings. Hardly anyone was in a position of comparing it to VOM though as they had not experienced a VOM and were not able to compare the two methods.

Except for one participant (Kin's aunt from the schoolyard circle) no participant changed this rather positive perception over time.

### 1.3.2. Keepers' satisfaction

Were the keepers content with the circle its course and its outcome? How would they assess their restorative impact? Were restorative goals initiated, brought on their way or have been reached? Or do they seem more likely now and why?

### 1.3.3. Was the action plan executed successfully?

The action plan was complied with most of the time. We know from a follow-up interview with the grandmother that the ideas found for de-escalating arguments were applied and used after the circle. Even the twin sisters of S.M. used some of the ideas for dealing with the arguing couple!

### 1.3.4. Was there a noticeable impact on the larger community?

The larger community was not relevant in this particular case as this was a rather personal family issue.



## 2. PMC G2

### Beate Ehret

#### 1. Brief Case Summary

The case revolves around a young boy called Tim (victim) who was pushed and hit by Sergei (accused). As a reaction Tim spit on Sergei. (In circle, Sergei also claimed that Tim called him insulting names). Things escalated and Sergei kept hitting Tim although he was lying on the ground already. This happened in the school yard and was stopped by a teacher who intervened.

After school on the school bus Sergei approached Tim and continued the argument. He then hit Tim's head so hard that it bumped against the window. Tim got off the bus and called the police. To the circle Tim came with his aunt Klara (victim support) who has child custody for him because his parents lack the time. Sergei is accompanied by his mother Berta for support. Paul, a social worker who does youth service work participates as a representative of community and aims to remain neutral although he knows Sergei well.

#### Circle participants:

**Victim:** Tim

**Accused:** Sergei

**Victim support, (aunt):** Klara

**Offender support, (mother):** Berta

**Community representative, (social worker):** Paul

**Researcher:** Beate Ehret

**1<sup>st</sup> Keeper:** Regina Steinborn (R.S.)

**2<sup>nd</sup> Keeper:** Marie Winter (M.W.)

#### Agreement/Action Plan/Added Value:

They both apologize to each other and make genuine suggestions how to prevent such incidences in the future. We discuss that not listening when being insulted or provoked is probably harder than telling the other to "please stop!" The aunt suggests a secret word "Obergrenze" to the boys for them to use when a situation is escalating as a signal to stop. They agree that they want to help each other in preventing escalations. The accused also agrees to go have ice cream with the victim (a suggestion of Tim's aunt). This would lower the victim's fear of him particularly regarding an upcoming school trip. Both boys seem content with the result.

#### Fulfillment of Agreement:

Unfortunately, the boys were not able to get together for ice-cream before the school trip. Since time was limited to make this happen, this was probably not a very realistic plan. However, they did have ice-cream at some point during the school trip. And so far things have not escalated again. The victim seemed happy with the solution found, even though his aunt expected much more and was therefore a bit disappointed.

## 2.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 2.1.1. Choosing the Peacemaking Circle Method and Participants

Since we are partnering with Handschlag, Reutlingen, we are dealing with juveniles or young adults (Heranwachsende 18-21) only, because they do not provide VOM services for adults. Typically, the State attorney refers cases to the German Child Protection Services "Jugendgerichtshilfe (JGH)" and they transfer them to Handschlag for mediation.

Sometimes cases are referred or suggested directly by the JGH, a judge or a police officer but it is ultimately the StA's decision if they consider a case suitable for a VOM or not! There is also the possibility of "Selbstmelder" self-referred cases, which means the conflict parties are aware or know about the possibility of mediation and approach Handschlag directly to request it. One of our "failed" cases was a self-referral (Feurwehrfall).

If the Jugendamt is involved already in a case, they have the ultimate right to decide if a VOM (or circle) is in the interest of their juvenile/young adult. They are in the role of a "superparent" protecting their rights and interests (According to the law, provision § 8a KJHG the Jugendamt has the leading authority to decide ("Steuerungsrecht des Jugendamts"). In practice, this is usually decided by the prosecutor's office or the judge.

For general case selection, including offender and offense characteristics, Handschlag follows the German VOM/TOA standards. Although these are not legally binding and it is not obligatory to follow them, they have been developed by some of the leading mediation and social services agencies and formulate important safeguards and minimum standards for VOM (for details please see Annex "German-VOM-Standards-6<sup>th</sup>-Edition"). They also formulate basic exclusion as well as inclusion criteria such for cases, for example excluding cases without a personal victim, cases where someone has serious psychological issues or drug addictions, etc.

Handschlag developed a set of criteria for deeming cases suitable for the circle method such as: several people are involved in the case, some of them were rather indirectly harmed, there will be future interactions, etc. (for a more detailed description please see the full report (chapter 5.3). All mediators at Handschlag screened cases and showed potential ones to a Circle Keeper. Then, these two mediators discuss and decide about its suitability together.

In general the Keepers suggested VOM or circles to the conflict parties and explained the differences of the new method. Later on, after the xxx circle, they mentioned circles right away and discussed the option with them. If the conflict parties had serious objections, doubts or fears, that could not be cleared, they were offered a VOM. Ultimately, it is the decision of the conflict parties if they want to choose the circle method or not and the Keepers make this transparent to them.

Participants are usually invited by letter to come to the Tuebingen or Reutlingen office of Handschlag for an informational talk. There is a first and a second letter template (see attachment xxx). Accused and harmed parties are always invited separately; in case of minors they sent the letter to the parents. The Keepers always conducted preparatory talks either face to face or if not possible by phone with everyone invited to the circle except for the school circles!). As a very important and necessary precaution they assess everybody beforehand and their suitability for mediation in order to be prepared for poten-

tial problems, arguments or escalations. This way, they aim to prevent taking too much of a risk and aim to ensure that everybody is safe and sound during circle.

In this specific case, it was very difficult and rather time-consuming to make contact, arrange a date for preparatory talks and even more so for the actual circle meeting. Both parties did not seem very interested and cancelled appointments repeatedly. The accused questioned if it was still necessary to meet for mediation since they (accused and victim) see each other on an almost daily basis as their two classes are taught together regularly in a school for students with special needs. Even the victim did not seem to care if a mediation session was held or not. It seemed like both wanted to downplay what happened for very different reasons.

In the preparatory talks a circle was suggested to both of them. The keepers deemed a circle suitable because of the embeddedness of the conflict in the broader school context/community. Originally they had intended to include several additional affected or involved people into the circle such as the victim's parents, a teacher or the school principal, and maybe even additional students if this was considered helpful by the conflict parties. However, when asked both conflict parties did not want additional participants included in the circle and therefore more attention to their "case." They mostly wanted to leave it behind and get it over with. This was unfortunate as it turned out in the circle that one of the teachers was also mobbing Tim and therefore contributing substantially to his role as the "victim" (for example she forced him to eat things he did not want to eat in front of the whole class and things like that). Including her would have probably benefitted the whole class climate. Furthermore, listening to the victim's perspective on these things could have possibly affected the teacher as well.

The victim support person (aunt Klara) objected at first against a circle meeting when Tim's parents had to cancel it since for her this created an imbalance of participants. She saw the social worker, Paul as an additional support person for the accused mainly. The keepers discussed this with Paul and informed aunt Klara that Paul was going to approach the case as a social worker from a more neutral and professional perspective. This way, she agreed and no other participants were included. For this reason, Paul participated more in a role of a community representative than as a support person for Sergei.

### 2.1.2. How are PMCs Embedded into the Existing Organizational Setting?

Colleagues showed the case to a Keeper; and they decided or discussed it's suitability with the mediator.

### 2.1.3. What is the Impact of PMCs on The Judicial System?

Since we are not including judicial representatives in Germany, the impact on the justice system is of rather indirect nature. The original intention was to expand the perspectives on VOM as a method and therefore increase its range of applicability in the minds of important "gatekeepers" who are in key positions of deciding for or against it. However, the fact that Peacecircles were available and conducted at Handschlag did not change the existing referral practice on the part of the prosecutors very much—at least not to our knowledge. However, it is entirely possible that individual actors such as involved judges, prosecutors or child protection service personnel were influenced by the project and by Handschlag conducting circles.

It is not the goal of Handschlag to include minor offenders in VOM or circles and therefore expand the range of formal social control as they want to prevent such net-widening effects. If minors are included, the letter is complemented by additional explanations about them not being legally culpable, not obliged to partake, and that there won't be any legal consequences for them if they decided not to join the mediation. However, the social conflict is of higher importance in these cases than the legal issues and may warrant mediation anyway. This is not specific to circles but also handled this way in VOM. It should be emphasized that addressing these dimensions is a strength of restorative justice methods and they seem particularly well-suited for these cases because the focus is not on criminalization but on repairing the harm caused by the offence as good as possible.

In this specific case, the participants did not want to expand the circle of participants and wanted to keep things more private. The Keepers respected this need and therefore opportunities for impacting the community or the justice system were rather limited. Nevertheless, the fact that the option of a VOM or circle was available, probably protected the accused from more serious interventions or sanctions. This seems important as he was in a rather precarious transition phase before finishing school, starting an apprenticeship and moving out of his parental home. Different, more invasive interventions could have possibly caused additional harm instead of helping him gain stability on the verge to adopting adult roles. For example, if his case ended up getting registered or he got an adjudication, it would make it more difficult for him to find an apprenticeship after school.

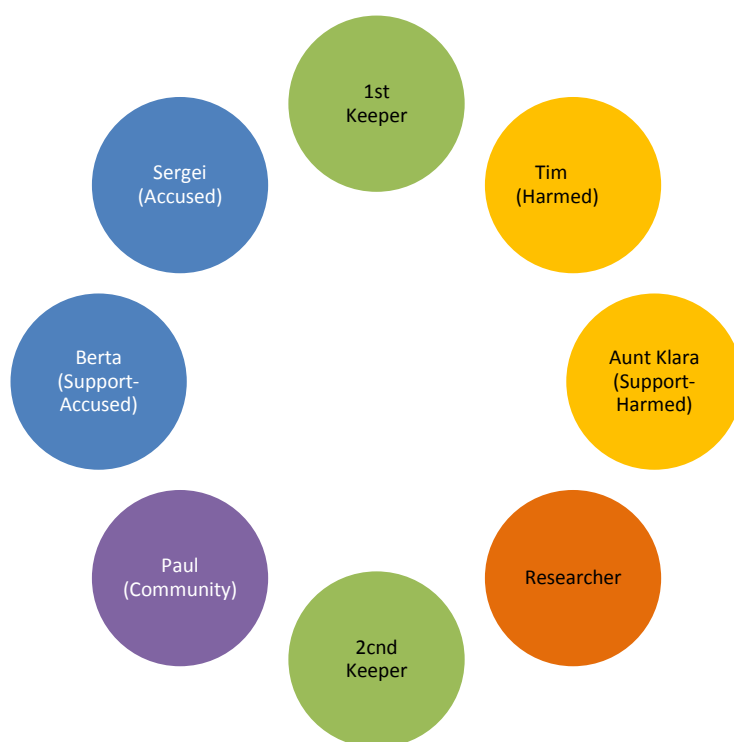
## **2.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION**

### **2.2.1. Seating arrangement**

The seating arrangement worked out well.

Due to the fact that the TP is always circulated clockwise, Tim always got the chance to speak *before* his aunt, which was probably more encouraging for him or left him more space to formulate his own thoughts than the other way around. She was a very confident and outspoken kind of person. On the other hand, Sergei always got his turn *after* his mother, which potentially affected what he said differently.

Placing Paul, the community representative (and social worker) to the left (seen from the accused, clockwise) of the accused would have possibly changed the dialogue because he knew Sergei and could have held him accountable for things he was downplaying or not taking responsibility for. Paul tried to do this anyway but it was more difficult to do it from the other side of the circle. It took very long until it was his turn to speak again and the TP came to him again. He had to await the following round! If the following round was started with a new question and revolved around a different topic, he had to "switch back" to the topic of the last round or Sergei's remarks, to respond to what he said earlier, which was probably a bit more demanding for him. He managed to do this several times anyway though.



### 2.2.2. Preparing Participants

All preparatory talks were held by Regina Steinborn and Mary Winter. They were difficult and time-consuming because participants cancelled appointments and did not seem very interested at first. They talked to every circle participant in person, following the German steps for preparation (listening to their concerns, informing them about the circle, the use of the talking piece, the ground rules, etc. they were also suggesting to them to think of questions they may want to ask in circle, etc. In addition they told them about the ongoing research project and that there will be a researcher present for the circle. For more detailed information, please see full research report.

While the conflict parties objected to the idea of including additional people in the circle they agreed to hold a circle meeting among them, including the researcher.

### 2.2.3. Ceremonies

Every arriving participant is greeted by shaking their hands and welcoming them. However, the keepers depart from the Gatensby example as they do not shake hands again once everybody is seated by walking around in the circle.

The keepers always place some kind of centerpiece such as a vase with flowers and a scarf, in the middle of the circle to create a good and positive atmosphere. This kind of decoration is a welcoming symbol in many cultures even though this is not a ceremony it can have a ceremonial character or create a welcoming ambiance.

Keeper 2 read a story (two wolves inside us) after the introduction round and it was well perceived. This ceremony fits to our western culture well and also sets the stage/prepares people's minds for thinking about values and discussing their meaning in circle. Our Keeper always uses a technique from family therapy where she distances herself from the story by saying sth. like "I don't know if this story speaks to you."

By doing so, she distances herself from the story's message, which allows participants to relate to it (or not) more independently. This gives them more freedom to make their own choice and prevents making them feel pushed in a certain direction.

The keepers write the values that are suggested by circle participants on colorful sheets of paper and put these in the middle of the circle. This ritual is more a visualization and serves to illustrate the values and remind everyone of them during the circle dialogue. Most of us use little sheets of paper to remind us of things that are important and using colorful papers also brings this message across in a positive way or sets a positive tone.

We used the 'giving good wishes' circle as a closing ceremony. Everybody holds hands (by putting their right hand on top of the left hand of their neighbor to their right). Then someone begins by expressing a good wish such as a value or strength for their neighbor to their left. Something they would like to give to them. Then they move their right hand up and "put" the wish into their neighbor's right hand (which is placed on top of their own left hand). This way we go around the circle until everyone has expressed their wish. The last person who receives all the good wishes this way, gets to decide who to give this gift to.

In this specific case, this ceremony was particularly well-perceived. Both conflict parties seemed to like the idea of giving good wishes and wanted to do this in an even more personal way.

Sergei asked if he may give his wish to the victim personally. When the keepers encouraged him to do so, he said to him: "I wish for you to not get mobbed again, neither by others nor by the teacher."

In response to this nicety, the victim says: "And I wish for you that nothing is going to happen to you anymore."

*„B fragt, ob er etwas zu G sagen dürfe. Er wünsche ihm, dass er nicht mehr gemobbt wird, nicht von anderen und von unserer Lehrerin- G wünscht B daraufhin, dass auch ihm, B, nichts mehr passiere.“*

#### 2.2.4. Talking Piece

The talking piece is explained well at the beginning of the circle and everybody agrees on its use. For this one and most other German circles (except for the school circles) we did not choose a TP with a symbolic meaning but a hand-turned, smooth piece of wood (made by R.S.' son). Unfortunately, the Keeper did not explain that you should not interrupt the person holding the TP. She was able to do so at a later point though.

Its use was well-perceived and participants mostly went with the rules too, with one exception. Interestingly, it is the victim several times and two times his aunt who interrupt others when they are holding the TP and speaking. The victim does this to correct the offender twice and he also corrects his aunt who does not seem to mind. This is interesting as words seem to be one of his strengths, while he is physically weak and seems rather immature and weak for his age. It can also be interpreted as an empowering effect of the whole meeting and its preparation as he received a lot of attention this way.

### 2.2.5. Where Circle Phases Realized?

All phases were realized and took place consecutively.

The **introduction** round was a bit short and the conflict parties referred to themselves as “victim” and “offender” immediately, which is not ideal because the goal is to let them relate to each other as human beings first. It was conducted before the opening ceremony of reading a story.

Altogether the discussion of **values** did not start off so well. It was introduced by saying: “Each one of you may say what is important to him or her for talking to each other.” The victim and his aunt (who were also the first circle participants who got the TP) did not understand this. However, we were able to clarify this and a good exchange ensued. Altogether the following values were named: listening (actively and consciously), respect, following the rules when talking, reach clarity, being against violence and for talking instead, honesty, trust. What everybody needs to feel safe was not discussed further and would have probably mattered as Tim might have been afraid of Sergei still.

The Keepers initiated the **identifying issues and needs** phases by addressing the victim immediately after reading the police report out loud. He was explicitly encouraged to describe his emotions about the incident. This helped gaining an even better understanding of the conflict. The Keeper also asked the circle for permission to let the accused, Sergei speak right afterwards. The circle was ok with this.

When the offender was describing his version of the incident he blamed the victim for spitting at him and calling him names. The victim interrupted him and denied having called him names. Thus, it takes a while for the offender to even apologize. Even then, he was not really taking full responsibility for his actions. This became explicit several times. For example when he was saying:

*When my limits are crossed, I am not myself anymore, I am someone else then. I lose control.”*

*„Wenn meine Grenzen überschritten werden bin ich nicht mehr ich selbst, da bin ich jemand anderes. Ich verliere die Kontrolle“*

Or:

*Ich werd damit aufhören. Ich kann mir nichts mehr leisten.”*

*I'll have to stop. I can't afford anymore (to get into trouble).”*

Only the social worker Paul brings this and other attempts of denying responsibility up again and holds Sergei accountable for them by mirroring them to him. He explains to him that instead of naming external reasons he should find his own reasons to stop behaving this way. This seemed important for causing a shift in Sergei's way of approaching the incident. Eventually he apologized and agreed to the **action plan**.

The details of how to make the action plan happen were discussed with the whole group as well.

### 2.2.6. Other important Circle Features and Their Relevance

It is difficult to assess if the victim's harm has been repaired in case of mobbing victims. There was a tendency noticeable for Tim to all too willingly accept anything that would make the whole issue go away faster and remove the attention away from him.

However, the boys seemed genuine when apologizing and reflecting on strategies for preventing escalations. The Keeper even allowed for a brief dialogue between the two so they can have a more "natural" exchange. This flexibility in handling the Talking Piece was possible because they were able to talk to each other in a constructive way without making new accusations.

### 2.2.7. Circle Goals

The Keepers set as their goal for this circle to prevent further violence between the two boys and address issues regarding the school context of their conflict. This was an expressed need of both boys as well as their support persons and the Keepers had learned about this during the preparatory talks.

The main goal of the two conflict parties was to leave the incident behind. While they did not seem very interested in the preparatory talks they noticeably "warmed up" to the idea of talking instead of fighting during the circle. It was the goal of the victim to not have to be afraid anymore. The goal of the accused was not clear. It seemed for him this was an option for preventing worse things from happening such as JJ dispositions or becoming a registered delinquent.

### 2.2.8. Contribution of Participants to Circle Phases and Impact

#### *Conflict Parties*

The contributions of the two boys were genuine apologies and making an effort to overcome their animosities. While the offender did not take full responsibility he was nevertheless able to come up with a nice gesture of addressing his good wishes to Tim personally.

#### *Support Persons*

The mother and aunt contributed by condemning the offense and not the offender. The aunt also made several constructive suggestions.

#### *Community representatives*

Paul, the social worker was able to remain all-partial by not taking sides. He managed to hold Sergei accountable in an even more constructive way than the others by mirroring to him how he was not assuming full responsibility for his actions. His contribution also meant progress when he was explaining to Sergei what he had to lose and how he needed to find his own reasons for stopping to behave this violently.



### 2.2.9. Questions' Impact

When the boys started to talk about future interactions a bit prematurely, the Keeper introduces the following round explicitly with the question:

*What do you need as a "repair" of the harm (Wiedergutmachung) to really round the whole issue off in order to leave it behind?*

The Keeper also points out that we can talk about the future afterwards.

This way she slows the boys down, sets the focus on repair once again to make sure their needs are addressed sufficiently.

Another turning point occurs when the Keeper (after the discussion of the action plan) asks, if there is anything else participants are still concerned about.

### 2.2.10. Keepers' Less Neutral Role

The Keepers remained all-partial and rather neutral.

During the discussion about preventing escalations of arguments, one of the Keepers shares her very personal way of dealing with her aggressions. This comes across very genuine and honest and probably affects other participants as well.

For the German Keepers, expressing emotions is not in conflict with their prior training and experience in VOM. They have always approached the mediation setting as an interpersonal exchange where you interact as human beings. Neutrality has not been their goal so far but remaining all-partial.

### 2.2.11. Power Relations

Considering that the victim had been beaten severely by the accused, it is possible that he was still a bit afraid of him. He has been the victim of mobbing repeatedly, not only by the accused, and he was probably afraid that this will happen again and again. This is an obvious power imbalance that makes it more likely that the victim may accept even a suboptimal or not fully satisfying solution only to get out of this situation soon.

Bringing together juveniles, their parents and other adults always comes with a substantial age difference within the group, which could have possibly intimidated the boys. The presence of adults, be it a parent, an aunt, or a social worker must also be seen as a limiting factor regarding the circle value of speaking from the heart for the boys.

#### *Legal professional*

German circles do not include legal professionals. The reasoning behind this is described in the full research report.

### 2.2.12. Security/Safety/Confidentiality Issues

Everybody seemed to feel safe even though there were some power imbalances in place. It seems problematic to use mediation in mobbing cases and requires careful preparation. If the mobbing victim still feels intimidated and fearful about future encounters it seems necessary to carefully assess the risks of revealing even more personal information about him or her as part of the mediation dialogue. This could be problematic if they are likely to

have future encounters (by attending the same school, workplace, etc.) and risk becoming an even easier target.

In this specific case however, these concerns were not serious because the victim was targeted because of his physical inferiority and small size and the boys knew each other fairly well already.

The circle seemed empowering for the victim. For example, Tim even felt safe and confident enough to tell the perpetrator to “turn a deaf ear” (die Ohren auf Durchzug stellen) in case he would insult him again. This can be interpreted as a self-confident assertion and request although it was lacking self-reflection. It was also a way of admitting, that he had insulted him before. The circle found even better solutions eventually.

### 2.2.13. Impact of Social and Cultural Diversity

Among the circle participants there was not too much of a social divide. However, considering that the boys attended a school for students with special needs, this was most likely one of the causes for the teacher’s mobbing behavior. Her disrespect of the boy(s?) probably has a strong negative impact on other students and the general class climate. After all, if she behaves this way, she functions as a bad role model for the students and they are more likely to behave and interact the same way without reflecting about the consequences.

### 2.2.14. Other Circle Outcomes (Added Value)

Please see agreement. Most outcomes were written down on a flipchart as an action plan and provided to the students.

A larger circle might have been able to impact the school climate and address the mobbing issue there. However, the need for privacy of the two boys had to be respected and was perceived as more important.

## 2.3. EVALUATION AFTER THE CIRCLE

### 2.3.1. Participants’ satisfaction

All participants were content with having participated in a circle and would do it again. However, since the aunt had expected much more of it, she was a bit disappointed. She particularly disliked that the accused got away “so easily” in her opinion and the boys did not even get together for ice cream before the school trip. She was probably concerned that her boy may be still afraid or even fearful if the two did not meet to talk before the trip.

Except for the aunt, all participants would recommend the method to others and prefer it above standard judicial proceedings. Most of them were not able to compare it to VOM or conferencing because they had not experienced one. The victim, Kim, had participated in a VOM before and preferred the circle over it. He did not name any reasons for this preference though.

Did their perception change over time and why? (Follow-Up interviews)

The aunt remained unhappy with the remote willingness to take responsibility of the accused. She thought he should have been sanctioned more severely.

This is her personal opinion and not shared by the authors of this report.

### 2.3.2. Keepers' satisfaction

The Keepers were pretty content with this circle its course and its outcome. Their restorative impact was limited due to the fact that we were not able to include more participants. It seems more likely now that the boys will manage to stay out of trouble until the end of the school year. At least they have more of a repertoire of techniques for dealing with escalations.

### 2.3.3. Was the action plan executed successfully?

The action plan was mostly completed and the boys got together for ice cream briefly at some point during the school trip. However, the plan was to do this before the school trip which was probably not very realistic as it was coming up shortly after the circle.

### 2.3.4. Was there a noticeable impact on the larger community?

The larger community was not relevant in this particular case. The affected and relevant community would have been the school community. However, considering the boy's need for privacy they were not included.

### 3. PMC G3

#### Beate Ehret

##### 1. Brief Case Summary

The incident happened outside in front of a church youth club. During a youth club party Thomas meets the ex-boyfriend of his sister and they get into an argument. Thomas gets really mad at the guy and wants to hit him. Instead, he leaves the club, goes outside, walks a couple of steps towards a nearby kindergarden and smashes on of its windows. He immediately leaves the scene and some witnesses call the police.

Mrs. Brigitte R. the kindergarden manager, was disturbed late at night by a local official, informed about what had happened and asked to come to the kindergarden, to check if something was stolen, to clean up the broken glass, and to make sure the window was closed up again to prevent people from entering. Mr. Klaus G. the representative of the church community agency funding the kindergarden had to cover the cost for the window repair.

##### Circle participants:

Offender: Thomas K.  
 Offender support: Britta K. (mother of Thomas)  
 Community representative, (social worker): Paul  
 Harmed: Brigitte R. (Kindergarden Manager)  
 Harmed: Klaus G. (Representative of the church community agency funding the kindergarden)  
 Harmed (indirectly): Michael (member of the youth club were party was held)  
 Harmed (indirectly): Stefan (member of the youth club were party was held)

Researcher: Dr. Ehret

1<sup>st</sup> Keeper: Regina Steinborn

2<sup>nd</sup> Keeper: Marie Winter

##### Agreement/Action Plan/Added Value:

The circle agreed on the plan for the accused to make installments for paying back the cost for the window repair to the church community agency. Thomas will start an apprenticeship as a chef and will earn his first wage in fall.

The discussion of the amount of installments was detailed and careful, trying to avoid both, too much of a burden or too little for him. The circle also took into consideration the mother's concerns about losing the money her son pays to her for rent and living expenses as he is still living at home. Thomas' mother will supervise the payments and transfer them.

Thomas also apologised to Mrs. Brigitte R.

##### Fulfillment of Agreement:

We know from a later interview with Klaus G. that the payment had not come through! We found out from Paul, the social worker that Thomas' mother had a gambling problem and had used it for gambling. This way she sabotaged her son's obligations for repairing harm he had caused. Months later, the amount was paid off though.

### 3.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

#### 3.1.1. Choosing the Peacemaking Circle Method and Participants

Since we are partnering with Handschlag, Reutlingen, we are dealing with juveniles or young adults (Heranwachsende 18-21) only, because they do not provide VOM services for adults. Typically, the State attorney refers cases to the German Child Protection Services “Jugendgerichtshilfe (JGH)” and they transfer them to Handschlag for mediation.

Sometimes cases are referred or suggested directly by the JGH, a judge or a police officer but it is ultimately the StA’s decision if they consider a case suitable for a VOM or not! There is also the possibility of ‘Selbstmelder’ self-referred cases, which means the conflict parties are aware or know about the possibility of mediation and approach Handschlag directly to request it. One of our “failed” cases was a self-referral (Feurwehrfall).

If the Jugendamt is involved already in a case, they have the ultimate right to decide if a VOM (or circle) is in the interest of their juvenile/young adult. They are in the role of a “superparent” protecting their rights and interests (According to the law, provision § 8a KJHG the Jugendamt has the leading authority to decide (“Steuerungsrecht des Jugendamts”). In practice, this is usually decided by the prosecutor’s office or the judge. For general case selection, including offender and offense characteristics, Handschlag follows the German VOM/TOA standards. Although these are not legally binding and it is not obligatory to follow them, they have been developed by some of the leading mediation and social services agencies and formulate important safeguards and minimum standards for VOM (for details please see Annex “German-VOM-Standards-6<sup>th</sup>-Edition”). They also formulate basic exclusion as well as inclusion criteria for cases, for example excluding cases without a personal victim, cases where someone has serious psychological issues or drug addictions, etc..

Handschlag developed a set of criteria for deeming cases suitable for the circle method such as: several people are involved in the case, some of them were rather indirectly harmed, there will be future interactions, etc. (for a more detailed description please see the full research report (chapter 5.3). All mediators at Handschlag screened cases and showed potential ones to a Circle Keeper. Then, these two mediators discuss and decide about its suitability together.

In general the Keepers suggested VOM or circles to the conflict parties and explained the differences of the new method. Later on, after the xxx circle, they mentioned circles right away and discussed the option with them. If the conflict parties had serious objections, doubts or fears, that could not be cleared, they were offered a VOM. Ultimately, it is the decision of the conflict parties if they want to choose the circle method or not and the Keepers make this transparent to them.

Participants are usually invited by letter to come to the Tuebingen or Reutlingen office of Handschlag for an informational talk. There is a first and a second letter template (see attachment xxx). Accused and harmed parties are always invited separately; in case of minors they sent the letter to the parents. The Keepers always conducted preparatory talks either face to face or if not possible by phone with everyone invited to the circle except for the school circles!). As a very important and necessary precaution they assess everybody beforehand and their suitability for mediation in order to be prepared for poten-

tial problems, arguments or escalations. This way, they aim to prevent taking too much of a risk and aim to ensure that everybody is safe and sound during circle.

In this specific case, the kindergarden manager was chosen as a participant since she was a directly harmed person. Not only was she disturbed late at night by receiving a phone call from a local official and had to deal with the police and the clean-up, she also had to walk across the premises with police officers and this situation made her feel uncomfortable. In normal judicial proceedings she would not have been officially considered a “victim” as she was not the owner or official representative of the kindergarden, nor a renter of the location nor was she liable for the cost of the window repair. She was “only” a manager of the kindergarden and therefore had a key to get inside the premises for a police check-up if anything had been stolen. Legally she would not be considered a victim of the property damage.

Once again, Paul was included as a community representative and was going to approach the case as a social worker from a more neutral and professional perspective although he knew the accused well and had worked with him before.

Originally, someone representing the youth club was also invited to include their harms and needs as the organizers of the party event. The reasoning behind this decision was that they could be made responsible by others from the community for the “trouble” their event had led to. Their image could also have suffered as an agency trying to keep kids and juveniles off the streets by offering “more meaningful” activities. This representative was interested and “willing to come” but had to cancel later because of other obligations. He sent two young youth club members to participate on his behalf, Michael and Stefan. This way, the perspective of the youth club was represented but the two had not been prepared personally by the keepers (only by the club representative). Their presence was welcome though and the Keepers knew in advance that they were going to come in his place. It turned out that the fact that they were closer in age to the accused helped with the mediation process as described in more detail below.

### 3.1.2. How are PMCs Embedded into the Existing Organizational Setting?

Colleagues showed the case to a Keeper; and they decided or discussed it’s suitability with the mediator.

### 3.1.3. What is the Impact of PMCs on The Judicial System?

Since we are not including judicial representatives in Germany, the impact on the justice system is of rather indirect nature. The original intention was to expand the perspectives on VOM as a method and therefore increase its range of applicability in the minds of important “gatekeepers” who are in key positions of deciding for or against it. However, the fact that Peacecircles were available and conducted at Handschlag did not change the existing referral practice on the part of the prosecutors very much—at least not to our knowledge. However, it is entirely possible that individual actors such as involved judges, prosecutors or child protection service personnel were influenced by the project and by Handschlag conducting circles.

In this specific case, the participants were happy with the solution found and although it took a long time before the money transfers were completed, the victims agreed and thus

the case was diverted without further judicial proceedings. Particularly the manager, Mrs. Brigitte R. benefitted from the circle, considering that in standard judicial proceedings she would not have been officially considered a victim and would not have received much attention. Even in case of a trial, which seems an unlikely scenario considering the lack of severity of the offense and along with it the lack of public interest, her role would have been reduced to that of a witness in the case. Her needs, concerns or any harm the incident may have caused for her would not have been addressed.

In circle, she was able to vent her frustrations surrounding the incident and got heard. She expressed some anger about the incident having ruined her evening. The personal encounter with the accused together with the fact that he showed some remorse and other participants of the circle expressed their empathy with her, reduced her anger substantially.

### 3.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION

#### 3.2.1. Seating arrangement

The seating arrangement was well thought out and worked out well. Placing Thomas directly besides youth club member Stefan could have been a risk in case Stefan was still angry at him or wanted to address him personally. However, as it turned out, Stefan treated the accused very nicely and forgiving and invited him to keep coming to the club.



### 3.2.2. Preparing Participants

All preparatory talks were held by Regina Steinborn and Mary Winter. Finding a date for the actual circle meeting that would work for all participants was difficult and time-consuming because of the size of the group.

For preparation, they tried to talk to every circle participant in person, however the youth club representative cancelled at short notice and told two members to come and represent the club on his behalf, thus they were not prepared separately in a personal meeting before the circle. Fortunately they were very open-minded and acted generously which facilitated the circle process.

For the other participants, the Keepers followed the German steps for preparation (listening to their concerns, informing them about the circle, the use of the talking piece, the ground rules, etc. they were also suggesting to them to think of questions they may want to ask in circle, etc. In addition they told them about the ongoing research project and that there will be a researcher present for the circle. For more detailed information, please see full research report.

### 3.2.3. Ceremonies

The circle took place in a meeting room of the church community who funded the kindergarten. They provided the room to us for free.

Every arriving participant is greeted by shaking their hands and welcoming them. However, the keepers depart from the Gatensby example as they do not shake hands again once everybody is seated by walking around in the circle.

The keepers always place some kind of centerpiece such as a vase with flowers and a scarf, in the middle of the circle to create a good and positive atmosphere. This kind of decoration is a welcoming symbol in many cultures even though this is not a ceremony it can have a ceremonial character or create a welcoming ambiance.

In this particular case, the victim was very pleased at the sight of it and expressed this before the circle:

Quote: "Da hat sich aber jemand Mühe gemacht!" „Someone made quite an effort.“

Keeper 2 read a story (the young lion) after the introduction round and it was well perceived. This ceremony fits to our western culture well and also sets the stage/prepares people's minds for thinking about values and discussing their meaning in circle. Our Keeper always uses a technique from family therapy where she distances herself from the story by saying sth. like

"I don't know if this story speaks to you."

By doing so, she distances herself from the story's message, which allows participants to relate to it (or not) more independently. This gives them more freedom to make their own choice and prevents making them feel pushed in a certain direction (please see PMC G1 for more details about this).

The keepers write the values that are suggested by circle participants on colorful sheets of paper and put these in the middle of the circle. This ritual is more a visualization and serves to illustrate the values and remind everyone of them during the circle dialogue. Most of us use little sheets of paper to remind us of things that are important and using colorful papers also brings this message across in a positive way or sets a positive tone.



We used the ‘giving good wishes’ circle as a closing ceremony. Everybody holds hands (by putting their right hand on top of the left hand of their neighbor to their right). Then someone begins by expressing a good wish such as a value or strength for their neighbor to their left. Something they would like to give to them. Then they move their right hand up and “put” the wish into their neighbour’s right hand (which is placed on top of their own left hand). This way we go around the circle until everyone has expressed their wish. The last person who is at the receiving end of all these good wishes this way, gets to decide who to give this gift to.

In this specific case, this ceremony was appreciated and put some smiles into people’s faces. We also thanked everybody from the “injured party’s” side for providing the room for the circle and they were pleased about this as well.

#### 3.2.4. Talking Piece

The talking piece is explained well at the beginning of the circle and everybody agrees on its use. For this one and most other German circles (except for the school circles) we did not choose a TP with a symbolic meaning but a hand-turned, smooth piece of wood (made by R.S.’ son). Unfortunately, the Keeper did not explain that you should not interrupt the person holding the TP. She was able to do so at a later point though.

Its use was well-perceived and participants mostly went with the rules too, with one exception. When it is his turn to make additional suggestions for things he could do to repair the harm or additional ideas he might have surrounding that, he asks Klaus G. directly how much the costs were exactly for repairing the window. Klaus G. answers without holding the TP.

#### 3.2.5. Where Circle Phases Realized?

All phases were realized and took place consecutively. We went smoothly through the meeting and introducing phase, talked about values after the lion story was read and listened to the reading of the police report of the night of the incident. Mrs. Brigitte R. gives a rather emotional and moving account of the night and the way she experienced it. She was willing to express some emotions she had about the whole thing such as being mad about the fact of being disturbed late at night at home, having to clean up the mess (broken glass, etc.) or walking across the premises with police officers. The keepers did a wonderful job of encouraging her to express her emotions and the preparatory talks had laid a good foundation for this.

However, during this round, where everybody is encouraged to describe the night of the incident and their involvement, the accused remained rather unaffected by her side of the story. At least he was not showing any remorse or regrets. He does not apologize to either victim but only tells his side of the story. Even in the following round he only apologizes to Mrs. Brigitte R. in a rather formal way and does not acknowledge her harm or any additional levels of harm of other people affected such as the youth club members, who expressed how the image of the club suffered. Even the disappointment of his mother about his behavior and her sadness in this regard, which she was expressing and showing, seemed to leave him untouched. The question remains open, if he was only trying to hide his emotions or if he even had any. He did not express any awareness of such additional levels of harm and has a rather limited focus on the expenses for the broken window. For example when his mother starts crying when talking about her son and how she feels

ashamed of what her son had done (and obviously repeatedly keeps doing) he shows no signs of empathy for her and does not even try to apologize to her. This makes it difficult to move on into the next phase of developing solutions.

### 3.2.6. Circle Goals

It was the Keeper's goal for this circle to help Thomas take responsibility and arrive at a realistic plan for him to pay restitution directly to the victim(s). Thomas did not express this need explicitly in the preparatory talks but Keepers deemed it important for him to be able to become and act more responsible in the future. What he did express was his desire to "pay for the damaged window." All of these goals were achieved together with participant goals of raising the offender's awareness for other people affected by his actions.

The youth club members did not want to blame him for the negative effect on the image of the club but they wanted him to understand how his actions did not help and was counter-productive regarding their efforts to offer activities for juveniles and to convey a positive image within the community of making valuable contributions. This goal was reached and their relationship with the accused was mended.

The mainly affected victim, Brigitte R. voiced as one of her needs wanting to vent and letting her negative emotions surrounding the night of the incident out. One of her primary goals was to confront the accused with the way he had impacted her that night and raising his awareness for such additional consequences of his actions. The circle provided her an opportunity to do so and she showed some relief afterwards.

### 3.2.7. Contribution of Participants to Circle Phases and Impact

#### *Conflict Parties*

*Youth Club member Stefan: "...mit dem Image, des isch nicht nur, dass wir sagen "der Thomas ist Schuld, dass wir so ein schlechtes Image haben!" des sind viele Aspekte wo da zusammenkommen."*

*Mrs. Brigitte R. "Ich freu mich, dass du dich entschuldigst hast...mir war eigentlich auch wichtig, denk ich, aeh, dass du erkennen sollst, dass durch so, sowas unüberlegtes, dass da sehr viele Leute mit dran beteiligt sind, die eigentlich sonst gar nichts damit zu tun haben aber das ist wirklich so ein äusserer, ich sag jetzt mal „Rattenschwanz“ der sich da so dranhängt und ich finde das ist gut, wenn du das einsiehst."*

#### *Support Persons*

*Mother of accused does not take responsibility for her son's actions for example by apologizing on his behalf. However, she helps the circle see other aspects of his personality such as him being nice and sensitive with her.*

#### *Community representatives*

*The social worker Paul brings Thomas' lack of self control to his attention and holds Thomas accountable for it by saying: "This behavior perplexes me (macht mich ratlos)." "When I said, I have to repeatedly shake my head about it...then I do that only or simply because I am afraid you might ruin your own life with such things...that then makes me sad understandably."*

His contributions in this regard are very valuable as his mother only confronts her son with her sadness and her hopes for him to change. Paul on the other hand, encourages him by pointing his strengths out to him and what he is risking or what he has to lose with his behaviour.

### 3.2.8. Keepers' Less Neutral Role

The Keepers did not see neutrality as a goal and it has not been one in their prior work either. Their first or highest priority is remaining all-partial.

### 3.2.9. Power Relations

Bringing together juveniles and adults in circles for mediation is not a simple task. It seems problematic if they are “outnumbered” by adults—as it was the fact in this case—because they may feel weaker, may tend to feel blamed or accused by them or simply feel guilty as they have not met expectations of adults responsible for them (parents, guardians, teachers, etc.) considering their delinquent actions that have led to the charges brought forward against them. Even if the number is mostly balanced they can still feel disadvantaged due to these reasons. In this particular case, the accused was “put at ease” by the respectful and generous words of the youth club members who were still older than him but rather close to his age range. The way they disapproved of his actions but not of him as a person or guest of their club was ideal for a mediation process. They explicitly invited him to come back again and this generous gesture seemed to cause some relief on the part of the accused. This mattered greatly and seemed to compensate for the otherwise noticeable power imbalances due to the higher number of adults than juveniles in the circle.

At his age, juveniles place a high importance on the opinions and attitudes of their peers about and towards them. Many times this becomes more important to them than what their parents or other adults may think. This is partly due to the fact that they live in their own life worlds characterized by a “youth culture.” Due to an increased separation of the life- and work spheres of their parents or legal guardians, juveniles nowadays spend large amounts of time without them present. The values of their peers and how they are perceived by them kind of fill this “vacuum” of role models. This increased impact of peers, their values and attitudes for juveniles has been repeatedly shown by sociological and criminological research (see for example Sampson & Laub, 1995 or Huizinga & Schumann, 2001).

Therefore, the additionally included juveniles had a substantial added value for the overall circle process as well as for the accused. Potential impacts on the victims were not observed. In addition, the high awareness of the German team about the impact of age differences on mediation and particularly our Keepers skillful ways of dealing with them helped leveling potential power imbalances.

Ideally, in case of circles involving juveniles, additional juveniles should be included to empower and strengthen them as well as for making sure their perspective is sufficiently represented.

#### *Legal professionals*

German circles do not include legal professionals. The reasoning behind this is described in the full research report.

### 3.2.10. Security/Safety/Confidentiality Issues

Everybody seemed to feel safe even though there were some power imbalances in place.

### 3.2.11. Impact of Social and Cultural Diversity

Among the participants of this circle there were no noticeable cultural or social diversities. The differences in age and perhaps youth culture as opposed to the adult world are discussed under power imbalances.

### 3.2.12. Other Circle Outcomes (Added Value)

Please see agreement for circle outcomes. An additional added value was the communication between members of the youth club and the kindergarden manager as well as the church community funding agency's representative. This way, they were able to talk about their relationship, their respect for each other's work and such. Particularly when the youth club members raised their concern that things like the incident would ruin their reputation in the town they were able to clarify, that from the kindergarden's perspective they do not see them as troublemakers at all.

## 3.3. EVALUATION AFTER THE CIRCLE

### 3.3.1. Participants' satisfaction

All participants were content with having participated in a circle and would do it again.

### 3.3.2. Keepers' satisfaction

The Keepers were pretty content with this circle its course and its outcome.

### 3.3.3. Was the action plan executed successfully?

The action plan was completed although there was a substantial delay of the installments for several months. As it turned out, Thomas' mother had used the money for gambling and has a serious gambling problem.

### 3.3.4. Was there a noticeable impact on the larger community?

It is difficult to judge if the larger community was at all affected by this particular case. Hopefully, the image of the youth club was not negatively affected by the incident and the communication between the club's members and the kindergarden representatives probably helped preventing this.

## 4. PMC G4

### Beate Ehret

#### 1. Brief Case Summary

On a Thursday in January, 2012 the gardener Mr. Wright., who manages the city's landscaping and gardening projects of a small town in the Swabian Alps reports three juveniles to the police for having damaged public property three days before.

During a cultural event at City Hall on January 13th he let three or four boys stay in the entrance hall (because it was quite cold outside) with the warning: "Keep your mouths shut and don't damage anything, then you can stay along." Given that their voices in the hall were disturbing the event they got kicked out later by somebody else. Afterwards, the boys kept coming back several times opened the door shouted "Hello" and such and kept disturbing the event. Realizing that he was probably not fast enough to catch them, because he would have to go downstairs for that, he looked out of the window the next time they showed up and observed them together with a few others kicking against the laths of a city-owned picket fence and damaging it. This was when Mr. Wright ran outside, got a hold of Chris and a friend of him and saw other boys run off.

Since he remembered their faces, the police and the school principal agreed to let Mr. Wright come to the local school the following Monday, enter selected classrooms of kids around their age, in order to find them. By doing so he identified three students Chris, Ben and Paul? They immediately admitted that they stepped off the laths of the fence that night. Later on, Thomas, Sebastian, and two other boys also admitted that they had stepped down laths of the fence before and were damaging it. Thus there were seven offenders altogether. Two of them were still minors (below the age of 14) and could not be charged. On the day of the circle one of the adolescents was missing (he overslept) and one of the minors was interested in coming but did not have time. The other minor, Sebastian was present together with his father (who came a bit later to the circle). Thus, five of the offenders were present.

#### Circle participants:

1<sup>st</sup> Keeper: Marie Winter (M.W.)  
 2<sup>nd</sup> Keeper: Regina Steinborn (R.S.)  
 Researcher: Dr. Ehret  
 Accused (male): Chris  
 Accused (male): Thomas  
 Accused (male): Ben  
 Accused (male): Sebastian (minor)  
 Accused (male): Paul  
 Support Accused Paul: Mrs. Maria M. (mother)  
 Support Accused Ben: Mrs. Sarah O. (mother)  
 Support Accused Chris: Mrs. Daniela H. (mother)  
 Support Accused Sebastian: Mr. Steven T. (father)  
 Harmed (directly): Mr. Wright (gardener)  
 Harmed (indirectly): Mr. Leeds (manager Bauhof)

#### Agreement/Action Plan/ Added Value:

The repair of the fence cost 600 Euros and the victim suggests two mornings of 3-4 hours of working for all the boys to support him with cleaning up a littered city creek. Consensus was built about how it can best be put into practice in a realistic and pragmatic manner and without letting too much time pass. Harm was addressed on material and immaterial levels and this raised the consciousness of these youngsters for their community and the environment.

#### Fulfillment of Agreement:

All of the boys showed up the next morning and helped cleaning up. For the second day, one of them could not come but the other four were there and finished up. (One additional one who did not attend the circle was allowed to come as well but helped on a later date).

## 4.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 4.1.1: Choosing the Peacemaking Circle Method and Participants

Since we are partnering with Handschlag, Reutlingen, we are dealing with juveniles or young adults (Heranwachsende 18-21<sup>6</sup>) only, because they do not provide VOM services for adults. Typically, the State attorney refers cases to the German Child Protection Services “Jugendgerichtshilfe (JGH)” and they transfer them to Handschlag for mediation.

Sometimes cases are referred or suggested directly by the JGH, a judge or a police officer but it is ultimately the StA’s decision if they consider a case suitable for a VOM or not! There is also the possibility of ‘Selbstmelder’ self referred cases, which means the conflict parties are aware or know about the possibility of mediation and approach Handschlag directly to request it. One of our “failed” cases was a self-referral (Feurwehrfall). If the Jugendamt is involved already in a case, they have the ultimate right to decide if a VOM (or circle) is in the interest of their juvenile/young adult.

For general case selection, including offender and offense characteristics, Handschlag follows the German VOM/TOA standards. Although these are not legally binding and it is not obligatory to follow them, they have been developed by some of the leading mediation and social services agencies and formulate important safeguards and minimum standards for VOM (for details please see Annex “German-VOM-Standards-6<sup>th</sup>-Edition”). They also formulate basic exclusion as well as inclusion criteria for cases, for example excluding cases without a personal victim, cases where someone has serious psychological issues or drug addictions, etc.

On the **organizational** level, Handschlag developed a set of criteria for deeming cases referred for VOM suitable for the circle method such as: Several people are involved in the case, some of them were rather indirectly harmed, there will be future interactions, etc. (for a more detailed description please see the “Nuts and Bolts of Circle Conduction”). All mediators at Handschlag screened cases and showed potential ones to a Circle Keeper. Then, these two mediators discuss and decide about its suitability together.

In general the **Keepers** suggested VOM or circles to the conflict parties and explained the differences of the new method compared to VOM. Later on, after preparing the xxx case, they mentioned circles right away and discussed the option with them. If the conflict parties had serious objections, doubts or fears, that could not be cleared, they were offered a VOM as a “fall-back” option. Ultimately, it is the decision of the conflict parties if they want to choose the circle method or not and the Keepers make this transparent to them.

**Participants** are usually invited by letter to come to the Tübingen or Reutlingen office of Handschlag for an informational talk. There is a first and a second letter template (see attachment xxx). Accused and harmed parties are always invited separately; in case of minors they sent the letter to the parents. The Keepers always conducted preparatory talks either face to face or if not possible by phone with everyone invited to the circle except for the school circles!). As a very important and necessary precaution they assess everybody beforehand and their suitability for mediation in order to be prepared for poten-

---

<sup>6</sup> This reflects the age range at the time of the offence. Thus, by the time they are referred for a VOM they can be even older.

tial problems, arguments or escalations. This way, they aim to prevent taking too much of a risk and aim to ensure that everybody is safe and sound during circle.

This individual “Fence” **case** seemed particularly well-suited for a circle as there were many people involved (at least 7 offenders, if there weren’t even more) and there was a very tangible and obvious community dimension present due to the damage of public property.

First of all there were seven **offenders** who either got caught in the act or stood up and admitted to the damage when the police came to the school. Then there were most likely others who caused some damage as well but remained silent or simply unidentified. Since the accused were rather young and there were also two minors involved, many **parents** were affected by the incident and ended up coming to the circle to support their sons. The parents were in an interesting double role in this case. On the one hand, they were affected as the caretakers of their sons, were there to support them and most likely felt at least partly responsible for what they did, and on the other hand, they were also mad at them for damaging public property which is a waste of tax money that won’t be available for other things the community may want or need (the victim). In this respect they represented the community and taxpayers of the city and were at least partly harmed as well.

Secondly, the **school** was involved as the police came into several classrooms to identify the perpetrators. The school principal gave his permission to them although there was an evident risk of stigmatization of the boys. The police report also listed a teacher’s name who was involved--unfortunately he could not come to the circle.

Moreover, there was the **city** dimension, since the fence was public property and originally the mayor and a representative from city administration intended to come representing the city in their role of keeping public spaces clean, neat and in order, as well as the taxpayers and the way their money is spent.

In addition there were the personal victims, the gardener who caught them and the “Bauhof” builder’s yard manager whose company ended up repairing the fence.

The most challenging aspect of the preparation phase was to find a day and time when it would be possible for everybody to join the circle. Despite of quite some efforts by the Keepers, they were not able to include someone who could have represented the school. It also turned out once a date was set for the circle, that neither the mayor nor the city representative could come that day. Nevertheless, the city gardener and “Bauhof” manager saw themselves as representatives of the city as well and were able to take over that role in addition of their more immediate victim roles. A large circle gathering was made possible in the city hall with 14 participants altogether engaging in a very constructive dialogue and developing a creative and well-suited action plan.

#### 4.1.2. How are PMCs Embedded into the Existing Organizational Setting?

Colleagues showed the case to a Keeper; and they decided or discussed its suitability with the mediator.

### 4.1.3. What is the Impact of PMCs on The Judicial System?

Since we are not including judicial representatives in Germany, the impact on the justice system is of rather indirect nature. The original intention was to expand the perspectives on VOM as a method and therefore increase its range of applicability in the minds of important “gatekeepers” who are in key positions of deciding for or against it. However, the fact that Peacecircles were available and conducted at Handschlag did not change the existing referral practice on the part of the prosecutors very much—at least not to our knowledge. However, it is entirely possible that individual actors such as involved judges, prosecutors or child protection service personnel were influenced by the project and by Handschlag conducting circles.

It is not the goal of Handschlag to include minor offenders in VOM or circles and therefore expand the range of formal social control as they want to prevent such net-widening effects. If minors are included, the letter is complemented by additional explanations about them not being legally culpable, not obliged to partake, and that there won't be any legal consequences for them if they decided not to join the mediation. However, the social conflict is of higher importance in these cases than the legal issues and may nevertheless warrant mediation. This is not specific to circles but also handled this way in VOM. It should be emphasized that addressing these dimensions is a strength of restorative justice methods and they seem particularly well-suited for these cases because the focus is not on criminalization but on repairing harm as well as possible.

In the fence case, two minors were interested in coming to the circle and making amends. One of them did not have time that day, but the other one showed up, was later joined by his father and participated in the clean-up efforts of the action plan. Standard judicial proceedings would have excluded him since he is not legally culpable and would not have provided this learning experience and chance for repairing harm he had caused to him. While this legal protection of minors from law enforcement and legal proceedings against them makes perfectly good sense in terms of the decriminalization principle as is deeply rooted in juvenile justice systems around the world, it does not necessarily apply to restorative justice methods. Essentially speaking, there is a lot less to protect them from as proceedings do not focus on establishing guilt and the appropriate sentencing for it but levels of harm and potential ways of repairing them. Moreover, participation is completely voluntary, their parents are informed about it as well, and a decision for or against it has no legal consequences for them. Therefore, potential net-widening effects seem marginal or at least manageable in such cases.

## 4.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION

### 4.2.1. Seating arrangement

The seating arrangement was left pretty open this time around because it was not deemed necessary to regulate or plan it very much. Most importantly, there was no need to separate the two conflict parties as there was no risk of re-victimization for the victims or of anyone threatening others or anything. We learned from this circle though, that placing juveniles right next to each other bears the risk of them getting influenced by their peers in terms of repeating what the one before them said or doing what they did. In case of verbal contributions they often said sth. like: *I think the same*. And in case of no contribution they also passed the TP on without saying anything. We concluded from this expe-



rience that there seems to be a strong peer influence with the effect of them kind of “imitating” one another.

#### 4.2.2. Preparing Participants

All preparatory talks were held by Regina Steinborn and Mary Winter. Participants were contacted by mail and by phone. They held separate preparatory talks with five of the accused and their mothers. They also sent letters to the parents of the minors, held personal preparatory talks with one of them and his mother and talked to the other one by phone. The harmed party was also contacted by mail, phone and they met them in person to prepare them for the circle. All of them were basically willing to participate. The only challenge was to find a date and time for everybody to come to the circle.

One major concern on the part of the accused was that the fence had already been repaired and they were worried they would have to pay for that expensive new metal fence. They also had doubts or insecurities regarding the degree of their involvement and therefore their contribution to the actual damage since it differed widely and they were concerned that everybody would end up paying or working for the same amount.

#### 4.2.3. Ceremonies

Every arriving participant is greeted by shaking their hands and welcoming them. However, we depart from the Gatensby example as we do not shake hands again once everybody is seated by walking around in the circle.

We always place some kind of centerpiece such as a vase with flowers and a scarf, in the middle of the circle to create a good and positive atmosphere. This kind of decoration is a welcoming symbol in many cultures.

Keeper 2 reads a story (two wolves inside us) and it was well perceived.

We always write the values that are suggested by circle participants on colorful sheets of paper and put them in the middle of the circle. This ritual is more a visualization and serves to illustrate the values and remind everyone of them during the circle dialogue. Most of us use little sheets of paper to remind us of things that are important and using colorful papers also brings this message across in a positive way or sets a positive tone.

We used a ‘giving good wishes’ circle as a closing ceremony. Everybody holds hands (by putting their right hand on top of the left hand of their neighbor to their right). Then someone begins by expressing a good wish such as a value or strength for their neighbor to their left. Something they would like to give to them. Then they move their right hand up and “put” the wish into their neighbour’s right hand (which is placed on top of their own left hand). This way we go around the circle until everyone has expressed their wish. The last person who receives all the good wishes this way, gets to decide who to give this gift to.

In this particular case, the last person was the actual “victim,” the gardener, who seemed a bit embarrassed and giggled timidly. He obviously did not enjoy this and expressed afterwards in a face to face dialogue with the researcher that he found the whole thing “a bit too esoteric” for his taste.

#### 4.2.4. Talking Piece

The talking piece is a ball this time to make it easier for the Keepers to pass it to each other. Its meaning is explained well at the beginning of the circle and the comments of participants reflected their consensus with the rules of its use. The Keepers put it away several times and for quite a while every time. This made it seem less important and it probably did not fully develop its effect on everybody. What could have also impaired its meaning was the fact that the Keepers stepped on it several times to prevent it from rolling off.

Another thing limiting its use was the implementation of smaller rounds by the Keepers, who wanted the affected parties to speak first and among them for several questions. Altogether, it was used in a respectful way though and most participants followed the rules attached to it.

#### 4.2.5. Where Circle Phases Realized?

We all introduced us and explained why we were there. Considering the large size of the circle and the limited time, we made this a brief introduction round though.

The story reading (two wolves) and value discussion were used for **trust building**. The plan was to create a natural transition from the wolf story to the discussion of values and guidelines. However, it was the boys' turn first and they did not quite understand what the question "*What is important to you to be able to talk openly here?*" was about. Thus, they talked more about their intentions or goals. The question was clearly stated, but a long explanation followed which might have exceeded their attention span? Even the victim, Mr. Wright, seemed resistant at first to talk about rules of dialogue, because to him it felt like he was stating the obvious: "*I think listening to each other is self-evident, one does not have to articulate that.*" Altogether, the message was understood by everybody eventually though and resulting rounds on values and other things that are important to them, helped breaking the ice and clarifying everybody's intentions.

The Keepers initiated the **identifying issues and needs** phases by addressing the victim immediately after reading the police report out loud. He was explicitly encouraged to describe his emotions about the incident. This helped gaining an even better understanding of the conflict, prior events leading to him being upset about the kid's behavior and his reasons for observing them and finally catching them outside. Given this time and space, he also expressed how upset he was because the fence got destroyed many times and had to be repaired every year for about 500 Euros.

As a second step, Keepers conducted a small round for the accused only, (not the whole circle) in order to give them the opportunity to respond to the accusations and emotions of the gardener. Afterwards there was sufficient time for everybody to do the same. However, when the full round was initiated and it was the boy's turn for the second time, they did not know what to say and needed a more specific question for guidance.

For developing ideas to **repair harm** and an **action plan** we explored options during a lively discussion with many contributions. The suggestion from the victim found immediate support and the discussion revolved more around questions how to make this a realistic plan by setting a day and time for it and pinning down other specifics such as what shoes to wear and so forth. The repair of the fence cost 600 Euros and the victim suggested two

mornings of 3-4 hours of working for all the boys to clean up the city creek and support him with his work. Consensus was built about how it can best be put into practice in a realistic and pragmatic manner and without letting too much time pass beforehand.

#### 4.2.6. Other important Circle Features and Their Relevance

Decisions were made by **consensus** in a rather indirect way. Instead of asking explicitly; "Does anybody disagree?" it was made sure that everybody has a say and the chance to participate or object in the discussion. This way, the general consensus on things was tangible.

The accused acknowledged **harm beyond their relationship to the victim** and became aware of the community dimension of their actions. In circle we addressed that public property is financed with taxes and fees and their parents are taxpayers and contributing residents of the city. And perhaps more importantly, we addressed the rather immaterial harm done to other residents who were feeling frustrated about the repeated destructive acts. All the boys apologised and took full responsibility.

During circle, there was the issue coming up that the **school** principal keeps sanctioning the boys and how he has an 'eye on them' now. During normal judicial proceedings this would not have been addressed. It was discussed, how this is none of his business and how it needs to stop. In case of a fulfillment of the action plan, there is no further need for sanctioning the boys. The victim, Mr. Wright mentioned that he will talk to the principal personally to let him know that for him, the issue is resolved and no further sanctioning is required.

One mother brought up an additional level of stigmatization of the accused boys. During a **police** investigation of another crime, a burglary at the youth club, the police suspected the boys of the fence case of being involved. This would mean that once the boys are known to the police for one thing, they will join the circle of "usual suspects" if other offenses are committed. Unfortunately, this problem was beyond the circle's reach to do much about it but hopefully, a fulfilled action plan and closed case will resolve it eventually.

#### 4.2.7. Circle Goals

The Keepers set as their goal for this circle to find a way of repairing the harm that would not overburden the juveniles, can be accepted by everyone considering that their contributions to the damage varied substantially, and is somehow related to the offense or at least not completely disconnected. All of these goals were reached. Their decision to make this the overall goal was based on preparatory talks with the juveniles and was aimed at preventing them from feeling treated unjust or unfairly because of the high cost for the fence repair and the fact they had contributed to varying degrees to the damage in the first place.

#### 4.2.8. Contribution of Participants to Circle Phases and Impact

##### *Conflict Parties*

The primary victim in this case, the city gardener, was truly outstanding. He was the one who came up with the idea for repairing harm and setting a good example to their peers at the same time. Both victims express quite interesting and powerful reflections on the meaning and purpose of sanctions as opposed to educating juveniles. Their attitude about this as more of a learning process than a sanction was also very insightful and understanding. It was clearly not their intention to criminalize these kids but to teach them a lesson. The lesson attached to the action plan, the victim had thought of was manifold with two dimensions standing out that deserve mentioning here: First of all, the boys got a second chance to make amends and learned that their actions have consequences. Secondly, they learned that work has a value, even the work of a city gardener or builder's yard staff and will probably respect it more in the future.

As far as the accused parties go, the boys said what they were expected to say and it was difficult to assess how much of it was authentic or out of a sense of obligation or in response to their parents scolding them. Nevertheless, they showed up, took responsibility and accepted the action plan. Some mothers were very helpful for making the plan a realistic and SMART one. (Specific, measurable, attainable, realistic, and time-bound).

##### *Community representatives*

Particularly one of the mothers intervened and contributed in a constructive and helpful way by asking for more specific questions so the boys can understand what we want of them or by making the action plan more realistic by setting a date and time to make sure it happened before summer break.

#### 4.2.9. Questions Impact

There were situations where the circle keepers answered their own question and it had an impact on the participants. For example when discussing values Keepers suggest answers/values on their own. This works as a "role model." However participants were a bit confused because of the long introductions of rounds and did not contribute values but intentions.

#### 4.2.10. Keepers' Less Neutral Role

The Keepers remained rather neutral in this circle.

#### 4.2.11. Power Relations

Placing juvenile offenders in a room in the municipal building together with a majority of adults to speak about their wrongful behavior seems a quite intimidating situation for kids that age. Sometimes it seems like they say what they think is expected of them. It was difficult to assess how much of it was authentic or out of a sense of obligation or in response to their parents scolding them.

### *Legal professionals*

German circles do not include legal professionals. The reasoning behind this is described in the research report.

#### 4.2.12. Security/Safety/Confidentiality Issues

A confidentiality agreement was read and signed by everybody at the beginning of the circle. The researcher also explained briefly what it was for and what it was about.

#### 4.2.13. Impact of Social and Cultural Diversity

Several of the accused had an immigration background but some of them were average German boys raised by German parents. This mix was helpful for keeping a balance and not discriminating anyone because of their race or origins.

#### 4.2.14. Other Circle Outcomes (Added Value)

Most outcomes were written down on a flipchart as an action plan ...

### **4.3. EVALUATION AFTER THE CIRCLE**

#### 4.3.1. Participants' satisfaction

All participants were content that they participated in a circle and would do it again.

#### 4.3.2. Keepers' satisfaction

Were the keepers content with the circle its course and its outcome? How would they assess their restorative impact? Were restorative goals initiated, brought on their way or have been reached? Or do they seem more likely now and why?

#### 4.3.3. Was the action plan executed successfully?

The repair of the fence cost 600 Euros and the victim suggested two mornings of 3-4 hours of working for all the boys to support him with cleaning up a littered city creek. Consensus was built about how it can best be put into practice in a realistic and pragmatic manner and without letting too much time pass.

All of the boys showed up the next morning and helped cleaning up. For the second day, one of them could not come but the other four were there and finished up. (One additional one who did not attend the circle was allowed to come as well but helped on a later date).

#### 4.3.4. Was there a noticeable impact on the larger community?

Yes, the cleaned up creek was probably noticed and appreciated by more citizens of this town than the ones included in the circle. There was also the hopeful notion, that other juveniles may have observed the action and may have changed their attitude towards littering a bit.

Most importantly, the participating juveniles raised their level of consciousness about littering and about publicly funded space and property. Before the circle they were not aware

of the fact, that they were causing harm to their own parent's because such things are financed through taxes.

Moreover, the mothers represented citizens of the "harmed" community and the Bauhof manager and gardener city employees. They were all satisfied with the solution and one of the mothers even requested that the city should ask juveniles more often to contribute something to the larger community. In her view, this would change the way they relate to their town.

## 5. PMC G5 & G6

**Beate Ehret, Isabel Thoß**

### 5.1 Brief Case Summary / Circle participants / Agreement/ Action Plan/Added Value / Fulfilment of Agreement

**BRIEF CASE SUMMARY:** The idea for starting a peace circle in the school of the town S. came up during a victim-offender-mediation with some girls of two different classes from this school. The incident the VOM was dealing with was an assault from two of the girls against another girl during a basketball tournament. As their teachers indicated there were ongoing conflicts between those two classes and not just between the girls. It occurred to the mediators that this situation may be worth offering a peace circle to them.

**CIRCLE PARTICIPANTS:** Besides the mediators, the two class teachers (Klassenlehrer), the 20 boys from both classes, their sports teacher, one researcher and two mediators participated in the circle.

**AGREEMENT/ACTION PLAN/ADDED VALUE:** The action plan finally dealt with the school trip. The questions that were clarified were:

#### 1. Do both classes want to go on the trip together?

The boys all answered this question with a distinct yes.

#### 2. What are the general conditions and rules?

The teacher clarified that they all can just decide upon things within the school guidelines. They also explained to the boys the guidelines that were provided through the school.

#### 3. What are the expectations of the boys?

In several circle rounds the circle figured out what expectations the boys had about the school trip and wrote these on a big sheet. The boys named:

- No pictures on Facebook
- Free time
- Decisions upon the program should be made all together
- No fights or arguments
- To have the choice to decide for different activities
- Having fun
- To spend time with the students from the classes and the teachers
- Dealing with each other in a relaxed way.

- There should be some activities for all students together, but also some activities within smaller groups
- Dealing with each other in a respectful way.

The mediator asked them to vote for three expectations that are most important to them. 15 voted for “No fights or arguments”, 13 voted for “Free time”, 10 voted for “Dealing with each other in a respectful way”, 9 for “having fun”, 8 for “Decisions upon the program should be made all together”, 4 for each “To spend time with the students from the classes and the teachers” and for “Dealing with each other in a relaxed way”, 3 for “There should be some activities for all students together, but also some activities within smaller groups”.

**FULFILMENT OF AGREEMENT:** The researcher asked the teachers about six months later, but before the school trip, via email about the relationship between the two classes. One of the teachers answered that after the Circle two boys of her class got expelled from the school. Since they had left the school the atmosphere in the class got much better. She also wrote: “And when the boys go crazy again the girls are strong and mature enough to keep them in check.

## 5.2. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 5.2.1. Choosing the Peacemaking Circle Method

The circle method was offered to the teachers by the three mediators of the mediation centre after a victim-offender-mediation. Originally the case came to the mediation centre for a victim-offender-mediation through the state attorney’s office. During the victim-offender-mediation the teachers and students mentioned general conflicts between the two classes that existed regardless of the incident that lead to the victim-offender-mediation.

Some of the criteria whereupon the mediators always decided if a peacemaking circle can be offered or not were: Were more people involved?, Will these people meet or interact in the future?, Were there people indirectly harmed?.

Here the circle was found to be a good method to address those conflicts because the school classes were seen already as a community and they had to deal with each other every day in school in the future. Because a victim-offender-mediation had already taken place, the mediators did not offer any alternative methods to the teachers.

Initially the two teachers from the different classes reacted ambiguous to the offer of the mediators. They doubted that the students would be able to sit in a circle and listen for a long time neither they had much trust in the students’ ability to express themselves.

On the other hand the teachers told the mediators about a “class council” that they conducted with the separate classes every Friday. Thinking that the peacemaking circle would work the same way, and having in mind that they want to do a school trip with both classes together the teachers found that it would be worth to give the circle method a chance. Matter of the circle should not be the school trip itself though, but how the students deal with each other in general.

The following preparation of the actual circle process was done just by the three mediators. Regarding the large group of students they were thinking about possibilities how to



split them up. The alternatives were to initiate a first circle with the directly affected and a second one with the interested participants, to run an inner and an outer circle or to separate the girls from the boys and have two circles. Other issues that arose in the preparation process were, if they should include new ceremonies or rituals to relax the students in breaks.

The mediators finally decided to split up the boys from the girls. Splitting up the two classes would not have made sense because according to the teachers the conflicts existed mainly between the students of the two classes. As the conflicts were not clearly defined before the circle meeting, it was not possible to divide the groups into directly affected and interested participants either.

In summary, it can be said that the final decision that a circle will be applied and what will be discussed was made by the teachers, but the decision on how to apply the circle was the responsibility of the circle keepers.

### *Offense or Offender Specifics*

#### *Availability of an alternative*

#### *Decisionmakers (Who?)*

#### *Decisionmaking (Why?)*

#### *Who decides who to invite as participants and Who is invited?*

The incident of the original victim-offender-mediation was not the matter of this peacemaking circle in the school. There was no offence that could have influenced the decision upon the choice of a peace circle. It was the interconnection of different conflicts between different students from different classes that influenced the mediator's decision to offer a peace circle.

As said before another restorative justice method was not suitable at this stage of the case. The teachers had one method to deal with conflicts in the classes themselves though, called a "class council." At these class councils students of one class met with their teacher every Friday from 12 am - 1 pm and talked about their issues and concerns. They used a talking piece, for example a ball that was thrown to the person who wanted to speak.

The teachers decided to do a peace circle with the classes, because they wanted a method that included the students of both classes. They were also hoping for a calmer and more controlled atmosphere of talking that would lead to results more efficiently.

As the community in the school setting was mostly predetermined as the students of both classes, there was not much room for deciding who else could be invited, such as additional teachers or parents. Due to the already large group size the question was more how to split the groups.

The mediators asked the teachers in their preparatory meeting **who else** they could think of who would contribute to the circle in a positive way. They were proposing liaison teachers, other teachers or social workers from the school or parents. The teachers decided against the liaison teachers and social workers, because some of them were not really related to the two classes a lot and others had just such a high work load. The mediators decided against inviting the parents since the two circles were already so big with all the students and teachers.

But the class teachers and the mediators liked the idea to invite the sports teacher for the boys-circle. Very often the sports teacher was a witness of conflicts between the boys in competitive situations. He knew the boys from both classes as they had the gym class all together. So his perspectives were very valuable for the circle. He was also able to create a great feeling of trust in one of the games the mediators included in the circle as a ceremony.

### *Who is invited and How?*

The victim-offender-mediation-meeting already showed that there are not only conflicts between the girls attending but between the two classes in general. This generated the idea of the mediators to propose a circle to the teachers. After another counseling meeting of the mediators they called the two class teachers and offered them to do a peacemaking circle with the two classes. This phone call was before the summer holidays. The teachers liked the idea "to do something" with the classes (that was how they said it) but they told the mediators to wait with the preparation until after the summer holidays. After the summer holidays the mediators called the teachers again and they set up a first meeting. In this meeting, that took place in the school, three mediators and the two teachers were present. At this point the teachers voiced their misgivings concerning the method of a peacemaking circle, as described above.

After this first meeting the mediators themselves were not sure anymore if the peace circle method really fits for the school setting and for the students in these classes. So they started the second meeting with telling the teachers that it will be their choice if they want to run the circle or not. The teachers reacted as if this had never been the question and were already convinced that the mediators should do the circle. So they just figured out the dates, times and settings together.

Because the groups were too large it was not possible for the mediators to have preparatory talks with each participant. So the mediators never talked to the students in person. The teachers decided upon the dates and the method without the students. They just let them know when the circle meeting takes place but did not inform them about how the method works, about the guidelines, the principles, the talking piece etc.

The time that had to be invested by the mediators for the preparatory work was about ten hours. The mediators met with the teachers two times for one hour before the first circle meeting, had internal counseling meetings for about one hour before the first and between each circle meeting. Everything else was communicated through email.

### 5.2.2. PMCs in the Existing Organizational Setting

As the circle was implemented in a school the outer frame was given by the school system. The available time was restricted by the school time and the workload of the teachers. For this reason not more than two circle meetings for each group, boys and girls, for about two hours could be scheduled and the circle had to take place in a class room in the school.

The school setting also influenced the voluntary participation. As the students were obliged to go to school, and the circle happened instead of a school lesson, they were obliged to come to the circle as well. Just about one or two students were missing at each circle meeting because they were sick.

The participants were mainly predestinated as well as the students and teachers from both classes. To include more and other community members would have been possible in theory. But as the groups were already so big, even after splitting the boys from the girls, to invite more participants would have forced the mediators to create a third group. The mediators doubted that splitting up the classes in too many groups would be beneficial for dealing with the conflicts.

Although in a peacemaking circle social roles and titles should be set aside, this was not possible between students and teachers however. Teachers were focused on keeping their authority and agreements had to fit in the schools policy.

### **5.3. EVALUATION CRITERIA FOR CIRCLE FACILITATION**

#### **5.3.1. Seating arrangement**

Before the participants enter the room the two circle keepers always put their jackets on seats that were across from each other. This way they can keep eye contact with each other and give the circle round slightly another direction when they recognized that a topic becomes too hurtful or even defective for the participants. One experience in circles with children or youth was, that the circle rounds where more effective when adults were sitting between the youths. In the school circles with so many students this was just possible to a certain degree. It happened, that students just affiliated with what the person before them had just said, or often forwarded the talking piece in silence.

However, there was one disadvantage of circle keepers sitting across from each other. This problem arose through the combination with the method the circle keepers wanted to use. The mediators had decided beforehand that they wanted to take turns with introducing the next circle round. To do this they had to hand over the talking piece to the other mediator across the circle. With doing this they broke the general rule of always giving the talking piece to the person sitting next to you.

This might not be a problem, when the circle keepers explain why they derive from the rule. A circle should always be used to the best means for the participants and though stay flexible in rules and guidelines.

In the boys' circle the problem was that probably the boys got mixed up with the rules of their class-council. As the talking piece was a soft soccer ball the one mediator rolled it to the other mediator to give her the turn for the next topic. The students imitated this action and also rolled or threw the ball to another student who showed that he wanted to speak through raising his finger.

#### **5.3.2. Preparing Participants**

##### *Informing the participants*

Compared to the preparation recommended by the Gatensby brothers, here a minimum of preparatory work had happened. This was due to the lack of time and resources of the mediation centre on the one hand, but also to a misunderstanding between the mediators and the teachers. In the first meeting the teachers immediately reported about their class council and stated that they use the same method as provided in a circle. The mediators relied on this information and did not ask for more details about the exact method of the

class council. They just explained more about the cooperation between the mediation centre and the university but no more about the peace circle method itself. During the circle meeting it turned out that the methods were not the same as in the circle at all.

Because of this misunderstanding neither the teachers nor the mediators explained the method to the students directly. The mediators had asked the teachers to explain the method to their students, but did not check if they had really done this before the first circle meeting. So the first time when the students heard about the circle rules was at the beginning of the first circle meeting.

### *Voluntary participation*

Due to the school setting the participation of the students could not be voluntary either, as the Gatensby-model claims it. The mandatory participation, the lack of information and the absent mandate from the boys led to a great opposition from the boys to participate actively in the circle.

### *Preparation questionnaire*

The preparation questionnaire was often perceived as not fitting into the school contest or ambiguous to the students.

## 5.3.3. Ceremonies

### *Shaking hands*

In the second circle meeting, one circle keeper had to be represented through another one because of sickness. The new circle keeper was shaking hands to the boys when they entered the room. He thought it was a fitting gesture from a man to a boy to introduce himself. The boys were open for this gesture and responded to it.

### *The story*

After the two mediators had introduced themselves in the first circle meeting and had explained the rules of the circle, one of them read the story of the two wolves:

*A young man comes to a wise old man and asks him for an answer on the question: "What is going on in the soul of a human being?"*

*The wise old man answers: "There are two wolves inside of us. One of them symbolizes love, kindness, joy, compassion, helpfulness and forgiveness. The other wolf symbolizes the bad and the evil in us, envy, hate, greed, rage and recklessness. These two wolves fight a never ending battle." The young man asks: "But which wolf is winning in the end?"*

*The answer of the wise man is: "The wolf that you are feeding."*

The story was supposed to set a tone for the following circle rounds. The participants were meant to make their own assumptions. For this reason the mediator just read the story but did not comment it.

In this circle meeting none of the participants commented on the story in the following circle rounds.

### *The opinion-barometer*

To figure out the relationship between the two classes the mediators used the opinion-barometer: The two mediators stood across from each other, one on a red paper button,

the other on a green one. They read out questions to the boys, like: How much do you feel connected to your own class. Green would be “very much”, red would be “not at all”. The boys were supposed to show their opinion in standing on the one or on the other side. But they could also choose to stay somewhere in between.

Other questions were: “It does not play a role if a person belongs to class 9a or 9b?”, “Friendships between the two classes are ok?”, “We boys from the classes 9a and 9b get along with each other well”, “ It is important to stick with one’s own class.”, “ The classes 9a and 9b are rivals”

All of the boys joined the opinion barometer and had clear opinions about the certain questions that were asked. With how the boys positioned themselves it became visible that on the one hand they were rivals within certain areas, as for example in sports, but that on the other hand some of them were also friends.

### *The trust game*

After some rounds of talking about the relationship between the two classes, the mediators initiated a “trust -game”: The boys should get together in two and two groups, sit on the ground, back to back leaning against each other, linking each other’s arms and trying to get up. Only four boys participated in this game, while the others kept seating. Those participating made it to get up right away.

But then these boys remembered another game that they had played in their sports course once. They asked the sports teacher and the other boys to do it again. The teacher jumped on a table, while the students positioned themselves on the ground raising their arms. The teacher jumped off the table and the students catch him all together. In this game more boys joined and you could feel a sense of connection, trust and pride between the participating boys and between the boys and the teacher.

### *Closing Ceremony*

After the last circle round the mediators invited everybody to stand up in a circle and join a closing ceremony. Everyone was laying his right hand on top of his right neighbors hand and his left hand underneath his left neighbor’s hand. One of the mediators started “giving” one value or wish of her choice into the hand of her left neighbor. Then this person could choose a wish for his neighbor and so forth. When the last person had given his wish to the mediator again, the mediator gave this “gift” to a person of her choice in the circle.

Although the person starting does not necessarily have to be the mediator, experiences showed that the participants often need a first example how the ceremony works.

For the first day the topic for this ceremony was: “What do you wish your neighbor for the rest of the day”. So the students wished each other for example: to get to see friends, to get a nice meal when coming home, a relaxed day etc.

After the second circle meeting the circle keepers asked the participants, what they were wishing their neighbor for the school trip. Here the students named: fun, exciting activities, that you get along with everyone, no fights etc.

### 5.3.4. Talking Piece

The teachers had told the mediators that almost all the boys were very sportive. Therefore the mediators found that a soft soccer ball was a good choice for a talking piece.

The mediators also used the ball in another victim-offender-mediation before. They have had one problem with other talking pieces they had used before: As they always sat across from each other they had to walk to the other mediator to hand him/her the talking piece when they changed the role for introducing a new round. They decided for a ball as talking piece because they intended to roll it to the other mediator.

The problem in the school circle was that a ball was also very easy to throw and to catch. The students saw the mediators rolling the ball to each other and imitated this action: They just threw the ball to the person who wanted to speak. This might have happened because they did not internalize the rules of the circle at all or because the mediators did not make clear, that rolling the ball is an exception to the rule of handing it to the person sitting next to you in the circle. On the other hand the boys were still ignoring the rules, even after the mediators reminded them.

For this reason the circle keepers decided to replace the bigger soft ball with a tennis ball in the second circle meeting. The small ball was much harder to catch. So the boys did not challenge each other to throw it anymore. They were afraid of not catching it. Unfortunately they reconsidered the way how the circle keepers used to roll the ball, so they could still give the talking piece to the person who wanted to speak and not keep the circle round.

### 5.3.5. Were the four (or five) phases realized?

Because there was such a tight time frame the mediators decided to not have an introduction round. Instead they gave the students stickers for their T-shirts where they could write their names on.

When everyone got seated the mediators introduced themselves. One of them then explained the rules of the circle and the other one read the story of the two wolves.

They initiated the first rounds with the questions: "What works well between the two classes?", "How do the students from the different classes deal with each other?" and: "Which activities are the students from the other class doing together inside or outside of the school?" These rounds were supposed to build trust on the one hand, but also to identify issues already. To figure out how things are between the two classes the mediators also used a ceremony: The opinion barometer. The advantage of this game was that it created an easy atmosphere and was very helpful to find out the true opinion of the boys. While in the circle round many of the students just replied on the questions simply with "fine", "it is ok", or they just affiliated to the opinion of the person before, they were really honest in the game.

It was hard to identify the issues that should be discussed because the boys claimed to not have a problem with the boys from the other class. Their reactions on questions about their relationship to the other class were: "We like the guys from the other class", "We do not have any problems with each other", "We do not know why we are here at all".

The circle keepers found out that the conflicts between the students were more of a subliminal nature. During the rounds of the circle the mediators recognized the power relationships and hierarchies. Some really dominant boys were eager to state their opinion no

matter if they had the talking piece or not. They were playing their role, showing or, better to say, pretending that they are cool and tough and that they can influence the teachers and their class mates. Other students kept silent or just agreed to other student's opinion. It occurred to the mediators that these students did not dare saying anything. These underlying conflicts were impossible to address, because the students did not allow them to come up and be discussed. At least this was not possible in the given time frame.

But in the same rounds more conflicts arose, namely conflicts between the teachers and the students. These conflicts were mainly about the school trip, but also about how to communicate in a respectful way. After the first circle meeting the circle keepers asked the teachers if they want to sustain their restriction not to talk about the school trip for the second circle as well. The teachers agreed upon changing the circle's goal and to talk about how to plan the school trip together in a good way. At the same time they emphasized again that the possibilities for an action plan in this context were limited by school regulations. So in the second meeting the first rounds were about to find out what exactly the students did not like about the way how the school trip was planned, how the teachers can include the students in the organization and address their interests while also keeping the guidelines of the school.

It can be summarized that there were two phases of identifying issues: The first one that led to the conclusion that the circle cannot deal with the subliminal conflicts between the students and the second phase that dealt with the conflict between students and teacher about the school trip.

The discussion of the action plan was done through circle rounds and opinion-barometers. The circle keepers initiated rounds with the questions:

*"What is important to you for the school trip?", "What rules would you propose for the school trip?", "Where would you want to go for the school trip, and what activities would you want to do?"*

The opinion-barometer that the mediators used in this phase was different to the first one. The mediators created a list of what the students and teachers had named for each topic. At the end of one topic each student got three stickers. He could stick these on the list behind the suggestions according to his priority. This way at the end of the circle meeting the several lists showed what the majority of the boys had voted for.

### 5.3.6. Other important circle features and their relevance

#### *Consensus:*

Although the circle keepers tried to build consensus through asking questions like: "Does anyone disagree?" or "Does anyone have a significant argument against this?" it was almost never possible to achieve consensus. It seemed that the boys found it "cool" to be against everything. It seemed they wanted to play out their power against the other students, the teachers and the circle keepers. Some of the boys were taking a leading role in the class and tried to show this through their opposition. Finally the action plan could just be created through majority votes, through the opinion-barometers.

*Safety:*

About 2/3 of the students were intimidated by the other 1/3 who played off their power against them. So the majority of the boys did not dare to state their true opinion. As these dominant boys did neither listen to the mediators nor to the teachers, every attempt to create a more equal atmosphere failed.

*Acknowledge mistakes:*

Teachers and students had a hard time with acknowledging mistakes. Instead they continued blaming or even insulting each other.

### 5.3.7. Circle Goals?

The circles goal appeared to be a challenge for the circle keepers. They did not have a clear mandate from the teachers about what should be achieved in the circle. The only thing that was clarified through the teachers from the beginning on was that the study trip should not be the main topic of the circle. The reason from the teacher's point of view was that the destination, program and regulations of the school trip were predetermined by the school guidelines and therefore not disputable for the students. But the teachers did not give the circle keeper another clear goal either. They only stated that it would be good "to do something" about the conflicts. But whether this should be more of a social training or a peacemaking circle they did not define.

It turned out that the mandate was not just too ambiguous but that there was no mandate at all from the boys themselves. As it was impossible to address the subliminal conflicts between the students that the mediators had recognized during the first circle meeting, the goal had to be adapted. So the teachers finally agreed upon discussing the school trip in the second circle meeting. The goal was to identify the student's needs, the schools regulations and ways to decide upon the all these issues together.

### 5.3.8. Contribution(s) of Participants to Each Circle Phase and their Impact

*Contribution of the students:*

Some boys used the circle as a stage to show their coolness and power. On the other hand exactly these boys also contributed to the circle in a valuable way, for example with smart questions or arguments. Other boys did not dare to say anything and either joined the opinion of others or kept silent.

One of the boys was always against everything and even changed his attitude because the teacher's attitude changed, just to show his opposition. Another boy was just talking loudly with his neighbours, disturbing the circle but never saying anything in the circle round.

During the "trust-game" some of the boys remembered the game that they played in the sports class with their teacher and immediately set it into practice in the circle meeting as well.

Emotionally the boys did allow anger and frustration to come up, but never showed any weakness. They were able to emphasize positive feelings regarding their relationship to



the boys of the other class though, as to the relationship to the teachers nearly everything seemed to be negative.

To the method and the mediators the students approached with skepticism. Right at the beginning they questioned that they need the circle at all: "We do not have any problems with the other class", "Just the girls have conflicts, not us".

Over and over the circle meetings they asked: "What is this for at all?," "What is the topic here at all?," "I do not know why we are here?," "This does not help at all."

The boys had side talks, were laughing on what others said, stated their opinion loud although they did not have the talking piece. Warnings of the mediators did not help. So that finally the teachers found themselves responsible and expelled two students.

#### *Contributions of the teachers:*

The class teachers did express their feelings every now and then. For example one of the teachers told the group that she feels really uncomfortable with the loud, regardless atmosphere. The other teacher was talking about her disappointment about the behavior of the boys. They never really valued positive contributions of the boys or expressed positive feelings though. Often they were reacting in a dominant and restrictive way as they were used to act as a teacher. They warned the boys when they were getting too loud although they did not have the talking piece and expelled some of the students from the circle. Sometimes they even reacted insulting on statements or questions of the boys.

When it came to the discussion of the action plan, they were open to organize the school trip together with the students and take their interests into account to a certain degree. They explained to the student why they had to decide upon certain issues by themselves and how school guidelines restrict their decision-making.

The sports teacher also recognized positive and negative contributions of the boys and expressed them when he had the talking piece. He joined the game when the boys asked him and trusted them.

#### 5.3.9. Questions' impact

At one point after the first peacemaking circles the mediators had decided to change their way of asking questions. In the very first circles the circle keepers explained very detailed what exactly they meant with their question and gave examples. They had realized that with these extended explanations they did not generate a better understanding but confused the participants. As the mediators were still convinced that some questions, for example a question about the values, needed examples and explanations, they decided to repeat the short question at the end again. This change of technique still did not help in the boys' circle to avoid confusions. But after they had asked back, what exactly the mediators wanted them to talk about, the topics could mostly be clarified.

The questions were important at the beginning of the circle, when the students felt like they did not need the circle. They helped the circle keepers to find out what the conflict really is about and between which parties the problems existed.

In the very first round the students did not reply on the question of the mediator at all and handed the talking piece to the next person keeping silent. After the talking piece reached

the fifth or sixth person the mediator asked for giving the talking piece back to him. He explained that of course they could spend two hours handing the talking piece to each other in silence, but that this was not the purpose they were here for. He stressed that the students were given this opportunity to work together with professional mediators. They should take into account that this normally costs a lot of money and that the mediators could spend their time with people who would appreciate their work. Some of the boys broke their silence from that moment on. Others still kept silence. Because there was so less active participation in the discussion the circle keepers had to change their plan and do more circle rounds than they had planned, to get some output.

In the course of this second circle meeting the students showed a great desire to talk about what was really bothering them, namely the organization of the trip, the destination and the activities. No matter which question the mediators had set up, they always came back to these topics. Because the circle keeper recognized the need of the students to address these issues, they asked the teachers via email if the school trip may be discussed in the second circle meeting. As the teachers agreed in this second meeting the questions were about which countries they would like to go to and what activities they are interested in. The circle keepers asked what rules they would think are necessary to get along with each other well. Besides that the teachers explained the school guidelines there was not much output from this round. So the circle keepers adapted the topic to "the boys' expectations". After each round they wrote down what the boys had proposed in the round.

#### 5.3.10. Keepers' Less Neutral Role

The circle keepers did not show a lot of emotions in the circle meeting with the boys. However at one point one of the mediators interrupted the circle round and expressed his disappointment and anger about the circle participants who did not keep the rules.

#### 5.3.11. Power relations

The power relations between the teachers and the students could not be set aside in the circle and influenced the circle a lot. The teachers wanted to keep their authority and intervened many times although it was not their turn to speak. The students were contradicting to everything to show, that the teachers do not have power over them and that they themselves have the power over their classmates. The mediators had to interfere many times to calm the boys down and to remind them of the rules. These interventions helped to ease the atmosphere just for a short time. After some minutes the boys interrupted each other, had side talks and were loud again until the mediators or one of the teachers intervened again. Without interventions the circle would hardly have been possible.

#### 5.3.12. Security/Safety Issues

In the circle with the girls the mediators asked them if the boys had already told them what this method is about or even what had happened in their circle meetings. Although the boys struggled so much to keep the rules during the circle meetings, surprisingly, they actually had kept everything confidential and had not told the girls anything about their circle meetings.

### 5.3.13. Social and cultural Impact

The students had different national backgrounds. This influenced their expectations on the trip in the way that for some of them their home country was their favorite destination. When they were asked which activities they would want to do, they sometimes compared it to what they do when they are on a holiday in their home country.

Their social background and their common desire to go to a foreign country for the trip seemed to unite the boys. Some of the students stated that their families do not have the money to spend their holidays in foreign countries very often.

### 5.3.14. Other circle Outcomes (added values)

As there was no follow-up meeting or talks between the mediators and students or the teachers it is not known how the circle influenced the relationship between the two classes or if it had any other effects.

But for the mediators themselves the school circles were of great value. They stated that in these school circles situations came up they never had to deal with before. Therefore the learning effect was great. In a next peacemaking circle they would for example reassure themselves that they have a clear mandate and that all the participants understood the rules of a circle already in the preparatory phase. They would make sure that there is a balance of youths and adults in the seating arrangement. And they would explain why they derive from a rule more explicitly or choose a talking piece that is not as easy to throw or roll.

## 5.4. EVALUATION AFTER THE CIRCLE

### 5.4.1. Keepers' satisfaction

The circle keepers were not very satisfied with the boys school circle. They felt like they couldn't get to the real conflicts because the boys were playing a role and were not able to be authentic. But for addressing this behaviour and what lays behind they would have needed much more time.

For dealing with such conflicts the circle keepers proposed to implement a regular circle meeting in the school with teachers, students and parents.

### 5.4.2. Was the action plan executed successfully?

The classes did not go on the school trip yet. So it is not known if they could set the action plan into practice.

### 5.4.3. Was there a noticeable impact on the larger community?

The teachers did not report about an impact upon the school or any other community.

## 6. PMC G7 & G8

Beate Ehret, Isabel Thoß

### 6.1. BRIEF CASE SUMMARY / CIRCLE PARTICIPANTS / AGREEMENT/ ACTION PLAN/ADDED VALUE / FULFILLMENT OF AGREEMENT

**BRIEF CASE SUMMARY:** The idea for starting a peace circle in the school of town S. came up during a victim-offender-mediation with several girls of two different classes from this school. The incident the VOM was dealing with was an assault from two of the girls against another girl during a basketball tournament. As their teachers indicated, there were ongoing conflicts between these two classes and not just between the girls. It occurred to the mediators this situation may be worth offering a peace circle to them.

**CIRCLE PARTICIPANTS:** In the girls' circle no other participants joined besides the 15 girls from both classes, the two female class teachers, the mediators and the researcher. One girl was sick and therefore could not join.

**AGREEMENT/ACTION PLAN/ADDED VALUE:** The questions for the creation of an action plan are listed together with responses and suggestions the circle came up with:

- **What is important for the school trip?**

The girls named:

1. Everybody should feel comfortable
2. Everyone should be able to join the trip
3. Experience joint activities
4. Have fun together
5. That we get along well
6. Trust
7. No fights
8. No one should steal things from others
9. To have the choice
10. No trouble
11. No one should be sent home
12. To be considerate of others
13. No boredom, but action
14. Keep the rules
15. A common destination

- **How can you achieve these things? What do you have to take into account, plan and do to achieve this?**

1. How can you achieve that everybody feels comfortable on the school trip?

Here the girls listed: respect, be considerate of others, everyone can state his/her opinion, have fun together, not hang out with drunk people, trust, no fights, good places to sleep, no brawls, security for valuables, good atmosphere, no little village, enough sleep, no mobbing, no pictures when people don't want it, no playing of bad jokes, to be able to take a joke.

2. How can you achieve that you can trust each other during the trip?

To create trust it was important to the girls that one's valuables are safe, the students are considerate of others, everyone has the right to state his/her opinion, the group should coordinate things together, and to do many activities.

3. How can you achieve to have an exciting program?

For organizing their activities the girls found it necessary to ask everyone if they agree upon it, discuss every suggestion, gather the suggestions, inform everybody early enough, vote on the suggestions, consider fears, everyone should join and have fun, get sufficient information about the activities and to not do boring things.

**FULFILLMENT OF AGREEMENT:** See case process analysis of the PMC G5 & G6.

## **6.2. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION**

### 6.2.1. Choosing the Peacemaking Circle Method

See case process analysis of the PMC G5 & G6.

*Availability of an alternative*

*Decisionmakers (Who?)*

*Decisionmaking (Why?)*

*Who decides who to invite as participants and Who is invited?*

See case process analysis of the PMC G5 & G6.

*Who is invited and How?*

There were no other participants invited. The class teachers could not think about other teachers who had a close relationship or who spent much time with the girls. The invitation of social workers and parents was rejected for the same reason as in the boys' circle. The mediators decided against it, since the two circles were already so big with all the students and teachers.

A more detailed description of the meetings and decisions leading up to the circle is provided in the case process summary of the boys' circle.

### 6.2.2. PMCs in the Existing Organizational Setting

Although the organizational setting was exactly the same as in the circle with the boys, there was much less tension between the girls and the teachers. The hierarchies were also less noticeable.

## 6.3. EVALUATION CRITERIA FOR CIRCLE FACILITATION

### 6.3.1. Seating arrangement

The circle keepers also sat across from each other as they did in the boys' circle.

One girl asked the female circle keeper if she could sit between her and her class teacher. As the circle keeper considered that she might not feel safe otherwise, she arranged that the girl sat between them. Therefore the circle keepers were interested in what the girl's position in the class and in the circle is. Contrary to their fear that she could be excluded from her class mates, she was accepted in the games and discussions as every other girl and her opinion was valued equally to others.

Other than in the boys' circle, with the girls the circle keepers did not have the feeling that there should be more adults sitting between the youths. It rarely happened that the girls were passing the talking piece in silence or just adopted the view of the person before.

### 6.3.2. Preparing Participants

#### *Informing the participants*

**Informing the class teachers:** See case process analysis of the PMC G5 & G6.

#### **Informing the students:**

Before the boys' circle the two class teachers had not informed the boys about how the circle method works, as the mediators had asked them to do. To avoid the confusions that might have been one reason for the ineffectiveness of the boys' circle, the circle keepers encouraged the teachers again to explain the method in detail before the girls' circle. Before the first circle meeting with the girls the teachers reported that they had done so.

#### *Voluntary participation*

See case process analysis of the boys' school circle

#### *Preparation questionnaire*

See case process analysis of the boys' school circle

### 6.3.3. Ceremonies

#### *The story*

After the introduction and the clarifying of the rules in the first circle meeting one of the circle keepers started the circle with the story of the girl in the magic forest:

*A woman was walking into a magic forest. When she came to a lawn she saw a small person struggling with something. When she drew closer to this person she recognized that it is a troll who got his beard caught. The woman freed him and as a reward the troll wanted to fulfill one of your wishes. The woman was thinking loud about her biggest wish:*

*“Maybe I want 10 million Euro on my account” The troll added for consideration: “But your neighbor will always get double of what you get.” The girl was thinking even longer now and finally answered: “Then I wish to be blind on one eye.”*

Again the circle keeper did not say anything about the story but asked the girls to name a value that is important for them to deal with each other for the time sitting in the circle. The girls did not relate to the story directly but their outrage about the end of the story was noticeable through the expression in their faces. However, in the next round they named “to treat each other nice” and “to discern the positive of what another person says” amongst other values.

In the second circle meeting one of the circle keepers read an Indian story about an elephant. This story was about an elephant that was seen and touched by different people. Those people met later and described to each other how they had seen and felt the elephant. All the descriptions were so different based on what part of the body they had touched, from what perspective they had seen the animal, and probably also based upon their own personal history and their perceptions.

The mediator again did not expand on the story anymore but asked the girls if the goal for the second circle should be the school trip.

### *The opinion-barometer*

How it works: See case process analysis of the PMC G5 & G6.

After each question the circle keepers always asked two girls why they decided to stand at the “very much” or “not at all” side or in between. When the statement was: “It does not play a role if someone belongs to class 9a or 9b.” the circle keepers asked one of the girls who was standing in the middle. She answered, that she chose to stay there because she does not have any contact to the girls of the other class at all. Another girl who stood at the “I agree” side explained: “Either I get along with a person or I don’t. But this does not depend on the class this person belongs to”. A girl standing on the “I disagree” side said: “When there is an argument, of course I stick to the person from my class, because I belong to this class. Through these questions the circle keepers made the arguments between the girls a topic of the circle. In the meantime they found out that the girls had already dealt with these conflicts and had made steps towards resolving them.

### *The games*

#### Pasture fence game :

The mediators strained a long cord between two chairs. The cords height was a little higher than the girls’ hips, so that it was not possible for them to just climb over it without touching.

The mediators explained to the girls that they should imagine that the cord is an electric pasture fence, but the whole group has to get to the other side. They were not allowed to touch the cord, neither to take any items for help.

Except of two girls the whole group joined the game. One of these girls had her arm broken. The other girl simply did not want to join.

All the other girls were starting to confer about the best way how to get over the “electric wire”. After some minutes they just tried out how their ideas would work out. At the beginning always someone touched the cord. Finally they discovered one technique that helped them to get most of the girls over the cord without touching it: Two or three girls were

kneeling nearby the cord. One girl stepped on their back while all the other girls were holding her until she jumped over the cord.

The only problem was that with every way they had figured out how to get over the cord in the end there were two girls left at the one side.

The girls discussion about who should be left on the other side and how these two girls can get over the cord generated an interesting situation. Two heavy girls were left on the other side. One girl that already made it over the cord said to those girls: "I do not want to insult you, but you two cannot be left on this side because you cannot throw each other over the cord." This could have been a situation with potential for conflict. But one of the heavy girls did not see her weight as a weakness but as a strength. She suddenly grabbed the other girl and threw her over the cord without her touching it. She went to the corner of the room, took a run and tried to jump over the cord. When she touched the cord, the circle keepers allowed her to take a chair for help. So she stepped on the chair and jumped over the cord without touching it.

In this game truly positive group dynamics were noticeable. Except of the one girl who did not join until the end, they discussed about the solution all together. When they tried out different ways of how to get over the cord, they always had to hold and therefore trust each other. No one was precluded at any time, besides the one girl who precluded herself.

#### Ice floe game:

Another game that the circle keepers played with the girls was the ice floe game. The circle keepers had brought about eight foot mats. The circle keepers laid one on the ground and gave the rest to the girls. They should imagine that the ground in the class room was ice water and the foot mats ice floes. The goal was to reach the other side of the room without one girl touching the ground and just stepping on the ice floes, whereas more girls were allowed to stand on one ice floe. Another rule was that, if an ice floe is departed and no one touches it the ice floe will swim away (the circle keepers will take it away and keep it), so that the last girls would have a bigger distance to the next ice floe.

The girls again discussed all together about the best way to get to the other side of the room. After some unsuccessful trials the girls were really careful about not placing the next ice floe too far, holding each other and making sure that the next girl touches the ice floe before setting their own foot on the next floe. After this game the mediators asked the girls in a circle round how they liked the game and how they felt with it. They reported about a new feeling of connectedness and trust, pride about having reached something all together and that they had a lot of fun.

#### *Closing Ceremony*

See case process analysis of the PMC G5 & G6.

#### 6.3.4. Talking Piece

The circle keepers did not change the talking piece compared to the boys' circle and used the tennis ball again. They found that it fits for the girls as well, because the first incident, that was the matter of the Victim-Offender-Mediation, was about a basketball tournament.



### 6.3.5. Were the four (or five) phases realized?

It was much easier and faster to realize the four phases of the circle with the girls. They were much more mature and aware of their conflicts than the boys. They talked about these conflicts openly and had already found ways to deal with each other in a respectful way.

Their maturity was also noticeable through how they treated each other much more equal than the boys. They did not fight for hierarchies or power at all and were patiently listening to what their classmates said until it was their turn to speak.

After welcoming everybody in the first circle meeting one of the circle keepers explained the rules again. Then she rolled the talking piece to the other circle keeper who read the story of the woman in the magic forest. With this story the circle keeper introduced the values of the circle. In the next round the girls named the values that were important to them. Amongst others some of the values were: "Not to interrupt another person", "not to laugh about others", "listen to others", "treat each other nice", "everyone can state her opinion". The circle keeper wrote all the values on a big sheet so that everybody could see it during the circle. Then she asked the girls about fields and places where the girls from both classes encounter and passed the talking piece for a round.

The circle keepers decided to first identify issues about the relationship between the two classes in general before initiating a game to build more trust between the participants. So they explained to the girls how the opinion barometer works. This ceremony indeed helped to address the former conflicts between the girls.

The next ceremony, the pasture fence game, created a lot of excitement and everyone got really active. In the feedback round they later stated: "It was a great cooperation between us", "I felt that I could trust these girls", "It was so much fun". From this moment on the girls were eager to share their thoughts and raised the hands to say more. Therefore the circle keepers handed the talking piece around in the circle several times with questions like: "What works well between the two classes?", "Did something change in a positive way?", "How are you getting along in the sports class?". At this point the first circle meeting came to an end.

The second meeting the circle keepers started with a short summary of the first meeting and the rules of the circle for one girl who had been sick. For a first round the circle keeper asked the girls how they were doing at that moment. Some of the girls admitted that they were a little nervous.

With the indian story about the elephant the circle keeper set the tone for the next topic: the school trip. After asking back if anyone disagrees with this topic, the circle keepers tried to find out about the girls' expectations in a circle round. As the girls were so excited about this topic and always had new ideas, the circle keepers decided to have an open discussion with them. Even here they did not interrupt each other but raised their fingers and waited patiently until it was their turn to speak. Again the circle keepers wrote everything what the girls had said on a sheet and so created a first part of the action plan.

To fortify the relationship between the girls even more the circle keepers introduced the ice floe game to them. The girls worked together as they did in the game before. After the

game the girls proposed to integrate more of these games in their school life, not just because they were fun, but because they enforce teamwork.

When being seated in the circle again the circle keepers handed three stickers to each of the girls. The girls were supposed to choose three of the expectations on the sheet that were most important to them and to place the stickers behind them. Then the girls met in three groups to work on one expectation. They should find out about what has to be considered, planned and arranged to reach this expectation and later present it to the whole group. During the presentations the mediators summarized all the results and so created an action plan.

### 6.3.6. Other important circle features and their relevance

#### *Consensus*

Other than in the boy circle the circle keepers had the feeling that they succeeded in creating consensus most of the time. They felt that it was a favorable and generous atmosphere. The absence of fights for hierarchies and power had a great effect on the effectiveness of reaching consensus.

For creating the action plan the circle keepers still decided for another kind of decision making process. They first initiated a circle round with the question what expectations the girls have for the school trip. After that they started a group work about how to reach these expectations.

The girls expectations were, “to be able to trust each other”, “that everyone should be comfortable”, and that they have a lot of “action” on the trip.

For the group work the girls separated in three groups. They were supposed to think about what should be considered, planned and arranged to reach their expectations and write all their ideas down on a large paper.

One group thought about how to reach “trust”, another one about “feeling comfortable” and the third one about “action”.

The papers that they presented at the end showed the following results:

#### 1. Trust:

- Be considerate of everyone’s valuables.
- Everyone has the right to state his/her opinion.
- Things should be discussed and decided together.
- T take action/ be active

#### 2. Feeling comfortable:

- Respect
- To be considerate of others
- Everyone can state his/her opinion

- Have fun together
- A good atmosphere
- If someone drinks alcohol he/she shouldn't drink as much that he/she gets drunk.
- No photographing of people who do not want this (for example in the bus while sleeping)
- Trust each other
- Settle differences all together
- Enough sleep
- The destination of the trip should not be a little village

### 3. Action:

- Ask everyone if they are ok with a decision.
- To discuss about every proposal of an activity.
- To inform everyone in time what activities can be done.
- Respect for example if someone has a fear of heights.
- No museums, no boring program.

While the students were presenting their results the circle keepers summarized all the results on a separate paper that finally became the action plan. The decision upon whether this should be the final action was left to the students. The circle keepers asked them if anyone disagrees with anything that was written on that plan. As no one disagreed consensus was reached upon this final plan.

### *Safety*

Previously mentioned, one of the girls asked for a special seat before the circle started. At first, the circle keeper's presumption was that this girl plays an outsider role in the class and was therefore asking for a safe seat between the teacher and the mediator, but this was not the case.

### *Acknowledge mistakes*

The girls had acknowledged their conflicts before and in the circle. But as these conflicts were not matter of the circle anymore it is not known to the circle keepers if and to which extend they had acknowledged their personal mistakes before.

### 6.3.7. Circle Goals?

The circle keepers planned to discuss the current relationship between the two classes in the first circle meeting with the girls and deal with the school trip in the second meeting. The circle keepers asked the students at the beginning of the first meeting if anyone disagrees with this plan. But no one did. As the discussions in the circle with the girls were so vivid and effective, the circle keepers did not have to change their plan through the course of the circle.

### 6.3.8. Contribution(s) of Participants to Each Circle Phase and their Impact

#### *Contribution of the students:*

The girls were interested in the method and saw the necessity to talk about their relationships. They joined the discussions, games and group work actively and made good contributions.

As there was no fight for power not just certain girls, but almost all of them stated their opinions and thoughts.

#### *Contributions of the teachers:*

The less strained atmosphere also invited the teachers to express themselves more openly. They explained what is important for them during the school trip and what is necessary according to school guidelines in a much more eased way than they did in the boys' circle.

### 6.3.9. Questions' impact

The girls did not have difficulties to understand the circle keeper's questions at any point and never had to ask back for a clarification.

The questions guided the girls on their way to their action plan. But compared to the boys' circle the questions did not give the circle keepers new insights about the girls relationships each other or to their teachers.

### 6.3.10. Keepers' Less Neutral Role

Compared to the boys' circle here the circle keepers had much more the feeling to be able to bring in their personality. As they did not have to warn the girls or interfere at any time in these meetings they felt comfortable and could allow themselves to react intentionally as a private person.

### 6.3.11. Power relations

Of course the power relations between the teachers and the students set up through the system existed here as well. But as they were respected they did not influence the circle in a negative way. The restrictions through school guidelines that were explained through the teachers were fully acknowledged through the girls.

### 6.3.12. Security/Safety Issues

There were no safety issues noticeable.

### 6.3.13. Social and cultural Impact

The different social and cultural backgrounds of the girls did not play a role in the circle at all.

### 6.3.14 Other circle Outcomes (added values)

The circle created more trust between the girls. One could recognize that they had already talked about their conflict, and their needs and expectations as well. But they were still eager to clarify these issues again, especially for the school trip.

## 6.4. EVALUATION AFTER THE CIRCLE

### 6.4.1. Keepers' satisfaction

The circle keepers were very content about the course and the outcome of the girls circle as they saw that the girls participated so actively and had many good ideas. And it was sensible for them that the girls profited from the circle.

### 6.4.2. Was the action plan executed successfully?

The classes did not go on the school trip yet. So it is not known if they could set the action plan into practice.

One of the class teachers just reported about the relationship of the girls to the boys in her class and wrote in an email: "When the boys go crazy sometimes the girls are strong and mature enough to keep them in check."

### 6.4.3. Was there a noticeable impact on the larger community?

The teachers did not report about an impact upon the school or any other community.



## CHAPTER 3: CIRCLE PROCESS ANALYSES IN HUNGARY

Dóra Szegő, Gabriella Benedek

### 1. PMC H1

Dóra Szegő, Gabriella Benedek

#### Vandalism against a public poster exhibition about people living with Down syndrome

##### 1. Brief Case Study

Two young adults drew racist symbols and hostile messages (swastika and 'throw them down from the Taygetus') on five social poster-advertisements, which were exhibited publicly at one of the main squares of the town. The events happened the night of March 27th, 2012. The owner of the poster exhibition was an NGO, who represents the interests of people living with Down syndrome. The police caught the offenders shortly after the action due to a recording from a security camera. When the police arrived, the offenders were still near the sight. The police reported the case for the prosecutor's office. The offenders argued that their actions were the result of drunkenness and had nothing to do with the issue of the posters. They partly admitted the offense. The hostile, racist messages were not considered by the prosecutor, and the case was prosecuted as 'vandalism'. The official victim was the director of the NGO. The offenders already contacted her in favour of an agreement out of the legal procedure before the official request for a VOM arrived from the prosecutor's office. Both parties agreed on a VOM. The circle keeper contacted them personally and raised the possibility of a PMC, and asked about other parties who were affected by the case. It turned out that there were several families behind the NGO who felt harmed by the offense; some of them even personally, since their children's portraits were damaged. The victim's party agreed on PMC compared to VOM, because this way they could invite those families into the procedure who were also harmed by the events. And she hoped that a PMC would provide an opportunity for other levels of harm and concerns to be addressed.

The case got extensive publicity, including coverage from a local TV station, which also justified the community-relevance of the case. The unofficial victims joined the circle and were very angry, They were also still considering making a parallel, civil law action with higher demands. They brought their children with Down syndrome into the circle whose heightened ability to express feelings and emotions created a supportive, emotional and result-seeking atmosphere to the circle.

##### Content of the agreement:

- 1) Financially compensating NGO for the damage
- 2) Giving a presentation about the process the accused went through and the lessons they've learned within the framework of a social equality seminar at the university.

##### Fulfilment of the agreement:

Both parts of the agreement were fulfilled, with about 20 students participating in the seminar. The victims were also present and expressed their feelings for a wider audience of youngsters.

## 1.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 1.1.1. Choosing the Peacemaking Circle Method

The case was selected to a PMC due to the nature of the offense: it seemed to be a very appropriate case from the community-aspect. The harm targeted a wider community. Several families who have children living with Down syndrome were affected by the case—they were primary (but not official) victims of the case. A circle of secondary victims also could have been impacted: people from the local community, by-standers who felt harmed by the racist symbols on the basis of taking social responsibility or due to their own family history. The two circle keepers negotiated about the relevancy of a PMC and about the possible group of participants. According to the keepers reflections, fundamental human values had been harmed concerning a very vulnerable group of people. This indicated a setting to which the society reacts easier and braver than usual.

### 1.1.2. Choosing participants to PMC

The circle keeper 1 (K1) contacted the official victim and the offenders and asked them about their thoughts on the group of people affected by the crime and asked for an approval for a PMC. He also asked them to invite participants who they felt were affected by the crime and people who could support them during the process. K1 met personally with the official victim and spoke with one of the official perpetrators more times by phone. The second person accused was not personally available, didn't answer to several calls, and K1 could only inform him indirectly, through the first perpetrator. Due to this, his presence was doubtful at the time of the circle.

K1 invited the by-standers, and asked the official victim and the first perpetrator for approval of their presence. The first perpetrator also informed the second about the 'setting' and participants.

K1 reflected that compared with other cases, the criminal report had a special, supportive role in building up a possible set of participants for this case. He read the criminal report extensively (which is a specific characteristic of the circle preparation that is avoided when conducting a VOM). Some people who came to the PMC were mentioned in the report as witnesses e.g.: one Down-child's mother who first recognized the damaged pictures. It is important to mention that some people who were present in the PMC were not mentioned in the criminal report, such as the unofficial victim family 2 members, who the official victim suggested to invite.

- K1 checked one day before the circle on both the victims and the offender's side to confirm attendance and informed both parties about the probable set of people.



**List of participants invited, how they entered the circle and their role in the PMC ():**

**(missing people, who finally did not come= remain uncoloured)**

Keeper1							
Official vic- tim(director of the NGO) ↓		Official accused1 ↓		Artist, who cre- ated the post- ers	Commu- nity member: By- passer1 (socially respon- sible citizen, im- pressed and im- pacted by the case).	Commu- nity member: By- passer2 (socially respon- sible citizen, im- pressed and im- pacted by the case).	Legal prof.: Proba- tion officer
Family1 (unoffi- cial vic- tims/ mem- bers of the NGO:) <b>4 peo- ple</b> Gergő – living with Down, who’s portrait was harmed, father, mother, sister)	Family2 (unoffi- cial victims/ mem- bers of the NGO: <b>2 peo- ple</b> Sára- living with Down, mother)	Official accused2 (also <i>invited by K1, but personal- ly talked only with off. accus- ed1</i> ) ↓	Per- sonal sup- porter				

### 1.1.3. Implementing PMCs into the system

#### *How are PMCs Embedded into the Existing Setting or System?*

The circle aimed at addressing and restoring a level of harm, which was not mentioned and addressed by the official report: the report labelled and categorized the crime as ‘vandalism’, considered only the financial damage and didn’t consider the contextual message of the drawings, the racist symbols and hostile message that promoted the elimina-

tion of Down syndrome people. The real level of harm wouldn't be addressed using a VOM, which would have oriented around the vandalism as a legal statement of fact.

### *What is the Impact of PMCs on The Judicial System?*

It raised some important questions about legal codification debates in Hungary against 'hate crimes' (174/B §, 2008). Several other precedents show (and human rights' protecting organizations also raise) that the law is not used adequately and does not fulfil its function: some prosecutors do not enforce the law in such cases that concern the category of hate crimes, and there are some other cases when the law is used against the minority groups that it was originally intended to protect. Our case is an example of a defensive and conflict-avoiding attitude by a Hungarian prosecutor: she assessed this crime as vandalism. When keeper 1 contacted her to ask her opinion on a PMC, she was hostile against widening the group of participants and giving publicity to this case. She claimed, according to her opinion, it was an act of vandalism, which did not have any intention against the Down-minority (regardless to the messages that had been drawn). During the hearings, she accepted the defence of the accused: they did not know what posters were exhibited. It is important to mention that the accused formed an opinion during the circle that conflicted with their previous deposition. They admitted during the circle that they knew what kind of posters they damaged.

Another aspect of the PMC's impact on the judicial system is that it precluded more legal action. Some of the unofficial victims (especially the father whose child's poster was personally harmed) were so outraged that, although they joined the circle, they stated during the circle that they were still contemplating a legal action against the offenders. The restorative process during the circle changed their opinion and moved them towards an agreement.

## **1.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION**

The seating arrangement was planned beforehand but it had to be changed because the circle keepers didn't know if the parents were going to bring their two children who live with Down syndrome into the circle. It was a surprise when the children arrived and the keepers had to make immediate decisions.

The keepers intended to bring the posters that were harmed into the circle to represent the young adults who live with Down. Besides the seating arrangement, a second dilemma appeared: whether or not to keep the posters in the circle regardless of the fact that the people on the posters were in the circle – or cast off this idea. Finally, the decision was made to exhibit the posters outside of the circle.

Due to the situation, the keepers agreed on a new seating arrangement, and people were seated intentionally according the keepers' request. Only one change happened during the circle in the arrangement: Gergo, who was originally sitting near his mother, moved between his sister and father. The accused had shared earlier that they were going to bring personal supporters so it was another surprise when they brought a lawyer. Finding the right place for the lawyer turned out to be a dilemma; and the keepers finally decided to seat him out of the circle. Due to their bad experiences with lawyers participating in VOMs, the keepers were afraid that he was going to take a power position and endanger the power balance of the circle.



### 1.2.1. Preparing Participants

An alteration from the Gatenby model is that not all of the participants were prepared personally and some of them were invited and informed about the circle by other participants, not by the keepers. The victim, one of the accused, the legal professional and the community members were prepared personally, but others (unofficial victims and one of the accused) were not prepared directly by K1, only indirectly, through those participants who invited them. However, it did not have a negative impact on the circle process since all parties respected the rules of the circle and participated in a way that harmonized with the circle principles. The lawyer was the only exception, whose role and activity will be described later.

### 1.2.2. Ceremonies

- An alteration from the Gatenby model is that we do not use shaking hands as an opening ceremony (shaking hands comes up as an issue during the circle in a nega-

tive context: the victims refuse the accused's suggestion to shake hands even after the trust-building phase).

- The keepers plan to use the 'tell a personal story'- for a trust-building exercise but finally change their minds because of the level of tension and anger they sense from the victims and hence their need to turn immediately to the issue.
- Reasonable adaptations:
- Exhibiting the posters within the framework of the circle is a ceremony, which intends to facilitate understanding of the harm and promoting responsibility taking.
- A closing circle is used as a closing ceremony at the end of the circle with a question 'How do they feel now?'
- Endowing the talking piece with a symbolic meaning is also a ceremony.

### 1.2.3. Talking Piece (TP)

- Consensus was reached on the use of the TP by all participants. Everybody accepted and used it properly during the whole circle procedure.
- The talking piece is a camera, which has a symbolic meaning that is described by keeper 1. Photos have a weight; they may come into existence and create a 'life story' of their own. Someone who is pictured accepts the consequences of getting publicity. When photography first came into existence, some traditional groups of people were afraid of photos as they thought that someone whose photo was taken lost his/her soul. These photos that were exhibited by the Down Association also started to live their own life-story.
- Circle keepers are familiar with using the TP, some circle-rounds start with the accused, some others with the victim intentionally. (E.g.: the values- circle starts with the victims, the question about the meaning of Taygetus starts with the accused)

### 1.2.4 Important circumstances of each Phase (meeting and introduction, defining values, building trust, identifying issues and needs, action plan)

All phases are realized. Phases take place one after the other. Keepers reflected that when they became aware that the two youngsters with Down syndrome were going to be present, they were afraid as to what extent they would be able to keep the rules and framework of the circle. They soon realized that 'the circle ran itself'; adhering to the rules came naturally for all participants, including the youngsters.

The values question went well. (Question: 'What kind of treatment do you expect from the circle? How should other people in the circle talk to you?') Parties brought in values by themselves (e.g.: kindness, tolerance, peacefulness, honesty, respect).

Keepers were emotionally more involved than usual, and had to order a break during the circle. It happened in the phase 'identifying issues': The youngster boy with Down syndrome requested that the accused take responsibility (*'please, state that you are guilty'*), and also asked them not to cry. Then he stood up and hugged the accused girl who was crying. This was the turning point of the circle, which changed the atmosphere and turned it toward becoming more respectful and agreement-seeking.

There were more alternatives raised for the action plan by the participants: a testimony at the homepage of the NGO about their act and intention for reparation and a presentation on one of their university seminars for their student-fellows. A debate developed around

the issue of human rights and the risk of publicity. The lawyer and the accused worried about their personal rights and argued for an anonymous testimony, which made the victims' party very angry: they compared the risk of having an online publicity on their webpage with their children's shaming with the hostile messages. Finally the keepers changed their focus from the lawyer to an emphasis on the decision-making capacity of the participants. They gave the accused the option to choose from the alternatives generated by the group, and ensured them that their decision would have no further social consequences. The accused chose the personal presentation at the university.

#### 1.2.5. What are Circle Goals?

The keepers define the circle's main goal as addressing all who are harmed by the act, including those who may not be the official victims and recognizing that the same amount of harm can be done to witnesses and by-standers. According to the keepers' opinion, the 'real victim' of the circle is the youngster boy with Down-syndrome, who is most touched by the events and whose personal portrait was harmed.

The main question to which the victims want to get an answer is, 'Why did the accused do it?' They express that they want to understand the motivations of drawing hostile images to the posters.

The accused have intentions to express their own interpretation: "At the police station, a few hours after the act, we could not express how we felt or thought about our actions."

The non-financial part of the redemption, the seminar at the university, can be considered as an after-circle or second circle since it brought some elements of the PMC and some of the victims attended. The seminar was facilitated by one of the community participants, who took a mentoring role at the preparation of this event and a facilitator role during the event. A talking piece was used at some points during this event: when the students gave feedback on what they had heard and talked about their feelings. During the seminar or second circle, the victims are relieved of their remaining anger- which is visible and also reinforced by them in the follow-up interviews.. In addition to the public responsibility taken by the accused and the educative role of this second 'round,' another positive outcome of the event was the release of tension and anger by the victims.

#### 1.2.6. Contribution(s) of Participants to Each Circle Phase and their Impact

##### *Community representatives*

One of the community participants is a by-stander, who is emotionally affected by the case, but, on the other hand, is a probation officer in the office. She introduces herself as a probation officer, which is not beneficial from the point of legitimacy and relevance of her presence (as later we can see it from the parties' feedback in the follow-up).

There is another community representative who has a very important role considering the action plan of the circle and whose role in the circle changes substantially throughout the process. She sits in the PMC as a secondary victim who was personally affected by the racist symbols on the pictures, since her family was affected by the Holocaust. It turns out during the circle that the victims' harm is not focused around the racist symbol, but rather on the sentence about the Taygetus (namely a reference to the ancient military society of

Sparta where, according to the legend the army used to expose weak new-borns on the hillside): 'The swastika is still more acceptable for us than the 'throw them down from Taygetus'- unofficial victim. It seems to be that the racist symbol is not part of their personal harm. Since the victims do not personally represent the issue of racism, the community representative decides to narrow the issues, deemphasizing the issue of racism thereby transforming her own role during the circle from a concerned, civil community member toward a more professional mentor. She offers guidance in the execution of the non-financial part of the agreement by assisting the accused parties in organizing and facilitating a presentation in a 'Social Equality' seminar at the University Group of accused 1, and giving professional advice in the preparation phase of that occasion. She talks with both parties several times after the circle, and even meets with one of them personally during the preparation for the presentation.

### *Legal professional*

The legal professional (also a probation officer) also keeps his distance from the case and does not bring his personal experience into the circle, which provokes anger and distancing from the victims. Instead of bringing how he was personally impacted, he brings in evaluative or explanatory statements, e.g.: 'Taygetus is just an ancient legend'

→ **Expressing personal affectedness and connection to the case, with other words: 'personal impact' is essential from the point of establishing a legitimate presence in the circle** (gathered from the victims' feedback during the follow up interviews). One of them felt that when people did not express their thoughts and feelings on how they were personally impacted, their presence in the circle was illegitimate. In this case, it was not only true for the community representatives but also for the legal professional.

### 1.2.7. Impact of questions on the circle

The first question was: Who are you and how are you connected to the case?

- Some questions by the keepers were raised directly to one participant.  
e.g.: when the official and unofficial victims refuse to shake hands with the 2<sup>nd</sup> accused as initiated by the accused, Keeper 2 asks them, *'Is there anything that would be a more appropriate /authentic gesture towards you from the accused rather than shaking hands?'*

or: keeper 1 towards the 2<sup>nd</sup> accused, *'Could you describe why you offered to shake hands with the victim? What would it mean to you?'*

- Some questions are raised by the participants of the circle, towards each other:  
The girl living with Down syndrome, (unofficial victim of the case) towards the accused:

*'First of all I would like to ask from the clever, brave guy and the charming girl, why did they draw on our pictures?'*

Community member asks from the 2<sup>nd</sup> accused:

*'What would you need from us to be able to express your feelings, thoughts more openly?'*

- **in general: those questions that came from the participants and not from the keepers had the greatest impact on the parties**

Some extra questions were imported besides the ones suggested by the Gatensbys'

- -What does 'Taygetus' mean to you?
- What can we do with the viciousness inside us?

The keepers emphasize the importance of these extra questions. The function of those questions is to stress that everyone makes mistakes, as well as help one of the accused who couldn't express his thoughts and feelings. According to the keepers these questions reached their goal: dissolved the tension and brought the discussion towards a resting point.

#### 1.2.8. Keepers' less Neutral Role in the Circle

Keepers' most important roles/functions:

- summarizing arguments and reinforcing opinions
- handling high level of emotions and anger
- asking specific questions
  - It was difficult for one of the accused to express his feelings and there was a great difference between the communication skills of the 2nd accused and the 1<sup>st</sup> accused. In response, the keepers tried to help the less-capable accused by supportive, personal questions addressing him.
  - They tried to restore the power-balance with asking about viciousness inside us – to show that the accused are also human beings and everybody makes mistakes
- restore the power-balance that was disrupted
- Even by temporarily taking the position of a supporter for the accused (acknowledging that the accused had no personal supporters present) → the circle method gave a space for such role-complexity
- integration of the Down-kids into the circle, special communication with them

Circle keepers had a difficult role in this circle because the composition of circle participants differed a lot from what the keepers expected, due to the unexpected participants. Overall, it was difficult to handle 1) the power balances due to the presence of the Down-kids; 2) the power balances due to the absence of personal supporters for the accused; and 3) the power imbalance inherent in the destructive activity of the lawyer.

#### *Neutrality:*

Keeper 2 was so emotionally involved and touched by the young victims that she called for a break at one moment of the circle. She explained afterward that she needed it in order to get back to her role as an impartial facilitator. Both keepers reported that this was the most touching case they had ever had during their practice. It was important that the method allowed space for more personal involvement and expression of one's own feelings. Within a VOM, it would pose a problem if mediators express being touched by the victims.

One of the victims also expressed in the follow-up interviews that they recognized the keepers were overcome by emotions.

**Evaluating keepers' contribution to the circle**

Keeper 1 (local probation officer )	not at all			very much	
Guided through the circle stages	1	2	3	4	5
Summarized arguments, important statements and such	1	2	3	4	5
Asked specific questions	1	2	3	4	5
Expressed own opinion	1	2	3	4	5
Described legal consequences of success/ failure	1	2	3	4	5
Put the TP away	1	2	3	4	5
Restored power-balance	1	2	3	4	5
Else: helped to equilibrate different verbal expression skills, involve Down-syndrome youngsters into the discussion	1	2	3	4	5
Keeper 2 (civil )	not at all			very much	
Guided through the circle stages	1	2	3	4	5
Summarized arguments, important statements and such	1	2	3	4	5
Asked specific questions	1	2	3	4	5
Expressed own opinion	1	2	3	4	5
Described legal consequences of success/ failure	1	2	3	4	5
Put the TP away	1	2	3	4	5
Restored power-balance	1	2	3	4	5
Else: helped to equilibrate different verbal expression skills, involve Down-syndrome youngsters into the discussion .....	1	2	3	4	5

**1.2.9. Power relations Impact on the Circle**

Some circumstances have a great influence on the power relations of this circle:

1. Although the accused were asked to bring a personal supporter and they had reported their intention to bring one, in the end, they didn't bring one, which created an imbalance.
2. The unofficial victims brought their children living with Down syndrome into the circle without notifying the keepers in advance. It deepened the imbalance. As stated later, during the follow-up interviews, it was an intentional 'hidden action' by them to make a greater impact on the accused. They even used the word 'manipulation'- for their action. The parents were aware of the risk that the children could



have been harmed by the circle experience, but they 'took this risk' on behalf of the goal: to make a greater impact on the accused and to reach a favourable agreement.

3. The presence and interference of the lawyer caused a significant power imbalance at one point during the circle: being the only one to make a significant rule-violation. He interfered with the process during the formation of the action plan phase, from his physical 'outside-location'.

He brought in a legal argument and moved the discussion from a win-win setting towards a win-lose setting. His objection was to win, and he spoke as if he were in trial. He considered the reparation not as a possibility to repair but as a punishment that needed to be minimized. He raised his concern about violating the accused' right to privacy by giving a greater publicity to the case with the non-financial part of the agreement (the presentation in the university). He also raised a legal problem about indirectly involving some people (namely the university student fellows and a teacher who will give the space and time to make a presentation at a university seminar) to the agreement that are not present in the circle. He proposes that we could not guarantee their approval with this plan.

The victims start to express at this point that they feel the situation is imbalanced:

Unofficial victim girl's mother: *'I myself feel more and more stupid that we, people who are not considered in legal issues, are fighting with a lawyer. It is an imbalanced situation. We haven't brought a lawyer.'*

His interference makes a turn in the circle dynamic. The supportive, agreement-oriented atmosphere falls back into a hostile dialogue:

The angriest unofficial victim, Gergo's father, starts to threaten the accused with a civil law action, where they would demand more serious sanctions.

Some circumstances 'save' the situation:

1. (opinion reinforced by the keepers as well) The lawyer's interference was not an intended aim or need of the accused. The accused felt safe in the action-plan-creating procedure. They had some doubts but had the freedom to raise any concerns and defend themselves. They ultimately refuse the lawyer's actions.
2. Keeper 2 took on the role of legal supporter to balance the situation: she brought in the fact that she is a legal professional as well, so she could support or advise the victims' party if there were a need for it. She guaranteed that the agreement did not conflict with the victims' legal interests.
3. The community member – as a mentor -brought in that she can guarantee, from her personal appearance and professional support, that the youngsters will be able to manage the presentation in the university, get permission from the teacher and involve students.

**It is a general understanding regarding the circles that lawyers have financial motivation, which makes it impossible for them to move from a blaming and adversarial position toward an understanding of the motivations of the other party. - This presents a great difference between a lawyer and a personal supporter. Due to this rigid attitude, a lawyer is in conflict with the fundamental goals of a circle.**

A positive aspect also emerges, which helps the power-balance of the circle: the accused, the victims and one of the victim's sisters are all at a similar age, which makes it easier to create a partnership-based, equal platform. The sister functions a bit as a 'bridge' be-

tween the two parties, even expressing that she can find ties and connections to both the victims and the accused:

*'We are approximately the same age. I even know the accused girl from the school. I would be open to talking with one another in the future about feelings that still remain. I think I, as Gergo's sister, could help them.'*

#### 1.2.10. Security Issues Impact on the Circle (confidentiality issues)

- The unofficial victim boy's father, refuses the sound-recording.
- There is no prosecutor or judge in the circle, the legal professional is a probation officer, and no one has an obligation to report any information to the judicial authorities.
- There are some features of the circle that are signs of a safe and confidential environment. Namely that the accused share information that confronts their previous deposition at the prosecutor's office. They admit that while they drew hostile, racist signs to the posters they were aware of the messages of the posters.

#### 1.2.11. Social and cultural diversity of participants Impact on the Circle

This circle is an example of a situation where people with very different intellectual skills are involved. The keepers have worries at the beginning but it turns out, during the process, that the openness of Down-syndrome youngsters and their extreme capability to express feelings has a crucial role in the circle outcome. They were brought into the circle to make a greater impact on the accused, but, unforeseen, the Down syndrome children make an impact on their own parents as well, transforming intentions and feelings toward a more constructive outcome.

### 1.3. EVALUATION AFTER THE CIRCLE

#### 1.3.1. Reaching restorative goals, success in the circle (regarding relief, forgiveness and regret)

The attitude of the victims towards the two accused becomes fundamentally different during the circle.

The accused have initial attempts to trivialize the action, but then one of them starts to take responsibility openly. The victims express that they feel that the first accused (the girl) is honest, trustworthy, feels regret and has taken responsibility but they do not feel the same about the other (the boy).

It is a very interesting dynamic of the circle that, although the girl admits that she was the one who wrote both hostile messages to the posters and the second accused was only a by-stander, they blame the boy and release the girl because of the weight of her honest admittance and how she takes responsibility. Although the girl caused the greater harm, the boy gets the brunt of most of the anger and verbal sanctions.

During the follow up interviews, it turns out that the picture is more complicated: the official victim expresses that she felt the presence and reactions of the boy more honest and credible – and she thinks that his inability to express his emotions was a handicap – similar to her perspective on Down-children having a handicap in overly expressing thoughts.

Although these personal sympathies and choices don't become obvious during the circle, they start to live a life of their own when the opposing parties start their own dialogue with each other via Facebook where the official victim gives voice to her sympathy reacting to the accused boy's public post about forgiveness practices in an African tribe.

An addition, the researcher and the keepers both recognize an interesting observation of this circle: the victims took care of the accused and started to control themselves (even verbally) when they felt too great of pressure or hardship on the accused. It was possible that it was partly due to a natural reaction to the power imbalance, which occurred as a result of the absence of personal supporters; but it could be contributed to individual characteristics of the victims, who may be more sensitive towards vulnerability due to their personal stories.

	Not at all		very much		
responsibility taking	1	2	3	4	<b>5</b>
redemption/remorse	1	2	3	4	<b>5</b>
better understanding of other party	1	2	3	<b>4</b>	5
acceptance of restitution/reconciliation	1	2	3	<b>4</b>	5
relief/healing	1	2	3	<b>4</b>	5

Regret, responsibility taking and forgiveness /acceptance in the circle	not at all		very much		
By words	1	2	3	<b>4</b>	5
By non-verbal signs	1	2	3	<b>4</b>	5
To what extent found victims regret and responsibility taking honest and satisfying?	1	2	3	<b>4</b>	5
To what extent found offenders forgiveness / acceptance honest and satisfying?	1	2	3	<b>4</b>	5
To what extent found circle keepers the regret, responsibility taking honest and satisfying?	1	2	3	<b>4</b>	5
To what extent found circle keepers forgiveness / acceptance honest and satisfying?	1	2	<b>3</b>	4	5
Were there turning points of responsibility taking?	1	2	3	4	<b>5</b>
Were there turning points of forgiveness / acceptance?	1	2	3	4	<b>5</b>

### 1.3.2. Was there a noticeable impact on the larger community?

- One of the most noticeable impacts on the larger community was the university seminar as part of the non-financial redemption. Both the victims' stories and the testimonies of the two accused had a great impact on the students, as they expressed it in the framework of a closing circle-round.
- According to the follow-up interviews, the PMC had an impact on the community that surrounds the NGO and includes families with Down syndrome kids from the town. They spoke about the PMC and wrote about the experiences on their online forums. The other affected families (around 20) were satisfied with the circle outcome and although the majority of the parents within the community wanted to turn to the court before, they accepted the circle outcome as a relevant and satisfactory solution.

## 2. PMC H2

### Dóra Szegő, Gabriella Benedek

#### 1. Brief Case Study

This is a neighbourhood conflict case. There is an area around a closed sugar factory where former workers of the factory live in apartment houses. After closing down the factory, the people living in the block of flats were getting money for the renovation of the apartments partly from the state, partly as compensation from the factory. The factory organized the renovation work. A caretaker (managing house-related administrative tasks) of one of the apartment houses was obliged to transfer some amount of money that arrived from the state to the factory's bank account. The money had not arrived to the factory. Residents suspected that the caretaker misappropriated the money and thus began an investigation.

This case is unique for many reasons. First, the report about the misappropriation was made by an activist of the neighbourhood community, who lives in the area but not in the apartment house of concern where the official victims reside. The report was made against an unknown person and not personally against the caretaker (later accused by prosecutor). The investigation concluded that the crime was committed by the caretaker and the prosecutor did not incriminate the factory. However, regardless of the investigation findings, the reporter and the victims still suspected that the factory contributed to the crime.

Second, there were some unusual circumstances of the peacemaking circle. Due to the distance between the apartment house and the probation office, the circle took place at the home of the case-reporter.

There were some unclear points of the investigative report, which had a great impact on the outcome of the PMC: e.g., victims were not clearly identifiable from the papers. Only the contact of the reporter (the community activist) was obvious from the prosecutor's report. The probation officer circle keeper became aware of the identity of the victims from the reporter. He had the opportunity to contact one of the victims personally during the preparation.

It was revealed during the peacemaking circle that the parties had unanswered questions and grievance on other levels connected to the closure of the factory. A hidden agenda of the community activist reporter was revealed during the PMC: her plan to express the various harms done by the factory and get questions answered about the closure of the factory and the community compensation. This underlying agenda hindered the agreement and demotivated the participants to think about a restorative solution considering the caretaker.

#### Content of the agreement:

The circle did not come to an agreement. Although the participants made a verbal action plan about a second circle, in the end, the victims decided not to give it a second try and instead continue with the penal procedure.

#### Fulfilment of the agreement:

## **2.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION**







### **2.1.2. Choosing the Peacemaking Circle Method**

The keepers' decision to pursue a PMC was based mainly on the context and scene of the crime: neighbourhood conflict in a community living in a block of flats belonging to a closed factory. A caretaker of an apartment house, one of the house residents, was blamed for misappropriation of the house-communities' money. The complexity of the case was revealed during the preparation phase. The most immediate and direct issue was the harm inflicted upon the residents by the misappropriation but the more broad and overarching issue was the factory closure, its consequences, and its impact on the residents (the accused included) living in the block of flats. They expressed several harms and unmet needs connected to the factory-leadership (e.g., they felt that their houses depreciated because of the closure and they were not compensated properly). It seemed to be that the closure of the factory inflicted a broader level of harm to the residents of the whole area, forming a bigger community of common adversity: they all lost their jobs and the area of residential buildings where they lived, the territory of the former factory, became an abandoned neighbourhood, in the middle of an industrial area, far from any populated area. These circumstances also verified the method selection.

#### **Choosing Participants to PMC**

It was a special case from the point of view of the victims' self-advocacy. The actual victims did not report the crime or initiate the PMC. The reporter of the case was not an official victim but a community activist of the neighbourhood. Also, it was an unusual circumstance that the victims were not identified personally in the investigative report, and it was keeper 1's task to explore and identify the victims during the preparation.

**List of participants invited and how they joined the PMC: (missing people, who finally did not come= remain uncoloured)**

<b>Keeper1</b>			<b>Keeper2</b>
			
Reporter of the crime- community activist of the neighbourhood (invited by K1 on phone)	Victim representative - Resident of the apartment house (1) (invited by K1 on phone)	Official accused – caretaker of the house (invited by K1 on phone)	Volunteer community member – a woman, who – as an accountant of a company – was formerly imprisoned for misappropriation (invited by K2 on telephone)
			
	Victim representative - Resident of the house (3)	Victim representative - Resident of the house (2)	Accused supporter- Resident of the house (4)

2.1.3. Implementing PMCs into the system

*How are PMCs Embedded into the Existing Setting or Judicial System?*

The case was diverted from the prosecutors’ office to the office of justice for victim-offender mediation. The probation officer keeper experienced some deficiencies related to the investigation’s report that arrived from the prosecutor’s office: some data about the victims were missing, which made it very difficult to prepare a PMC case properly. Due to the heavy caseload of the prosecutor and the formal, hierarchical nature of the relationships within the penal justice system, the probation officer keeper decided to explore the missing data alone (based on the contact with the reporter of the crime) instead of asking

the prosecutor for further details about the victims. Although keeper 1 contacted one of the victims, it only became clear during the PMC that the victims were not properly informed about the victim-offender mediation and they had never agreed upon a diversion. It would have greatly assisted the restorative process if they were informed properly or if these circumstances had been revealed before the PMC, which raises the issue of insufficient preparation.

### *What is the Impact of PMCs on The Judicial System?*

In the end, the PMC did not conclude in an agreement, and the accused was officially charged and the penal procedure continued. It serves as an example whereby the accused clearly regretted her actions and was ready to cooperate in a restorative procedure, yet the PMC failed irrespectively of her intentions.

The agreement was partly blocked by the fact that the victims and the community activist were harmed by other issues and voiced other concerns which were related to the factory and not directly related to the diverted case. They viewed the issue of the diverted case, namely the misappropriation, within a wider context: their fight with the factory for just compensation. They could not move from this perspective about the wider injustice they saw. Rather than dealing with the misappropriation itself (although the factory officers were not legally implicated for the misappropriation), they hoped the PMC would resolve these larger problems.

This situation can be interpreted within a wider context from the point of view of a proper functioning legal system where citizens should have access to legal resources and counsel. Unfortunately, the neighbourhood community had not found a legal solution to their problems related to the closure of the factory (reparation for the loss of the value of their properties). The circle keepers did not know much about this issue, but assumed there was a lack of information about their rights and legal options. They may have lacked the financial resources as well to get information and fight for their rights.

The original harm of the factory closure and the failure for proper compensation was a background factor in the report against the caretaker. This issue partly contributed to the failure of the present restorative dialogue.

This case also reflected the parties' mistrust in the formal justice system since they didn't accept the results of the investigation. During the PMC, they still believed that the factory was involved in the misappropriation contrary to the prosecution office's report.

Both the conflict with the factory and the conflict with the caretaker remained unsolved and caused additional work for the justice system. Partly due to the ongoing penal procedure in the case of the misappropriation, and partly due to the possibility of further reports surrounding the harm caused by the factory.



## 2.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION

### 2.2.1. Preparing Participants

Keeper 1 spoke with the reporter of the crime via phone, where she named the official victims and gave the keeper their contact information. It became clear from this preparatory talk that the reporter was a central actor of the local community and neighbourhood who had represented residential interests against the factory in prior issues. It was also revealed that – based on her negative experience with the factory – the reporter suspected the factory officers as being culprits in the money misappropriation. It quickly became apparent that her central aim was to ‘reveal the truth’ about that. She also intended to represent the community’s other grievances with the factory, not only the particular crime against the apartment house where she did not reside.

It was a given understanding within the circle that the investigation did not find any evidence implicating the factory in the misappropriation, which was why – contrary to the intentions of the community activist - the factory officers were not officially included in the case as suspects. Furthermore, the factory officers were not interested in participating in the PMC and wanted to stay away from the conflict. The keepers hoped that the common interest to express grievances about factory-related issues would build trust among the accused and the victims. But they also acknowledged that opening the door to other concerns could be detrimental to the PMC process if the issues became dominant and the dialogue focused on the harms caused by the factory instead of the present misappropriation, by which the factory was not officially implicated.

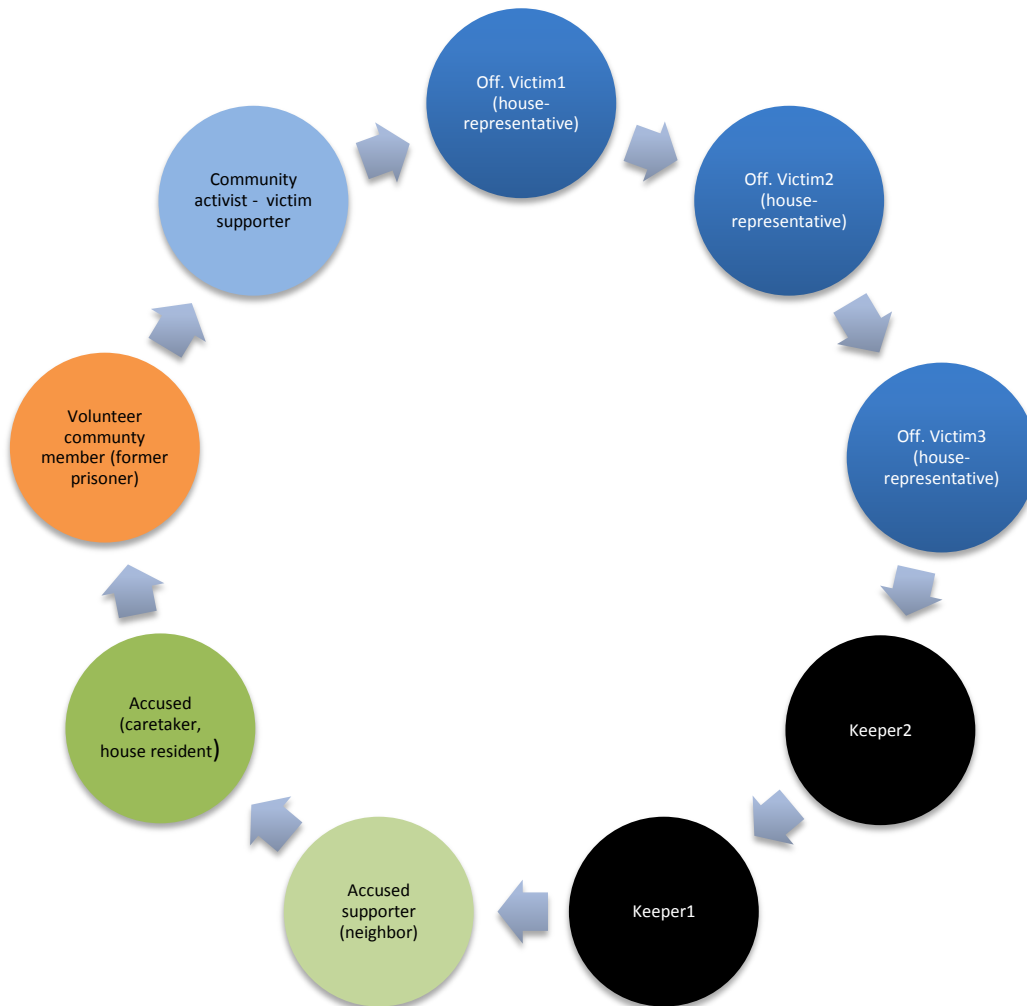
Keeper 1 also contacted the accused via phone, who was cooperative and regretful. She shared that she had already partly paid back the financial damage. The keeper recommended that she bring a personal supporter to the PMC, but she was hesitant to do so. After having contacted her, Keeper 1 also spoke with one of the victims. Three women were the official victims who represent the house community in this case. The woman contacted took on the task of informing and involving the other two victims. She was open to a PMC even though she was a bit confused due to lack of information about the investigation and the diversion of the case toward mediation.

Typically, the probation officer keeper (keeper 1) is the only one who communicates with parties during the preparation. However, due to keeper 1’s local presence and duties towards the justice office, the civil keeper (keeper 2) shared the preparation work. Keeper 2 was in dialogue with keeper 1 during the preparation and they shared information, dilemmas and made common decisions about involvement of the participants. On occasion, keeper 2 took a more active role in preparation and made preparatory talks with some of the parties. In this particular case, keeper 2 involved a volunteer community member, who was formerly imprisoned for a similar offense as the accused of the present case. Her presence was validated by the aspiration to make a balance in the circle. Due to the accused’s hesitation to bring a personal supporter, the keepers found it important to have a person who could support the accused if it became necessary and possibly share some of her experiences going through the penal procedure.

After the circle, the keepers reflected that if they had the chance to repeat the preparation again, they would have emphasized the focus, goals and possible outcomes of the PMC in order to bring clarity to which questions and needs this PMC could address and answer. In retrospect, the keepers would have been very transparent about the fact that some questions would not be addressed by this particular circle.

### Seating arrangement

The seating arrangement was planned by the keepers beforehand. The circle setting and atmosphere was highly influenced by the fact that the circle took place in a different residential building of the neighbourhood, within the home of the reporter/neighbourhood activist. Although the keepers could orchestrate the planned seating arrangement, they did not have control of the greeting of the parties as well as the whole arrangement of the place, which fell under the scope of the host. Choice of environment was not an option but an accepted limited capacity of this PMC. It is important to acknowledge that it did not fulfil the criteria of a neutral setting and contributed to the power imbalance and unsteady focus of this PMC.



#### 2.2.2. Ceremonies

- An alteration from the Gatenby model is that we do not use shaking hands as an opening ceremony

Reasonable adaptations:

- Endowing the talking piece with a symbolic meaning is also a ceremony
- A closing circle is used as a closing ceremony at the end of the circle with a question 'How do you feel now?'

### 2.2.3. Talking Piece

- The keepers chose a sugar bowl as a TP, which intended to represent the connectedness between the participants as residents of the neighbourhood. It also intended to express the common past and adversity shared by participants connected to the closure of the factory.
- Former consensus was reached on the use of the TP by all participants.
- However, due to the lack of the guidance over the greeting and seating procedure, keepers did not foster the usual 'regular' level of trust and acceptance while introducing the Talking Piece.
- Although formal consensus was reached by all participants about the main PMC rules, the community activist did not accept the model entirely and she continued to express her doubts about the seriousness, the aims and effectiveness of this method.
- As part of her sceptical and dissenting attitude, the community activist did not accept the TP. Other participants mostly waited for the TP before speaking but the community activist continued to violate the TP rule. When she was warned by the keepers, she expressed that she found the TP-rule not serious as if it were a game: *'This method is quite strange. I had not expected a game, although it seems like it. There are facts here. There is no need for such a tool. I'm not using it. Talking so much about a sugar bowl!'* (community activist)
- Contrary to the previous TP's, the choice of a sugar bowl as a case-related object didn't seem to be the best choice in this case for the following reasons: 1) the whole circle takes place in a living room, around a dining table, where a sugar bowl is rather a natural object, not a 'special one' related to the PMC setting; and 2) as a consequence of the 'naturalness' of the object in the setting - contrary to the practice in all other circles – when participants used the TP, they regularly put it down on the table instead of held it, which resulted in the speaker being less connected to the TP.

### 2.2.4. Important circumstances of each Phase (meeting and introduction, defining values, building trust, identifying issues and needs, action plan)

#### *Defining values*

The question about defining values was left out due to the fact that the participants immediately started sharing their interpretations about the events when answering the 'introduce yourself and relation to the case'- question. Due to the tension in the circle, the keepers decided to let them deviate from the original question. However, after the participants had exposed the core of their perspectives, the keepers did not want to move the participants back to the values question. The keepers opinion was that, on one hand, it would have been very artificial and constrained to bring the circle back to the values question; they considered that, the absence of the values question would not have a great impact on the output of the circle. Yet, on the other hand, in retrospect it could have aided the trust building if the participants did not immediately jump directly into the middle of the debate.

### *Building trust*

There were some deficiencies considering trust-building in the PMC. Trust was impacted by the following:

1. Lack of approval and motivation towards the PMC on the victims' side
2. The community activist's campaign for identifying the 'factory-agenda'
3. Lack of information from the prosecution office (about the result of the investigation on the exact amount of financial damage)
4. The circle's inability to move from the identifying issues-phase towards the action plan

The most important moment of the trust-building phase was when the participants became aware that the diversion was decided by the prosecutor without the approval or consent of the victims (at least they experienced it that way). Although keeper 1 had explained the goal and procedure of the PMC to the victims prior to the circle during the preparation phase, they were not aware of the information regarding the court diversion. Another circumstance that hindered trust-building was the community activist's conspiracy-theory about the cooperation between the factory and the accused in the misappropriation.

### *Identifying issues*

The turning point of the "Identifying issues" phase was when the victims finally realized their decision-making power regarding the penal process and how the accused was to be prosecuted. The victims and the community activist reflected on the weight of their responsibility and expressed sorrow for the accused, 'I wanted to get to the truth about the factory. I suspected the factory was behind this, not the accused. The accused is just a scapegoat.' (community activist)

A possible turning point was when the accused began to cry and expressed her hope that her regret would be acknowledged and her intention for reparation would be accepted by the victims. At this point, the victims started to cooperate but eventually the community activist steered the dialogue back to the 'factory-agenda'.

Based on the conspiracy theory, the community activist treated all the residents as victims of the factory. The decision to cancel the restorative procedure and continue the penal procedure was interpreted as a sacrifice for a 'common good' (unveiling the responsibility of the factory). This was accepted by the victims but initiated by the community activist: *'we are all victims of the sugar factory, and you (the accused) are the biggest victim of this misery, but we have to carry this through.'*

### *Building an action plan*

At a certain point it became obvious that there were some missing criteria that hindered an agreement in this PMC. Keeper 2 selected and summarized all the questions and requests made by the victims in connection with the crime that were necessary conditions to make an agreement. Unfortunately, these all should have been managed before the PMC. Partly due to the misinformation given to the participants by the official bodies, and partly due to the limited preparation, the following was to be fulfilled after the first circle.

Namely:

- An auditor's report about the amount of the misappropriated money (which was officially made by the prosecution office but wasn't annexed to the diversion report. Victims had the right to check it before the diversion at the prosecution office but they were not properly informed by officials about this option). The keepers took on the task to get it.
- An official verification that the house didn't have any more financial debts towards the factory
  - The accused took on the task to purchase it.
- Approval from the house-community (other residents of the house) that they accepted a possible agreement with the accused outside of the penal procedure

The participants agreed that after these points were clarified a second circle would be conducted.

There was more than one closing circle. After the closing circle, participants continued to talk and refer back to issues that were brought up during the circle. They began talking more about the relationship between the accused and the victims, as if the victims realized that they had missed the opportunity to get answers for their questions from the accused. e.g., *'I would have been interested in your motivations. Why did you do that?'* (community activist). Or: *'It would be better if you communicated directly with us. If we represented our grievances and then remain uncommunicative, it would not lead to a solution. We all need to communicate with one another.'* (victim 1)

### 2.2.5. What are Circle Goals?

The original goals of the circle, identified during the preparation phase, included exploring the harm caused by the misappropriation to the house community by giving a space for the victims to express their feelings and space for the accused to talk about her motivations behind the offense. The final goal was to find a reasonable solution for restoring the harm caused by the offense. The victims had several questions about the misappropriation that were partly connected to the investigation and partly connected to the caretaker's motivations for the misappropriation.

An additional aim expressed by the community representative was to 'get to know the truth' about the sugar factory's contribution to the misappropriation of the money. (e.g., how was the sugar factory addressed by the investigation, what did the sugar factory report about the money during the investigation). This attitude was expressed very directly by the community activist:

*'I like to stand on the side of the truth'.*

It was revealed that both the victims and the community activist were still emotionally hooked by former harms caused by the factory, which were not previously expressed and relieved. Addressing prior grievances was a necessity that the present restorative encounter could not meet, since the representatives of the sugar factory were not present in the PMC due to the fact that, according to the findings of the investigation, the sugar factory was not implicated in the misappropriation. In the end, the focus of the PMC detoured towards one aim: finding evidence that would implicate the sugar factory in the misappropriation; at this stage, the participants let go of their other questions.

This development occurred as a consequence of the community activist's dominance in the circle. Her influence was reinforced by the fact that the circle took place in her flat. She

composed herself as a representative of the neighbourhood's common interest, and this image was reinforced by the victims' informal communication within the circle about entrusting and legitimizing her role as their spokesperson. However, in reality, she pushed the discussion in one direction, towards her own agenda: the 'general war' against the sugar factory where the misappropriation was a small link in her imaginary conspiracy theory. Her dominance in the PMC and legitimacy within the local community caused the victims to stop their questions surrounding the case and the accused.

The participants even reflected this perspective by expressing that '*the accused is a scapegoat in this case, the real target*' – in their interpretation – '*is the sugar factory.*' This perspective took agency away from the victims. They became less powerful and less competent in representing their own, case-related agenda in the PMC.

Throughout the PMC, the gap continued to widen between the previous goals originally defined by the keepers during the preparation phase and the actual intentions expressed by the participants during the PMC.

#### 2.2.6. Contribution(s) of Participants to Each Circle Phase and their Impact

##### *Community representatives*

Although the local community activist contributed to the process with reporting the case, she also obstructed the restorative procedure by coming with her own agenda, which was not directly related to the focus of the PMC. She did not accept the philosophy and rules of the circle, especially equal, partnership-based communication. She tried to dominate the circle and consistently criticized the legitimacy of the whole procedure, (towards the keepers) '*May I ask you, what kind of education do you have to direct this process?*'

Due to the circumstances, (the circle took place in her flat and the victims trusted her a lot) keepers were unable to provide balance and help the victims in exposing their questions related to the misappropriation and their feelings about the caretaker.

##### *Volunteer community member*

The volunteer community member was invited by the keepers. She did not have personal contact with the house community. She had an issue-related connection to the case, as having been sentenced and imprisoned for a similar crime. As a 'civil-expert' of the penal procedure, her presence was very important from the point of giving information about the penal process and the rights of the parties. Since the participants did not entirely trust the keepers, she brought some information into the circle from a more legitimate perspective. e.g., she explained to the victims that they had the right to see all the documents and reports provided by the investigation at the prosecution office.

In addition to sharing knowledge from her first-hand experience with the judicial system, she supported the accused. Taking on some tasks from the keepers, she often reflected and amplified the arguments and attitude of the accused towards the victims and tried to make the victims more conscious about their role and opportunities in the circle. It was very useful and helped put the focus back on the present case instead of other issues. e.g., '*She admitted that she made a mistake. She is hoping to restore your trust. She wants to be part of the house community again. It is a question if the house community, and especially you three who represent the house community, are receptive to reconcilia-*

*tion? Or only to financial reparation? Receptivity is needed from both parties to find a solution.'*

*(Legal professional)*

There was no legal professional in the PMC, although this was a case where the presence of a prosecutor would have been very supportive. It could have helped a lot in two aspects:

1. Help the victims with information about the legal procedure; clarify the uncertain points of the investigation and the diversion. Inform the parties from a legitimate position that their aspirations to implicate the factory was an illusion due to the fact that the investigation had already closed and the factory was not going to be implicated in the case even if the case went to the court.
2. Verify the legitimacy of the PMC within the penal procedure in order to counter the community activist's continued scepticism about the seriousness of this way of problem-solving.

It made the keepers task very difficult to represent the justice system when there were problems identified by the victims considering the investigation and the diversion, which the keepers only became aware of during the PMC (of course, a more sufficient PMC preparation should have acknowledged these points). It was a dubious situation for them to represent the justice system, on one hand, yet on the other hand, not be able to take responsibility for the failures of the investigation and the diversion process.

*Victims*

At the very beginning of the circle, the victims expressed that they were not properly informed about the diversion by the prosecutor. It seemed to be that the diversion was ultimately the prosecutor's decision and that possibly the parties gave a formal approval (on paper) but did not have the opportunity to participate in the decision-process by making an informed and conscious choice.

Although the victims had questions towards the procedure and towards the accused, they were very disappointed (which was reinforced by the community activist) about the factory's decision to not participate in the PMC and about the fact that the PMC lacked the capacity to give appropriate answers to their factory-related questions. There were some points where the victims empathized with the accused and became receptive to her regretful attitude. But their attitudes were overshadowed by the factory-related issues, which served as a bigger motivation than finding a solution for restoring their relationship with the accused and seeking restitution.

*Accused*

The accused expressed her regret and readiness to reconciliation as well as her desperation about the situation. But it was not enough for the parties to trust her and trust the restorative solution. Although she took full responsibility for the misappropriation, which was reinforced by her actions of paying for the majority of the damage before the PMC and by stating that she committed the crime without the factory's contribution, the community activist and the victims still distrusted her at the end of the PMC.

### *Accused supporter*

The accused supporter was a neighbour of the accused, another resident of the apartment house, just like the victims. But she was the only one who trusted the accused; she was open to her regret and accepted her intention for reconciliation. Her presence was very important from the standpoint of the power balance of the circle, and it aided the keepers' endeavours to emphasize the connectedness and common interests among all the people concerned in the case as being members of the same neighbourhood-community.

#### 2.2.7. Questions impact on the circle

Keepers only had the chance to ask a few questions about the harm caused by the accused and possibilities of reconciliation, concerning the relationships among the accused and the house-community.

e.g., Keeper 2 asked the accused, *'What is most difficult for you know in this whole situation?'*

Keeper 1 asked the victims about the preconditions for rebuilding trust, *'What does trust depend on? How could you trust the accused?'*

Those questions were not accepted as relevant by the community activist and the victims since they wanted to talk about the crime in a different context, where the factory was centre focus. They wanted to discuss the factory's responsibility in the misappropriation as well as other issues rather than the accused's responsibility and her restoration.

#### 2.2.8. Keepers' less Neutral Role in the Circle

Keepers found neutrality very important in this case, where some participants distrusted the restorative process and the keepers' professional competencies. They reflected that it made their role more difficult that the parties expected information and expertise surrounding issues that were outside the scope of the PMC. Keepers reflected that keeping a clear, neutral position in this situation helped the participants acknowledge the goals and possible outcomes of the circle; clarify the scope of activities available; and define the limits of responsibility of the keepers. It was difficult for them to keep this position but very crucial:

*'We are not missionaries, we cannot create motivation for people and we can only help people who accept the restorative pathway and delegate us to help.'*

It was an interesting situation from the point of neutrality and balanced support due to the fact that the accused was more motivated in the restorative process than the victims. She expressed regret and intentions for reparation while the victims and the community activist were unable to trust the whole restorative setting. Within this context, the keepers recognized that supporting the accused was in accordance with keeping the dialogue in a restorative pathway. Thereby they tried to reinforce those statements of the accused that reflected her regret and intentions to repair. They tried to make the victims aware of the needs that the accused could fulfil, such as financial reparation, to keep the focus on attainable needs instead of claims towards the factory.



**Evaluating keepers' contribution to the circle**

Keeper 1 (local probation officer PM)	not at all			very much	
Guided through the circle stages	1	<b>2</b>	3	4	5
Summarized arguments, important statements and such	1	2	<b>3</b>	4	5
Asked specific questions	1	2	<b>3</b>	4	5
Expressed own opinion	<b>1</b>	2	3	4	5
Described legal consequences of success/ failure	1	2	3	<b>4</b>	5
Put the TP away	1	2	<b>3</b>	4	5
Restored power-balance	1	2	<b>3</b>	4	5
Else: Handle high level of emotions and anger	1	2	3	<b>4</b>	5
Give information about the function of diversion	1	2	3	4	<b>5</b>
Facilitate an agreement about organizing a second circle	1	2	3	4	<b>5</b>

Keeper 2 (civil PM)	not at all			very much	
Guided through the circle stages	1	2	<b>3</b>	4	5
Summarized arguments, important statements and such	1	2	3	<b>4</b>	5
Asked specific questions	1	2	<b>3</b>	4	5
Expressed own opinion	<b>1</b>	2	3	4	5
Described legal consequences of success/ failure	<b>1</b>	2	3	4	5
Put the TP away	1	2	<b>3</b>	4	5
Restored power-balance	1	2	3	<b>4</b>	5
Else: Put the focus back on the main issue	1	2	3	4	<b>5</b>
Handle high level of emotions and anger	1	2	3	4	<b>5</b>

Keepers' most important roles/functions:

- Efforts to legitimize the PMC process and themselves as keepers
  - When the participants questioned the keepers' expertise and expressed distrust towards the method, they remained calm and did not fall out of their roles as keepers
- Informing the victims about the goal of the PMC and their opportunities to have any forms of reparation (which was supposed to happen before the PMC by the policeman, prosecutor, judge or the keepers):
  - *'The house-community can request any reparation claim from the accused, you are not restricted by the prosecutions office's professional report about the amount of the financial damage'*
- They tried to put the focus back on the central issue of the PMC: *'we can progress only with those issues and with those people who are present here'*. (keeper2)
- They tried to emphasize the goal and scope of the PMC and clarify those questions to which this circle could give answers to and those which were out of the scope:

*'It is not a court hearing. The aim is not to find evidences to anything.'* (Keeper2)  
*'I see that this procedure is not going to give relief to all the harms and give answers to all of your factory-related questions but at present what we can do is make a decision concerning the misappropriation case and the options for reparation by the accused.'* (Keeper2)

- Handling high level of emotions and anger
- Restoring the power-balance that broke up: reinforce the victims' voices above the community activist.

#### 2.2.9. Power relations Impact on the Circle

The community activist took a superior position in the circle which was reinforced by the unfortunate situation that the PMC took place in her flat. It was a very difficult task to keep the balance and facilitate a partnership-based dialogue among the participants.

#### 2.2.10. Safety and Confidentiality issues impact on the PMC

The community activist refused the sound recording. She explained her refusal was due to several, former bad experiences about publicity. Refusing the sound recording seems to be one of her first gestures against the PMC setting.

#### 2.2.11. Social and cultural diversity of participants Impact on the Circle

Social and cultural diversity was not a significant issue in the circle. In regards to the participants' cultural or social background, it is important to mention that both the victims and the accused were lost in the legal procedure (especially the victims) and were not at all aware of their democratic rights and responsibilities even though they all seemed to come from average middle-class families. This example represents a more general symptom of Hungarian society: the lack of awareness about active democracy and participation in

decisions, which has an impact on the attitudes towards restorative procedures as well as on the outcomes.

## 2.3. EVALUATION AFTER THE CIRCLE

### 2.3.1. Reaching restorative goals, success in the circle (regarding relief, forgiveness and regret)

#### Restorative success

	not at all			very much	
responsibility taking	1	2	3	4	5
redemption/remorse <b>(intention – 5, possibility- 3)</b>	1	2	3	4	5
better understanding of other party <i>(more from the accused party towards the victim than vice versa)</i>	1	2	3	4	5
acceptance of restitution	1	2	3	4	5
relief/healing	1	2	3	4	5
Etc.: Getting to know each other's feelings and perspectives	1	2	3	4	5
Etc.:.....	1	2	3	4	5
.....					

	not at all			very much	
Regret, responsibility taking and forgiveness /acceptance in the circle					
By words Responsibility taking - 5 Forgiveness/acceptance – 2	1	2	3	4	5
By non-verbal signs Responsibility taking - 5 Forgiveness/acceptance – 3	1	2	3	4	5
To what extent found victims' regret and responsibility taking honest and satisfying?	1	2	3	4	5
To what extent found offender's forgiveness / acceptance honest and satisfying?	1	2	3	4	5
To what extent found circle keepers the regret, responsibility taking honest and satisfying?	1	2	3	4	5
To what extent found circle keepers forgiveness / acceptance by the parties honest and satisfying?	1	2	3	4	5
Were there turning points of responsibility taking?	1	2	3	4	5
Were there turning points of forgiveness / acceptance?	1	2	3	4	5

The accused took full responsibility. The community activist was aware of her own responsibility as a reporter, but took the agency out of the house-residents' hands. The victims' sense of responsibility regarding decision-making about the accused was also taken away. Victims were not aware of their responsibility.

The accused expressed that she did not have a chance to restore trust, which was the most difficult part of the situation for her emotionally. On the other hand, the PMC was a chance for the accused to get to know the house-community's perspective and broader motivations about the factory, thereby helping her understand why they refused the restorative way.

Keepers interpreted that the parties were confronted with one another's perspectives without any path forward to resolve the situation, which could have been emotionally hard. But the keepers thought it was still useful in the long term to have laid the groundwork for the parties to approach one another in the future, *'it is better to have 'face-to-face experiences' with the other side rather than build up the structure of presumptions and stereotypes about the other party in yourself.'* (keeper's reflection)

There was no relief on any side. All participants reported that they felt a great sense of dissatisfaction and incompleteness when answering 'how do you feel now?'- in the closing round.

The circle ended with an informal agreement to continue after the necessary information (listed above under 'important circumstances of each phases') was collected. But after the keepers left, the community activist asked the accused to stay for an informal discussion. As reported later about the events, the goal of this discussion was to get information from the accused about the factory's contribution in the crime. The accused insisted again that she made the misappropriation alone.

A week after the PMC the community activist reported to Keeper 1 that they would not agree on the diversion and they wanted to continue with the penal procedure. Based on the official papers that were sent to the prosecution office, it was the decision of the house community (and not the community activist's). They justified their decision with the intention to find who was 'really responsible' for the crime, and stated that the peacemaking circle was not suitable to fulfil this aim since they were not able to attain information about the factory's contribution.

### 2.3.2. Was there a noticeable impact on the larger community?

The question in this case is whether the PMC had any positive impact on the community's relationship with the accused or if it made the situation worse. Although forgiveness was not an outcome of the circle, the house-community did have the opportunity to ask questions of the accused, and to get to know her attitudes about the crime. The PMC was a starting point of a very long, informal procedure between the house-community and the accused towards accepting her regret and reparative intentions. But it was a necessary starting point to facilitate a dialogue, which now can take place outside of the framework of a PMC. The cooperative and regretful attitude of the accused is a positive basis for continuation.

### 3. PMC H3

#### Dóra Szegő, Gabriella Benedek

##### Brief Case Study

The conflict is based on a relationship between a juvenile girl (16) and a young adult man (29). They were dating for about a year. The parents of the girl were divorced and the girl lived with her mother and her sister. Her mother condemned her stormy relationship with the young man and sent the girl to her father, who lived in another town, because she thought it would block the relationship. Contrary to the mother's intentions, the father let the youngsters live together in his house, yet the girl and the young man argued a lot and finally broke up. The young man did not accept the split and searched for contact with the girl. At one point, while intoxicated, he threatened the girl, who – according to her father's advice – made a report to the police. The prosecutor filed a charge of stalking. Their conflict had a great impact on her family. Even after almost a year passing, the family members were still emotionally hooked. The girl's family had unanswered questions towards the youngsters about the period they spent together (with a special focus on using drugs). The conflict brought up other issues, especially with the victim's family: e.g., her parents' feelings of anger and disappointment towards her.

##### **Content of the agreement:**

The agreement was about the regulation of the relationship between the victim and the accused. They agreed to discontinue contact in any form from that point forward, and they agreed to change their communication towards both of their families; to make it honest and open.

##### **Fulfilment of the agreement:**

The agreement was fulfilled, although a few weeks after the PMC encounter the victim called the probation officer keeper to inform him that the accused violated the agreement by asking about her from a friend. The probation officer called the accused to clarify the situation, who stated that it was a misunderstanding: the friend asked about the PMC but he did not want to talk either about the girl, or about the PMC. After that, no complaints were initiated from either side during the accomplishment period.

### 3.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

#### 3.1.1. Choosing the Peacemaking Circle Method

A multitude of personal dynamics and interconnections among and within the two families legitimized the PMC method. It became clear during the preparatory talks that the victim and the accused were embedded in a wide net that constituted their family members who had ties with both of them. Besides the actual conflict between the two youngsters, there were several other conflicts among the family members, connected to the youngsters.

#### 3.1.2. Choosing participants for the PMC

##### *Involving the parties*

This circle was distinct due to the fact that both keepers took an active part in the preparatory work. Circles held in the countryside usually use the local facilitator, an employee of the probation office, to do most of the preparatory work. Due to the sensitive nature of the offense (stalking), keepers assumed that the parties would feel more comfortable if they had the chance to talk with someone of the same gender. Keeper 1 (male) made the preparation with the accused; keeper 2 (female) made the preparation with the victim. Keeper 2 experienced that the victim was stressed and Keeper 1 witnessed a low level of responsibility-taking and tendency to trivialize the events on the side of the accused.

**List of participants invited and their way to the PMC ():**  
**(missing participants = who were initially invited but in the end, did not participate remain uncoloured)**

Keeper1				Keeper2				
Official accused	Mother of the accused	Ad- dictolo- gist (civil- ian)	Local family support service worker	Official victim	Victim's mother	Victim's sister	Victim's Father	Probation officer (employe e of the justice service)
				Victim's two school friends				

### *Involving professionals*

Circle keeper 1 also invited a civilian addictologist because the charge contained the information that the accused was drunk when he threatened the victim. It was assumed that the accused was struggling with substance abuse.

An independent probation officer was also invited to represent the legal perspective and respond to legal and institutional questions considering the procedure.

The keepers expressed a deficiency in the make-up of professional support: there was a need for a local family support service worker (who was invited but in the end, didn't come) to bring in a perspective sensitive to the typical problems of divorced families. For example, it was relevant from the point of the case that the girl was sent from her mother's home to her father's, ushering in new dimensions of insecurity and loss (e.g., changing schools, leaving her school class); and thereby contributing to the escalation of the conflict with the boyfriend.

### *Involving the supporters*

It was revealed during the preparatory phone calls with the parties that it was a complicated situation, due to the fact that the family members had played an active role in maintaining the conflict between the youngsters as well as within and among the families. Due to this reason, the keepers found it crucial to personally invite not only the parties but the family members as well. Unfortunately, there weren't enough resources to make personal preparatory talks with more participants. The keepers mostly made phone calls. Eventually, keeper 1 did a personal preparatory talk with the accused.

It became clear during the circle that the victim's father needed a preparatory talk what unfortunately he didn't get. This missed opportunity had some negative consequences influencing the circle. He was the one who motivated his daughter to report the incident with the young man to the police; as a result, he was not motivated to engage in the PMC because he wanted the case managed by the court (more details below).

There were two participants on the victim's side invited by the victim: two friends from the new school that she currently attends (in her father's town).

### *Involving a community member*

More levels of community can be defined around this case, namely:

#### **The two families as a community of care**

1. Firstly, the two families themselves form a community, with common history and interconnectedness, on which the conflict is based. → This level of the community was represented by the participants of the circle.

#### **The victim's school-class as a community**

2. The victim reported during the preparation that her relationship with her classmates had been damaged as a consequence of her relationship with the accused. She reported that had changed during this period and she neglected her friends. This could have been a community to repair, but she refused this idea. She justified it by expressing that she no longer belonged to the community

since she had left her school when she moved to her father's town. Furthermore, the accused was never part of the former community, which meant that involving the former classmates could have resulted in addressing an issue that was not directly relevant to the accused and his family, taking away from the main conflict. However, taking this into consideration, the victim invited two friends, as supporters from her new school class.

### 3.1.3. Implementing PMCs into the system

The circle addressed and restored a level of harm, which was not addressed by the official report: harm on the level of the victim's family, which obviously could not be captured in legal categories. On the other hand it still gave the possibility to solve the conflict between the victim and the offender and legally close the case.

## 3.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION

The seating arrangement was planned prior to the circle by the keepers. Both parties arrived early, which made the preparatory management and greeting procedure more difficult for the keepers.

The circle setting was quite uncomfortable: a very small branch office of the justice service in a small town, without any reception or welcoming room where the participants of the circle could wait and fill out the questionnaires. There were not even enough chairs so the researcher had to sit on a table.

Unfortunately, the circle keepers did not have authority or financial resources to make the surroundings more pleasant for a PMC. In retrospect, it could be said that it was 'equally inconvenient' for everybody.



### Seating arrangement



#### 3.2.1. Ceremonies

- An alteration from the Gatenby model is that the circle keepers do not use shaking hands as an opening ceremony
- As a starting ceremony the keepers greet the parties when they arrive and offer them a place in the circle

Reasonable adaption:

- A closing circle is used as a closing ceremony at the end of the circle with a question 'How do they feel now?'
- Endowing the talking piece with a symbolic meaning is also a ceremony.

#### 3.2.2. Talking Piece

Consensus was reached on the use of the TP by all participants. The talking piece was a stone, brought by keeper 1. He described its symbolic meaning: he has a personal connection to this object that he collected from a river in Norway. He referred to the history of stones, which are moving and grating against each other for thousands of years, shaped

by the river and by each other. If the stone could speak it could tell all those influences that shaped it during its history. Stones are like people, who surround each other and shape each other through disagreements. Being surrounded by people, affecting people and being affected, is a human necessity on one hand but also a great challenge. He emphasized the importance of personal relationships with this object, which are not free of conflict or friction.

People accepted the talking piece and reminded one another about keeping the talking piece rule. During the phase of "identifying issues" the circle broke many times and the PMC conversations got more off course. This occurred mostly between the victim and the accused and between the victim and her parents. However, even in these instances, the parties requested to use the TP to talk and pass it to one another before asking or answering a question.

Only the father of the victim refused the TP during the first half of the circle by passing it every time it came to him and refused to answer the questions.

There was one additional circumstance that impacted the circle: the accused's mother has limited time to participate in the PMC. She let the group know that she has to leave in 2 hours. The group accepted this.

### 3.2.3. Important circumstances of each Phase (meeting and introduction, defining values, building trust, identifying issues and needs, action plan)

#### *Defining values*

The parties stated the following values: respect, honour, freedom to express one's opinion, honesty / avoiding untruth, understanding. The keepers add the values of attention and trust towards the other parties. The victim's father didn't express any values, and passed the TP.

Due to a high level of tension, the phases began to fade into one another, blurring a distinction between them. Parties started to bring in strong emotions during one of the first circle rounds. When the keepers asked, 'what has happened in your interpretation?' participants shared how the conflict influenced them.

#### *Identifying issues*

- It was very difficult to keep the circle round. Almost all questions were interrupted. Whenever the victim or the accused began to share her/his interpretation, someone from the community of care interrupted the circle to ask a clarifying question or point out inconsistencies of what was said. Circle-rounds turned to dialogues in the Identifying issues-phase.
- Keepers mostly let the dialogues continue and found that the stalking charge is only the tip of the iceberg. The conflict was built on a structure of complicated family issues that are all inter-related. In light of this, the keepers considered the questions as useful additions, which on one hand, helped the parties to vent, get rid of tension and anger, and on the other hand, help them discover important information about the context of the crime and the people's relationships.

- The Talking Piece was still used to help the dialogue, which supported one participant to speak and obliged all other participants to listen. In this way, the open dialogue-form in the 'identifying issues phase' was allowed as well as controlled by the keepers.

*The following issues came up – as alternative issues, which are connected to the original crime:*

Focusing on the Past

1. Victim's move from the mother to the father's place, reasons behind it (a solution to get far from the accused) and emotions connected to it
2. Drug use by the victim and the accused – how do they interpret it, what is parents' reaction
3. Physical violence from the accused towards the victim (connected to drug use)
4. Sudden death of a friend who was close to the victim, which is a catalyst for her drug-use
5. Lies and unreliability of the victim (family's grievance)
6. Victim's responsibility in the conflict (grievance of the accused's mother)

Focusing on the Present

1. Lack of keeping boundaries by both parties after they broke up
2. Stalking by the accused towards the victim

One issue exceeded from the others and became the turning point of the PMC: when the victim let her parents know that she took drugs during that period. This was a family taboo, and the news created big emotions when it came to the surface. The victim was blamed by her family, and her mother began to see her own self as a victim.

*Creating an action plan*

The agreement focused on the regulation of the relationship between the victim and the accused. They agreed to discontinue contact in any form from that point forward, and they agreed to change their communication towards their family, to make it honest and open.

1. Which participants contributed to the creation of the action plan?

The Victim, the Accused, their supporters and the social professionals contributed to the action plan.

*The accused:*

The accused himself requested to put 'keeping distance' into the action plan. He emphasized that he had 'his own goals.' He sat with the intention to close this case and the willingness to take on tasks in favour of it. He suggested excluding any issues connected to drug-use from the action plan, since using drugs was no longer a problem. However, he was sensitive about the possible need of others to make sure that he is 'clean', and no longer using drugs and offers to prove this with a test. This part of the action plan considered the issue of confidentiality, since the accused was afraid that he could get into trouble if the issue of drugs was included into the action plan. It turns out that he has a former, now closed, court case with drugs (no more exact info about the nature of the judicial

case); hence, his hesitation of including the issue of drugs into this new, although diverted case.

*The victim:*

It seems to be that throughout the action plan phase the victim's main issues were with her family. Resolving these issues became more intensive and crucial for her than resolving her conflict with the accused. She also brought in a new topic, which is indirectly related to the accused, but directly to her parents: her loss of close friendships in the city that resulted from her move to the country to live with her father. Her parents have not allowed her to visit and go out with her friends in the city because they are afraid that she will meet the accused. She expressed that she wants to change this situation.

She also wanted to bring in the accused's alcohol problem into the action plan. In the end they do not put it into the plan directly. They made an 'emergency plan' where the victim and her family monitor the accused's activity and interactions towards the victim. If he breaks his side of the plan and initiates any communication with the victim, with or without alcohol, the victim's father will report it to the probation office.

*The supporters:*

The victim's parents joined the negotiation about the victim's need to go out in the city. At this point, the father brought in the accused's alcohol problem and his need for the accused to avoid any chance to meet his daughter when he is drunk.

*The professionals*

The probation officer suggested for both parties to control their environments as much as they could by not going out when they are drunk and thereby avoid meeting each other.

The addictologist offered professional help for all parties working through the conflict or wanting to work on the alcohol/drug problems but they did not respond to it during the circle.

Finally, all phases were realized and everything was brought to the surface. Trust was built during the first three rounds (introductions, stating values, answering 'what does friendship mean'). Parties had the ability to express their feelings freely and sufficiently but under the keepers' guidance, at the 'right place'.

### 3.2.4. What are Circle Goals?

- The PMC was unique from the point of view of the main issue. The original issue of the PMC, written in the judge's report as the crime of "stalking" stayed on the periphery. The keepers did not interpret it as a problem, since the change of focus was in accordance with both parties' interests.
- Getting to understand the past: It was a more important aim to clarify events that happened within the victim's family and also the accused's contribution and responsibility in these events.
- As the victim's sister painted the picture: „*Our family has fallen into pieces.. But maybe there is a chance to make it better.*”
- Creating a safe environment: By providing a safe place and setting to the families, they were free to ask questions from each other and got answers to their questions. As a result, they began to heal the wounds and rebuild trust. (First, within the victim's family; second, between the two families).

- Redefining relationships: By raising consciousness for the (re)building of relationships, the parties were given tools to assist in restoring relationships and create future plans in support of this goal.
- Raising awareness of the importance of relationships and connectedness within the families.

### 3.2.5. Contribution(s) of Participants to Each Circle Phase and their Impact

#### *Victim*

She contributed with a mature, responsibility-taking attitude, which was even more honourable considering that she was the official victim. It was a limitation of this circle that her attitude was not acknowledged and appreciated by her parents. Her parents did not show forgiveness. Her mother was shocked to hear that she took drugs and from that point forward, she couldn't support her daughter by accepting her and trusting her. Her father and sister offered more support.

The victim seemed to speak very honestly. She also acknowledged and accepted arguments from the accused (e.g.: she acknowledged that she was also responsible in not keeping distance after they had broken up).

#### *Accused*

Although he took limited responsibility, his attitude in the circle shifted from the attitude he carried during the preparation. Namely, he controlled himself and maintained his composure when both the victim and her family were shaming him. It was a positive presage for the future, since the crime itself (stalking) concerned lack of control. The dialogue between him and the victim's father had its own dynamic. Since the victim and the accused had lived together in the house of the victim's father, the accused and the father had their own relationship. The accused was more aware and receptive to the father's opinion in the PMC. It had a great impact on the accused when the father eventually named his alcohol problem. The father's influence was acknowledged later when the accused sought help from the addictologist after the circle (although privately).

#### *Victim's supporters*

Victim supporters took very different positions from the point of view of their affectedness, grievance and capacity to support the victim. The victim's father (who initiated the report) was very withdrawn in the first part of the circle. He hardly participated in the PMC, continuously passing the TP. However, eventually he became more and more cooperative. He recognized his daughter's desire for acceptance contrary to her mother, he put trust in her and shared how his daughter had become much more reliable. Finally, during the action plan phase he brought in an important issue: the accused's alcohol problem. Raising this issue was not only important for him but was an important factor in the overall outcome, linking the alcohol with stalking due to the fact that the accused usually committed stalking when he was drunk and was unable to remember his actions afterward due to his intoxication. It was a very important moment in the circle when the issue of alcoholism was named by the father. Furthermore, it had a great impact on the accused (since he had not acknowledged this problem before): „*please, recognize that when you drink you*

*are not aware of what you are doing! In time, it will result in great trouble and consequences' (victim's mother).*

#### *Accused supporter (accused's mother)*

She empathized with the victim's mother considering her hopelessness and remorse about her daughter. She brought in deep feelings to the circle. She even cried when the victim's family was shaming her son. She directly expressed her desire for peace: „*please, do not hate each other!*” She was able to effectively support her son. e.g., she had an important dialogue with the victim, which brought in restorative values:

*Accused mother: 'I also didn't know about drugs. I thought that 'oh, finally a good girl who will influence my son in a better direction'.*

*Victim: 'If you thought that I was a good girl, didn't you think, why am I with your son? Wasn't it suspicious?'*

*Accused mother: 'Why would I have thought that you were using drugs together? I thought that even if someone – like my son – made bad choices, mistakes, you could still trust him and change him towards a good direction'.*

She apologized instead of her son (which was a positive gesture towards the victim's family on one hand but on the other, may have shifted responsibility away from her son)

#### *Addictologist*

Although the victim had several supporters on paper (mother, father, sister, two friends), she did not have a stable support network. Her family blamed her more than supported her. Her friends (two girls from the school) were not active participants; they did not participate verbally in the PMC. The addictologist/social worker eventually entered into the circle at the right moment, shortly after the victim shared the issue of drug-use, and acknowledges the victim's honesty and courage. She also reinforced support for the mother, and counselled her to not feel guilty for not recognizing that her daughter took drugs.

It was a very important gesture right after the victim's mother expressed her despair and renounced her trust in her daughter: „How can I believe you ever again after this?”

The addictologist offered her assistance with both the victim and the accused regarding the drug-use. Her supportive presence was further vindicated by the action of the accused who asked for help after the PMC.

#### *Independent probation officer*

The independent probation officer, as is typical, did not substitute for the roles of judge or prosecutor. He took the role of a social professional rather than a representative of the justice system. He gave advice mainly in connection with the action plan, assisting how the parties could avoid meeting one another.

### 3.2.6. Questions' impact on the circle

As previously described in the section on PMC Phases, the participants asked more from one another than the keepers asked of them. Most questions emerged with the aim of clarifying and gathering additional information. These questions moved the PMC away

from the original issue but created a broader perspective in which the parties' attitudes were more understandable to one another as well as better grasped by the keepers.

### *Additional questions*

There was one, yet very important, thematic question by the keepers in the beginning of the identifying issues phase: 'What does family mean to you?'

This question signalled a clearer aim of the participants (especially the victim's and her supporters), and differed from the original issue of the PMC. "The family has fallen apart, there is no honesty and trust within the victim's family" – these were the issues they brought in. They wanted the PMC to address these problems as well. Facilitators and professionals also answered to this question, which created a personal and inclusive atmosphere of the circle.

### 3.2.7. Keepers' Role in the Circle

As they reported: „Assist everyone in their ability to express what they think or feel”. It took a skilful practice to accomplish the difficult tasks of 1) holding the various issue tracks in order; 2) maintaining the central focus on the original crime while 3) simultaneously providing a flexible enough format to allow other issues that arise into the PMC. By creating space to hold additional concerns and issues, the PMC fulfilled the participants' interests and goals.

Besides the various questions asked of the participants towards one another, the keepers also interjected frequently in the identifying issues phase of the PMC. These interruptions included:

1. Concerning the TP rule, assistance in controlling the anger and passion of participants and keeping the dialogue in a safe framework.
2. Support the participants with reinforcing and acknowledging statements, e.g., "it is really big that you could express this now", or "the mother is dealing with some very difficult emotions."
3. Filter and emphasize those statements and needs of the participants, which lead to the direction of creating an action plan: e.g., "the victim and the accused both expect honesty from each other." "Both families expect the victim and the offender to not initiate communication or contact with one another. Acknowledging the shared needs was very important due to the fact that the story was very polarized and sometimes conflicting information was shared by the different participants that had to be synthesized.

**Evaluating keepers' contribution to the circle**

Keeper 1 (local probation officer PM)	not at all			very much	
Guided through the circle stages	1	<b>2</b>	3	4	5
Summarized arguments, important statements and such	1	2	3	<b>4</b>	5
Asked specific, (personal) questions	1	2	3	4	<b>5</b>
Expressed own opinion	1	2	<b>3</b>	4	5
Described legal consequences of success/ failure	1	<b>2</b>	3	4	5
Put the TP away	1	<b>2</b>	3	4	5
Restored power-balance	<b>1</b>	2	3	4	5
Keeper 2 (civil PM)	not at all			very much	
Guided through the circle stages	1	2	<b>3</b>	4	5
Summarized arguments, important statements and such	1	2	<b>3</b>	4	5
Asked specific questions	1	2	<b>3</b>	4	5
Expressed own opinion	1	<b>2</b>	3	4	5
Described legal consequences of success/ failure	<b>1</b>	2	3	4	5
Put the TP away	<b>1</b>	2	3	4	5
Restored power-balance	<b>1</b>	2	3	4	5
Brought in less-specific questions, which attached and involved all the participants	1	2	3	<b>4</b>	5

**3.2.8. Power relations Impact on the Circle**

Power relations were not very dominant features of this circle. Keepers worried at the beginning that the difference between the large number of victim supporters (5) and the accused supporter (1) would cause imbalance. But when it became obvious that the victim's family-reconstruction was an alternative issue more important than the original offense, and some of the victim supporters (especially her mother) are rather secondary-victims of the case, the outnumbered presence of the family members on the victim's side became more reasonable. In addition, the accused had a very stable and capable supporter, which also contributed to the power-balance.

**3.2.9. Security Issues Impact on the Circle (confidentiality issues)**

Confidentiality issues were discussed at the beginning of the circle. No prosecutor or judge was present in the circle; therefore, a direct risk of breaking confidentiality was not relevant. Two issues surfaced in regard to confidentiality: the victim shared her history of drug use, a taboo for her family within the circle; and she shared her private thoughts and feelings about the causes of drug use, which among them was the sudden death of her friend. A high level of confidentiality was represented by the fact that the accused felt safe to talk about his other illegal activities related to drugs, until his mother warned him against divulging too much. After this, the accused ceased to be forthcoming about the same issue when the victim asked about his previous drug-use and dealer activity: "I can't talk any more about this in this circle. Not necessarily about drugs but other illegal things. I could get myself into trouble.."



### 3.2.10. Social and cultural diversity of participants Impact on the Circle

Social and cultural diversity was not a crucial issue in this circle. Only one aspect was notable: a diversity regarding the two families' relationship and attitudes towards the youngsters' belonging to a drug user subculture. While the victim's family was shocked by this news, the offender's mother was aware of it and accepted it much more.

### 3.2.11. Were there other circle outcomes reached? - important Added value

Due to the nature of the PMC, its inclusivity of additional issues and focus on restoration of relationships, additional value was added and additional outcomes were reached. Comparatively, Victim Offender Mediation would have narrowed the focus to the conflict between the victim and the offender and would not have dealt with most of those problems that were within the victim's family.

## 3.3. EVALUATION AFTER THE CIRCLE

### 3.3.1. Reaching restorative goals, success in the circle (regarding relief, forgiveness and regret)

Much misinformation and many misunderstandings were clarified by the circle within and between the families. Family taboos were challenged. The offender's alcohol and drug-problem was identified and addressed (he turned to the addictologist). The opening process and emotional expression of the various participants varied on a large scale, all exhibited a very different tempo. Although not everyone achieved the same level of relief, forgiveness and regret, the PMC was still a space that offered an appropriate framework for everyone to „move forward somewhat”.

Keepers accepted that the conflict went beyond the actual crime and were ready to switch the focus to the other family related issues and aspire for restorative progress in the switched thematic setting. They gave space to discuss how the family participants felt harmed by the circumstances and they accepted that through the eyes of the victim's family, the victim played somewhat of a fellow-offenders' role.

Partly as a consequence of the changed agenda, the accused apologized not for the object of the crime, namely stalking (for which he did not feel responsible) but apologized and expressed shame for his past actions of physical violence against the girl during their relationship.

Victim supporters took on victim-roles in this PMC, which is unique. They saw themselves as victims of their daughter (the “official victim”) rather than secondary victims of the offender. The victim's parents lacked forgiveness towards the offender and towards their own daughter (for dishonesty). They needed more time for apologies, to process grief and find ways to be supportive.

The victim also did not express forgiveness towards the accused. But the circle participants (mostly her own supporters) made her a “fellow-offender” during the circle. Thereby, the restoring the relationship with her own family was at stake instead of forgiving the ac-

cused. She asked for trust and a second chance from her family, which was partly but not fully fulfilled.

While the victim's family remained sceptical of their daughter's reliability and the future of the family relationships - as problems left unresolved, the accused felt relieved that his part in the conflict could be resolved. To him, the case was closed and he could commit to the points of the action plan and fulfil his side of the agreement.

Although the accused took only partial responsibility, the keepers felt that he put in a lot of energy and attention compared to his earlier attitude in the preparation phase. He withstood intensive shaming with complete self-control (which was quite promising when considering that the offense itself was in connection with losing control) and he admitted some of his mistakes from the past.

### Restorative success

	not at all		very much		
responsibility taking	1	2	3	4	5
redemption/remorse	1	2	3	4	5
better understanding of other party (more from the accused party towards the victim than vice versa)	1	2	3	4	5
acceptance of restitution	1	2	3	4	5
relief/healing	1	2	3	4	5
Etc.:	1	2	3	4	5

	not at all		very much		
Regret, responsibility taking and forgiveness /acceptance in the circle					
By words	1	2	3	4	5
By non-verbal signs	1	2	3	4	5
Victims' reactions to regret and responsibility taking	1	2	3	4	5
Offenders' reactions to forgiveness / acceptance	1	2	3	4	5
Circle keepers reactions to regret, responsibility taking, forgiveness / acceptance	1	2	3	4	5
Turning points of responsibility taking (there were no turning points since responsibility was taken from the very beginning)	1	2	3	4	5
Turning points of forgiveness / acceptance (especially relates to the victim's father's attitude change)	1	2	3	4	5

### 3.3.2. Was there a noticeable impact on the larger community?

The circle did not go beyond the community of care in this case, as a "larger community". The circle created the foundation of a dialogue within the victim's family by challenging a family taboo and identifying the background causes.

Moreover, the circle indirectly affected those people who were affected by the offenders' drug- and possible drug dealer activities by the fact that the offender asked for professional help from the addictologist.

## 4. PMC H4

### Dóra Szegő, Gabriella Benedek

#### Brief Case Study

The case took place in a school of a small town. There were two accused, both juvenile, cousins of each other. The acts were a reaction to a wrangle between the preteen younger brother (12) of the two accused and his classmate. One accused was the 15 years old sister of the boy, who grabbed and twisted the hand of the victim that made the boy's finger brake. She was accused with committing mayhem (causing bodily harm healing over 8 days). The other accused, having seen his cousin crying, grabbed the boy in the next break to "talk over" and "settle" the incident. It was deemed to be the case of illegal restraint to the harm of a child.

The police investigation disclosed that the motivation of the accused was to protect the sibling/cousin, who was said to be previously, and constantly mocked and called names for being gypsy by the victim of the bodily harm and illegal restraint. Thus, the *victim* and *offender* roles were foreseen to be ambiguous in the case.

During the preparatory visit to the families of the accused, keepers found the accused and their families cooperative and worried, while the victim's family proved to be openly biased, obviously characterized with a strong anti-gypsy attitude. The victim and his family declined to come to the circle because of the background of the other families. On the other hand, they were open to the mediation, i.e. they were willing to settle the case out of court, in the interest of the accused juveniles.

Keepers, after considerations, agreed to hold the circle without the real presence of the victim and his family. To extend the circle, keepers invited several community members and helping professionals from the local care/support services. The meeting was, from that time on, meant to be a healing or support circle. Its central issue was to provide the accused and their families, victimized by racist mockery, with eligible solutions instead of their taking offensive, unlawful acts. Thus, the case was elevated from 'minor children's fight' to the level of the local society.

#### Content of the agreement:

The agreement stated the offenders' apology and highlighted the role of the school a teachers, so that their provoked and humiliated students can turn to them instead of a striking back.

#### Fulfilment of the agreement:

The victims accepted the offenders' apology after the keepers had interpreted it for them. Keepers informed the offenders promptly, and the prosecutor officially.

## 4.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 4.1.1. Choosing the Peacemaking Circle Method

#### *Offense or Offender Specifics:*

It is the case of both.

**OFFENCE:** The case happened in the local school of a small town. On one hand, the school is considered to be the community itself, on the other hand, the school is always significant institution within communities, which indicated the case to be suitable for circles.

**OFFENDER:** Since the victim and the offenders are of juvenile age, their siblings and parents and social helpers, are already providing ongoing support for them, which support is a natural constituent of circles. A PMC provided for the direct inclusion of one of the main stakeholders, namely the offender's preteen brother, whom she intended to protect from mocking, which finally lead to the offence.

#### *Decision makers (Who?)*

The case was sent by the prosecutor to the mediation service. The keepers consulted and agreed that the case is appropriate for a circle. They raised the option for a PMC to the families, who supported the invitation of further participants – especially school representatives, who they thought are partly responsible for the events (although one of the families completely stayed away from the circle eventually).

#### *Decision making (Why?)*

The method was suggested because of the large number of the core participants (2 accused, victim and their families), because families were more concerned by the case, because of the involvement of the school, because of the suspected community-relevance.

### 4.1.2. Choosing participants to PMCs

#### *Who decides who to invite as participants?*

Both peacemakers took part in the preparatory phase. Personal preparatory visits were made to all families on the victim's and offenders' side. Peacemakers visited each of them in their homes. Social workers from local family care service helped with contacting the families and organizing the preparatory meetings.

The idea of the composition of the circle originated by the two keepers, then it was developed after gaining information and making acquaintances at the preparatory meetings with everybody and the concerned families. For example, victim-offenders were asked for their advice on who to invite from the school (as a supporter).

#### *Who is invited?*

Beside victim, the offenders and their parents as direct supporters and representatives, other people were invited: professional family helpers, teachers from the school, a relative of one of the offenders, who was known to once have been in prison, and the child, whom

the offenders (his sister and cousin) wanted to protect. A policeman was also invited, but finally he did not come.

During the preparatory visit, the victim's family claimed that they will not sit together with *them*, i.e. the offenders and their families of Roma background. The parents justified this with their clear anti-gypsy approach. The victim's family expressed their wish to settle the case out of court (i.e. mediation), but they were unmotivated and declined to attend the circle in order to avoid meeting with the families whose social background bothered to them. They even expressed directly that they do not want to meet or talk with Gypsies.

They also stated that they have no other claims from the offenders apart from an apology from the accused's side.

#### *How are participants invited?*

All participants except for the policeman were invited personally. Besides the personal invitation, official invitation letters and direct phone calls were made. All extra participants who met the keepers and talked to either of them prior to the circle did participate. The headmistress of the school was visited personally, but there was no preparation done for the teachers who eventually participated in the circle.

#### 4.1.3. Implementing PMCs into the system

General feature of circles- see in the relevant Hungarian findings chapter

Evaluation Criteria for Circle Facilitation

**Seating arrangement** - How was it created and how was it functioning?



The keepers sat vis-à-vis. Originally there were two half circles one for the accused and their supporters and the other for the professionals. The teachers delegated turned out to be not so much supporters to the accused but partly figures representing the community context, partly victims and witnesses of the local status-quo. In spite of the high number of participants, the rounds were fluent. No one had to leave earlier, apart from two participants who had to temporarily leave to walk their son home, then came back and re-joined the circle.

## 4.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION

### 4.2.1. Fidelity to the Gatenby Model and Reasonable Adaptions

#### *Preparing Participants*

The preparation visits allow the keepers to meet all the families in their own homes. The preparation was supposed to thematically focus on (1) feelings about the criminal act and (2) attitudes towards the future peacemaking circle. Also, building trust and personal relations, looking for/asking for suggestions for other relevant PMC- participants and mutual sharing of information had been on the agenda.

Visits made it possible to meet and invite to the circle one of the key figures of the PMC (the uncle of one of the juvenile accused boy), because it was only by chance that the man was introduced to the circle, He was invited based on the keeper's first impression and the fact that he had been in prison, which had been revealed in the course of the conversation.

Besides the conversation, preparatory visits provided the keepers with useful observations concerning the verbal and emotional capacities of the future participants. Also, the dynamics (power, cooperation) within the families had been pre-mapped (e.g. how can the accused juveniles participate with their parents on their sides, or how mothers and other family members devise their roles in handling the concerned issue *and* the circle itself.

The preparatory visit to the victim's family produced an unprecedented declaration, that the family was not ready to participate personally in the circle, but still remain interested in "out-of-court" settlement of the issue. The conversation provided time for the explanation (the underlying beliefs and racist attitudes) and the expression of the needs (to feel like the case was settled), and the hypothetical planning of the process.

The visiting keeper had to make a value-based professional decision whether it is possible to organize a circle without the victim and his family. That time, the keepers idea was a 'healing circle', focusing on the offenders' feelings and needs for settling the case. Keepers only had to check, whether it was officially possible to carry out such a "shuttle" process. It was eventually possible for the participants to sign the agreement at different place and time.

#### *Ceremonies*

The peacemakers go up to the door and greet participants, shake hands with all and converse for a little while, helping them with finding the seat, asking about how they got there etc. For each circle, a different object is chosen, to be used as Talking Piece. At the beginning of the circle, the keeper explained the symbolic, the meaning of the Talking Piece. This creates a little ceremonial atmosphere in the room, because the explanations usually convey high-minded notions.

The arrangement of the room also creates a special ambience. The circle of chairs, relatively close to each-other, without any tables in between – generally speaking, this setting is very much out of the common for most of circle participants.

### *Talking Piece*

As usual, the keepers aimed to choose an adequate object for TP. In this case, the talking piece was a bird-feather, and the explanation went like:

“Protection. To take somebody under one’s wings, in order to protect, to give help. This is why the TP is a bird-feather (i.e. the talking piece)”. The TP was chosen as a reference to the case, as the motive of the offenders’ criminal act was to protect their little brother in a class-room fight, which was just the tip of the iceberg, that followed from an allegedly long-time lasting mockery (naming Gipsy) in the classroom.

The mother of one of the offenders started to laugh (cry out?) hearing the explanation, while her daughter cried out “Damn, why did she come?”

When starting a new round, the keepers had the opportunity to decide, where to start the circle of answers by handing the TP over to the chosen participant. This added to the dynamics of the circle, as it was not always the one sitting next to the keepers who started to answer.

Generally, the talking piece was respected. After two hours, when parties got tired, there was a direct conversation between the accused girl and her mother – as if retelling the whole story – what happened and what a big problem is racism etc. -, like a ‘mantra’. The keepers didn’t interfere.

As the keepers sat vis-à-vis (facing each other) in the circle, thus the TP was handed over across the circle from time to time, when the other keeper asked the question initiating next round.

*Were the four (or five) phases realized? (meeting and introduction, defining values, building trust, identifying issues and needs, action plan)*

#### **INTRODUCTION:**

Keeper1 explained that although the victim and his family stayed away from the circle, they were ready to accept an apology in order to get the case closed for all. Keeper2 asked circle participants to try to restrain from labelling the boy (victim), not present. Instead of that they rather speak about their own feelings related to the case.

Participants are asked to tell their names and how they relate to the case. Answering the question, some people mention how they relate to the key-**persons/families**.

These first public utterances in the circle seemed to be emotionally exhausting for some (there was crying, laughter or light swearing). This round reveals that besides one of the offenders, also the victim was taken under protection since years.

#### **DEFINING VALUES:**

The first attempt to ask was: “What would we ask from the others in order to feel as good here as possible?” As always, values and goals are mixed together in the answers to the question. e.g. “Positive results. To complete quickly. To close the case.... If children meet up in school, they would play, keep a relation .... He won’t get into trouble.... I expect the school to pay more attention.”

Keepers re-formulated the question two more times while realizing the answers still went off.

“How shall this conversation go? What would make you feel good?”



“Sorry to stop You, these will come back later. For now, the question is: what do you expect from us?”

It may be that the more a participant is affected by the case the less they can understand this question and answer it adequately, because of their affectedness. Consequently, one of the roles of the less concerned participants at the circle (community members, professionals, judicial representatives) were to formulate the ground-rules for a constructive conversation, for the benefit of everyone.

### **BUILDING TRUST:**

This phase built on the previous phases. Keepers asked a question, one, which is relevant to everybody in the room, independent of their affectedness. To deepen the thinking and mobilize feelings, to tighten and unify the heterogeneity, hence build a common ground for the circle. The question asked was:

“*What is family for you?*” By this personal and at the same time general question keepers were able to involve each participant, irrespectively of their ‘label’ (how they specifically related to the case). This created the sense of unity in the circle and ‘deepened’ it.

The answers to the question brought a lot of positive energy to the circle, because the participants referred to values like “love”, “safety”, “understanding”, “belonging”, “responsibility”, “life-long connection” etc.

### **IDENTIFYING ISSUES:**

The fact that the victim and his family were not present excluded the issues directly concerning them. Everyone should talk about themselves, their feelings and thoughts.

This was the most critical phase. It was a collective challenge to define the issue what was the purpose of the circle. There was an option, to label the case as “school stuff” or “children’s wrangling”, eliminating the basic community dimension of the case. But this circle went well beyond that. First, the *uncle* of one offender named anti-gypsy attitude as the cause at the root.

*“In our town, there’s quite a strong racism here.”*

After the issue was brought up there was no going back any more. The issue identified became the suffering from racist incidents (What are the worst things in it?) and what are acceptable yet effective solutions (What can be done?).

Choosing this for the issue invited the professionals, judicial representatives (teachers, social workers, probation officers) to engage as direct stakeholders in the conversation. Some of them agreed to it, identifying with the community, others chose to stay out, still talking about *their and the others’* matter.

### **ACTION PLAN**

The action plan was not directly connected to the restoration of the harm done in the concrete case or to preventive actions relating to the concrete actors in the case, due to the fact that the victim’s only request (apology) had already completely been fulfilled and because of the victim and families’ non-attendance. Rather, the action plan drew on the issues participants identified for the circle (see above).

It was clear from previous phases of the circle, that anti-gypsy attitude is a permanent and unresolved problem on the community level, so participants more or less agreed that similar situations (i.e. getting into trouble because of one’s reaction to naming gypsy) may reoccur, both in and outside of the school. “What do you do when You find yourself being hurt unjustly? What can help you in such situation?”

The main outcome of this phase was that the injustice was acknowledged, but the action plan was concerned with *how to handle it* and cope with it, but not with how to stop or diminish racism in the community. The general acknowledgement of the local tendency that people of Roma background suffer from injustice implicated also that harm had been done to the young circle participants, who alas turned up as offenders in this case. This added to the complexity of the case without questioning or dissolving their responsibility.

Circle participants seemed to all agree that aggressive responses to any inequitable behaviour are both unacceptable and useless, and that the school as an institution should take the lead in solving and helping to solve cases like that. This stand-point put the two teachers present into a difficult role which made them a little bit defensive instead of going with the flow. Teachers seemed to lack the autonomy to acknowledge the claim. Instead they felt the need for asseveration of their own decent professional character, i.e. they never allow for any discrimination in the classroom. Voices of the families firmly articulated a request that the school was to provide a safe place for everyone and victimized children should be able to turn to their teachers and preceptors instead of taking the law into their own hands.

This became also reflected in the official written agreement, which also contained the apology and regret of the offenders for the harm they had done to the victim. Although formally the agreement fulfilled the victim's former requirements, in the closing round offenders expressed their worries whether the victim and family would change their mind and the case would not be closed following the apology. To reassure the families, keepers offered to notify them immediately after the agreement is signed by the other family. It was signed, indeed an hour later in the victim's family-house in the garden suburb, where keepers also pictured the main points of the circle and tried to turn the families attention to the positive behaviours in the circle to unbiased the victim's family.

#### 4.2.2. Specifications and Circle Characteristics

##### *What are Circle Goals?*

The keepers re-interpreted the circle as a healing circle after learning that the victim and family will not participate. Healing referring to the acknowledgement of the victimization of the accused, both directly (in the classroom/school) and indirectly (in the community). Healing through naming and talking about the reality of anti-gipsy attitude and racism in the community. One of the keepers focused on the "two mothers": so that they could gain some profit from the circle, emotionally or mentally.

For the accused and families the goal is to close the case "quickly" out of court with a completed agreement. The worrying thoughts of juveniles being taken from the families (under official protection) as a potential outcome if the case went to court, haunted the families. "I will only relax when I see the documents" said the members of the families, who was doubtful, "what if the victim and family changes their mind and do not want to make an agreement".

The victim and family also expressed at the preparation visit that they aim to close the case out of court for the sake of the accused juveniles.

Also, participants pointed out prevention, as a goal "Such things shall not happen again", and changes in stakeholders' attitude and practice, as a result.

It was important, that some of the circle participants gave voice to what they wished for as circle outcome in the round about values in the circle.

*Contribution(s) of Participants to Each Circle Phase and their Impact*

**The accused girl**, who had protected his brother: her participation was mandatory as official accused, not voluntarily. She always only talked shortly, but claimed regret and apology. She was perceived as someone who basically fence off that the circle has an effect on her. Her processes remained hidden until the end, and did not react visibly to any messages directly addressed to her (for example by her former teacher, family care worker or her mother).

**The accused young man** wasn't open or talkative, either, but his non-verbal meta-communication told us a lot. Finally, the keeper helped a lot by asking questions to be answered with yes or no. The fact that the circle acknowledged their identity, their family bonds and their suffering of racism – paradoxically - allowed him for true regret and apology what he concretely did and deepened the responsibility. His ownership of and participation in the circle and his ownership of the problem was proportional.

**The mothers** of the accused young persons were involved actively and deeply in the circle. The biggest difference between the families was that one of them was problematic, i.e. had been involved in many cases, had been already taken under protection, while the other were "decent", with no such cases known, and they were surely keen on that. In the first place, mothers chose to go understating the significance of the case, but as the taboo of their own victimization was opened, the mothers played authentic and constructive part within the parameters of their intellectual-emotional capacities. One of them was even able to present the proudness to be born as Roma, and that it is a value not a shame, which was an absolute minority opinion in the circle, as well. This momentum was identified as a turning point by keepers and observers.

**The younger brother (12yrs)**, whose sister and cousin became accused in the case because of their intervening in his fight with his classmate, who became the victim. In spite of his young age, his participation was unimpeded, without extra effort from the keepers. In the circle he had the chance to experience the strength of his bigger family and the strength of communication, when he expressed his regret and apology to his sister and cousin. The circle might have influenced him in a way that it made him understand that the case should not be on his own or on their families' shoulder but it is on the level of the community, as everybody's case. This learning could have been reassuring and preventive for the future, and empowering as he could show his own virtues and spirit to adults as a living counter-example to racist bias.

**The uncle**, who basically came to support the accused young boy turned out to be a community representative with strong impact on the circle. His participation is concrete, personal and well-focused, as if a prototype of a honest, concerned and responsible member of the community. He brought excellent examples from school and life and shared his insights and life-experience as a former prisoner. His main contribution to the circle was to grasp the issue of racism and by breaking the taboo, to raise the case to the level of community concerns. The uncle, he is the one who articulated the responsibility of the school from the very beginning ("they could do more"), yet, in the phase of the action plan he is ready to highlight agreement with the teacher, and acknowledge her efforts to exclude racism from the classroom. His honest, flexible and constructive attitude and

common sense influenced the dynamics of the circle and complemented keepers' roles a lot.

**The schoolteachers'** participation was not voluntary in the end: the schoolmaster assigned them to come. They added a lot to the "identifying issues" phase from their perspective, but basically tried to stay away from the circle on the personal level. There were moments when one started to talk openly about her relative powerlessness (e.g. lacking of workable tools or information). There was another example, when one of the teachers expressed her personal disappointment after she had realized that former conversation on discipline issues did not make a change at all with the accused girl. This attitude helped their integration into the circle, to really become a part of it. It was also an example for bridging over starting positions.

In the middle of the general criticism on the practices of the school, the keepers felt the need to support teachers by acknowledging that it must have been difficult for them to be present, which was supposed to play a key-role in preventing similar cases.

**The helping professionals'** participated in a way in which they evaluated what other people said or reflected on that. They contributed to the circle with their 'professional persona', e.g. when expressing recognition of the accused girl, for her trustworthiness, although some of the observers found that a bit paternalistic. A moment of the family helpers' coming out was that he himself used to be part of school conflict 'on both sides' – i.e. victim and offender.

It was significant that no answer came from the professionals to the question what they can personally/concretely do for decreasing the tensions burdening the community. This powerlessness or neglect of the professionals revealed the difficulty of the situation of the young accused and the families.

After the end of the circle, both teachers claimed informally that they do not understand why they had to come, since they did not teach the accused children the year the offence took place. This may inform us about the understanding of teachers' role, but also about how important it is to select the right participant with the right personality and the importance of careful preparation (neither keeper talked directly to the teachers prior to the circle).

**The probation officer, as judicial representative** understood the process and skilfully highlighted some points, for e.g.: the importance of listening, empathy, and she repeated some of the key-points she had heard from others before. She made participants aware that the process at the court could have been an option, too, and shed light on the responsibility young people had for themselves. The officer did not disclose much of herself, but stuck to her professional character.

#### *How did Questions impact the circle?*

Questions – except for the one about values – worked well. Keepers had a balance in asking questions and adding comments or stories to the circle. Keepers did not strictly segmented, who worked with which question, but they interfered several times. The questions regulated when to stick to the given case closely, and when to move on to a more general level.

### *How Did Keepers Interpret their Less Neutral Role in Circles?*

Keepers contributed more with their stories to the circle, and felt that what they said was important and valuable for the participants. Keepers reflected on their more involved roles, and evaluated it positively.

One difference from the role of a mediator's what the keepers highlighted was their 'laissez-faire' approach, is the sense that they did not have to orient, swing the circle, rather they had the feeling of "going with the flow". Keepers were conscious that this is a different role from that of the mediator's.

Another issue was how will the keepers handle that the decision of the victim and family was not coming to the circle. Keepers made a few decisions themselves without consulting the offenders and families (if the circle is organized at all, what the goal can be). This was justified by the interest of the accused parties. Also, the genuine reason why the victim and family would not come to the circle was not disclosed for the offenders.

Keepers claimed to believe that their approach to their role (i.e. taking part in the circle with a 'broader personal surface') might set an example (!) for the participating professionals.

#### **Evaluating keepers' contribution to the circle**

Keeper 1 (local probation officer )	not at all			much	
	1	2	3	4	5
Guided through the circle stages	1	2	3	4	5
Summarized arguments, important statements and such	1	2	3	4	5
Asked specific questions	1	2	3	4	5
Expressed own opinion	1	2	3	4	5
Described legal consequences of success/ failure	1	2	3	4	5
Put the TP away	1	2	3	4	5
Restored power-balance	1	2	3	4	5
Else: .....	1	2	3	4	5

Keeper 2 (civil )	not at all			very much	
Guided through the circle stages	1	2	3	<b>4</b>	5
Summarized arguments, important statements and such	1	2	3	<b>4</b>	5
Asked specific questions	1	2	<b>3</b>	4	5
Expressed own opinion	1	2	3	<b>4</b>	5
Described legal consequences of success/ failure	1	<b>2</b>	3	4	5
Put the TP away	1	2	<b>3</b>	4	5
Restored power-balance	1	2	3	<b>4</b>	5
Else:.....	1	2	3	4	5

### *Did Power relations Impact the Circle?*

Power differences could be observed between the three main groups present in the circle (victim and family, offenders and families and professionals). Each of them were powerful and powerless at the same time, for different reasons.

<b>VICTIM AND FAMILY</b>	<b>within the system</b>	<b>Relational</b>
Empowered/powerful aspect	-	Domination over accused Deciding about reporting, no information to school
Powerless aspect	The child is powerless, abused parents dominating	-

<b>ACCUSED AND FAMILY -1</b>	<b>within the system</b>	<b>Relational</b>
Empowered/powerful aspect	Care for members, Supporter's skills	Decent family, nothing to do with police or child welfare authorities Proud of being gypsy
Powerless aspect	-	Poor, ashamed, suffering from anti-gypsy attitude

<b>ACCUSED AND FAMILY – 2</b>	<b>within the system</b>	<b>Relational</b>
Empowered/powerful aspect	-	-
Powerless aspect	Risk of the juveniles being taken under official protection Risk of having a criminal record and starting a criminal career	Poor, gypsy, unemployed, uneducated, drop-out Internal conflicts between mother and teenager

<b>HELPING PROFESSIONALS, TEACHERS</b>	<b>PROFES- sionals, TEACHERS</b>	<b>within the system</b>	<b>Relational</b>
Powerful aspect		Civil servants, authority, with power, seriously affect families' life	Paternalistic towards the accused Felt oppressed by victim's family
Powerless aspect		Feeling of incompetence with relation to the issue	-

Table shows what the sources/roots of power and powerlessness are for the different groups.

Summing up: the circle empowered the accused and families. The circle provided them with an opportunity to show their virtues and capacities to the professionals present, and to have their voice heard about injustice. Also, the accused received some positive feedback from family and professionals. We wonder whether the communication between participants provided the opportunity to bridge over given power hierarchies. The circle provided a safe space where, with the help of the keepers and the setting, power differences occasionally diminished.

On the other hand, the fact that the victim and family stayed away from the circle seemed to increase the power assigned to them, that they made bold that they had power to settle, that they can restrain from being present or being connected in the communication. All parties expressed discontent and frustration even in the last phase or in the closing circle. The accused ones: *"Only when the case is closed. I have still some kind of a fear."*

The parents and supporters of the accused: *"And what if .... if he refuses to accept the apology? Then would we have to go to court."*

Teachers: *"In this case, it was the victim's parents who wanted to sue. We did not have a say in that matter."*(...) *"The school, we were the last to be informed about suing"*.

*"The <victim's> parent did not communicate with us about the reporting. It was done unbeknown to us."*

Social worker from Family Care Service also bitterly commented on how dominant the victim's mother was, as she managed to manipulate the situation for the benefit of their own.

#### *Did Any Security Issues Impact the Circle? (confidentiality issues)*

Neither tape-recording, nor video-recording were allowed, not even for the purpose of the research. The accused families became scared when both video- and sound recording was requested. They associated the media with the camera: *"are we going to be in a TV-show? (...) Who knows. When it is recorded, anything can happen."* The refusal was in connection with their experience-based, negative assumptions about the media representation of Roma people.

In the introduction phase, when keepers talked about confidentiality, participants were nodding fervently- but it was not obvious if it is a lived-through approval or rather a symptom of being used to getting directions from the official procedures and not making own decisions.

Accused young people were encouraged by social workers to share what happened in the circle with schoolmates, which they passed.

There were sensitive data concerning the protected status of the victim and family, who were not present in the circle. Confidentiality was maintained around this issue by the social worker from Family Care Authority.

*Did the social and cultural diversity of participants Impact the Circle?*

The circle was very heterogeneous with respect to age, social status, ethnicity and education background of the participants. In all the phases, personal, straightforward pieces of involvement added a bridging dimension to the circle. Such contributions were able to emphasize the similarities over the differences and highlighted the virtues (honesty, participation, taking responsibility, emotional intelligence, connectedness), which are independent of (intersecting) cultural boundaries. This new horizon helped the slackening of previous 'positions' of participants, and supported their getting rid of the labels, which allowed for repositioning, expressing regret but also needs, and working for an agreement, which was provided for a long term solution.

*Were other circle Outcomes reached (added value compared with other methods)?*

The fact that many experts and professionals were invited and joined in the circle reflected that this was an issue of concern for the whole community. The main outcome of the circle was to identify the anti-Gypsy issue, its severity and regularity. What was striking for the observers is the resignation by community members and professionals (school teachers and local social care workers) to the fact that racist/anti-gypsy attitudes are part of the community culture. The circle was empowering for the young people, because it suggested concrete coping strategies to tensions. The circle reflected the mind and the reality of the community. Although it was pinned down in principles that racism is intolerable, the circle did not touch upon what can be done against it, which seemed as connivance, and as such, eventually disempowering for the concerned young people and families.

The circle set an example that it is possible to sit down together and talk about issues, even when no 'solution' is foreseen on the horizon. In the circle, it was acknowledged that the young people who were accused in the case need the support of the community to cope with the everyday challenge, to handle racist incidents, and that there is a shared responsibility for what happened.

**Reaching restorative goals, success in the circle (regarding relief, forgiveness and regret)**

It was an experience for the participants that meeting together and trying to talk about matters of shared concern is safe and is worth the effort.

Taking part in the circle caused relief for the accused and families, but only partially. The obstacle was the absence of the victim and family, and the limits of competence, responsibility taking or even empathy from the part of the teachers and social professionals. From the victim and his family, we did not register much relief (or change) as a result of the circle. They offered formal cooperation with the keepers but they did not let in the information about the PMC and the offenders on an emotional level.

Because of the victimization and suffering of the accused parties, it was natural, that their acceptance of responsibility would only be partial. The community representatives critically examined and accepted this level of responsibility in the circle. Although the community



members did not seem to be competent to take responsibility, acknowledgement of the harm suffered by the accused was in itself very important for the accused ones and their families. The circle pointed out that it was the whole community who had to accept responsibility rather than casting it alone on the two accused.

The action plan/agreement contributed to the prevention and reduction of harms, but only for the participants present, not for the system itself. The outcome of the circle should not be exaggerated, and one can only wonder what kind of posterior effect (effect en retard) it has had for the present and stood-off stakeholders.

### **4.3. EVALUATION AFTER THE CIRCLE**

#### **4.3.1. Was there a noticeable impact on the larger community?**

The most probable impact was through the social workers/professionals, who were present. In the circle, they experienced different, able ways of behaviour from their clients' part and also new, empowering roles from the keepers' part. For the professionals, it might have been a formative experience, which might have an impact on their attitude and way of working with other families in their practice. On the other hand, teachers' attitude would be unchanged (for the reasons explained about at motivation, defensiveness and lack of acceptance of their general responsibility), thus it is seen, there would be little chance that they change practice, because they did not deem it problematic (although they found it painful to see children's suffering in the school).

#### **4.3.2. Keeper satisfaction**

Keepers were satisfied with the evolving circle process and the collaboration of the two of them. Keepers evaluated their new, less neutral roles as it suited and served them well.

Dealing with "ethnic-based" conflicts is a relevant and hot issue in the Hungarian context. The process made keepers feel that the PMC was capable to address the issue and support marginalized families suffering from multiple disadvantages. Keepers were satisfied because the latter was their main motivation before the circle. The evolving understanding of the responsibility of the community in the case was also central for keepers' satisfaction.

It was only the victim-and-family's withdrawal, which was difficult to accept for the keepers.

It was a challenge for keepers to accept that it was limited what they can do for the victim and accused and families within the scope of the given case and by the means of the PMC.

#### **4.3.3. Was the action plan executed successfully?**

Formally it was, through the apology of the accused, which was interpreted by the keepers to the victim, who accepted it. The prosecutor was informed, then the case was closed.

The agreement suggested that the accused or the other schoolboy shall turn to their teachers first when similar mocking or harm-doing is foreseen. There are no data accessible whether this ever happened. (One of the accused has already dropped-out of school since.)

**Restorative success**

	not at all			very much	
responsibility taking	1	2	<b>3</b>	4	5
redemption/remorse	1	2	3	<b>4</b>	5
better understanding of other party	1	2	3	<b>4</b>	5
acceptance of restitution	1	2	3	<b>4</b>	5
relief/healing	1	2	<b>3</b>	4	5
Regret, responsibility taking and forgiveness /acceptance in the circle	not at all			very much	
By words	1	2	<b>3</b>	4	5
By non-verbal signs	1	2	<b>3</b>	4	5
To what extent found victims regret and responsibility taking honest and satisfying?	1	2	<b>3</b>	4	5
To what extent found offenders forgiveness / acceptance honest and satisfying?	<b>1</b>	2	3	4	5
To what extent found circle keepers the regret, responsibility taking honest and satisfying?	1	2	<b>3</b>	4	5
To what extent found circle keepers forgiveness / acceptance honest and satisfying?	1	<b>2</b>	3	4	5
Were there turning points of responsibility taking?	1	<b>2</b>	3	4	5
Were there turning points of forgiveness / acceptance?	n/a				

## 5. PMC H5

**Dóra Szegő, Gabriella Benedek**

### 1. Brief Case Study

Two undergraduate youngsters lived in the same dorm. The accused got to know about a misdemeanour committed by the victim at the dorm: he violated the smoking ban, for which he had to calculate with punishment by the Dormitory Directorate, even the possibility of being expelled. The accused used this information as a basis of blackmailing the victim, because he made him believe for more than a half year (2011. November- 2012. May) that he can eliminate the reports about the smoking ban if the victim gives him money from time to time. He also stated that unknown people got to know about their agreement and the victim is in a bigger trouble, since now he not only has the smoking ban violation on his account, but also the falsification of documents. He sent anonymous letters to the victim in the name of those unknown people and made him believe that the unknown people will report both of them to the police if they do not give money to them – of course in fact this amount of money also landed in his pocket. The victim gave about 1400 Euro to the accused during the half-year long period. Finally the victim made a report against the unknown offender, and it cleared up during the investigation that the extortionist was in fact his mate.

#### **Content of the agreement:**

The financial damage was repaired (partly already before the PMC). The agreement contains that the parties are open to rebuild the friendship and they are going to aspire for that.

#### **Fulfilment of the agreement:**

The financial agreement was fulfilled

### 5.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

#### 5.1.1. Choosing the Peacemaking Circle Method

From the method-selection point of view this is a special case. Keeper1 started to prepare this case for a PMC because she thought that the community relevance of the case can be based on the dorm, however it wasn't not the community affectedness and impact that lead to a PMC in this case. It became clear from the first preparatory talks that neither the victim nor the accused wanted to include people from the dorm. In the first place, this decision is to do with the feeling of shame for both of them: the accused feels ashamed by his action, the victim feels ashamed by being so pliable. Secondly the accused treats the procedure as his 'personal struggle' for regaining trust and honour.

The keepers choose the PMC method due to the intensive emotional involvement of parties and the grievance and harm of both families. During the preparatory talks deep inten-

tion to understand each other's perspective on both sides reveals, as well as the loss of friendship as a great damage. The two youngsters got to know each other well during the blackmailing period, and they mutually treat each other as friends. These circumstances led the keepers towards the PMC method, and they figured on a healing circle.

### 5.1.2. Choosing participants to PMC

*List of participants invited and their way to the PMC ():*

(missing participants = who were invited but haven't participated in the end remain uncoloured)

Keeper1					
Official victim	Official accused			Psychologist (employee of the justice service)	Probation officer (employee of the justice service)
Supporter of the victim - father	Lawyer	A mutual friend of the accused and the victim	Supporter of the accused - sister Supporter of the accused supporter-mother Supporter of the accused - girlfriend		

Circle keeper1 held personal preparatory meetings with both parties.

#### *Involving professionals*

Circle keeper1 also invited a psychologist following the preparatory phase because she thought that the emotional dynamics were very complex. It became clear to keeper1 that the victim held a deficient self-image, and partly as a consequence of this impression, keeper1 thought the victim would need professional help to cope with losing trust in friendship. On the other hand, on the accused side: even though he became friends with the victim, he continued blackmailing despite of their friendship. He was in need of professional help due to feeling high level of shame and self-disappointment. A professional psychologist therefore was invited to understand their motivations more deeply and reflect it to the parties.

An independent probation officer was invited to represent the legal perspectives and answer legal and institutional questions regarding the procedure.

*Involving the supporters*

The keepers only knew that only one supporter on each side would participate. They talked about the emotional affectedness of their families during the preparation, but the accused rejected the idea of inviting his family. He had planned to invite his girlfriend as the supporter so the participation of the mother and sister of the accused was a surprise for the keepers- Fortunately this helped to bring in family-related consequences of the case.

*Involving a community member*

Inviting a common friend to the parties came up during the preparation phase. The victim does not really have friends, except the accused himself and some guys who were introduced to him by the accused. The victim expressed that he would accept the presence of someone but he would feel inconvenient to invite their mutual friend. Due to these circumstances the keepers decided to invite one of those guys introduced by the accused. In the end the accused had not invited any friends – due to shame and the deep intention to ‘take the blame’ himself.

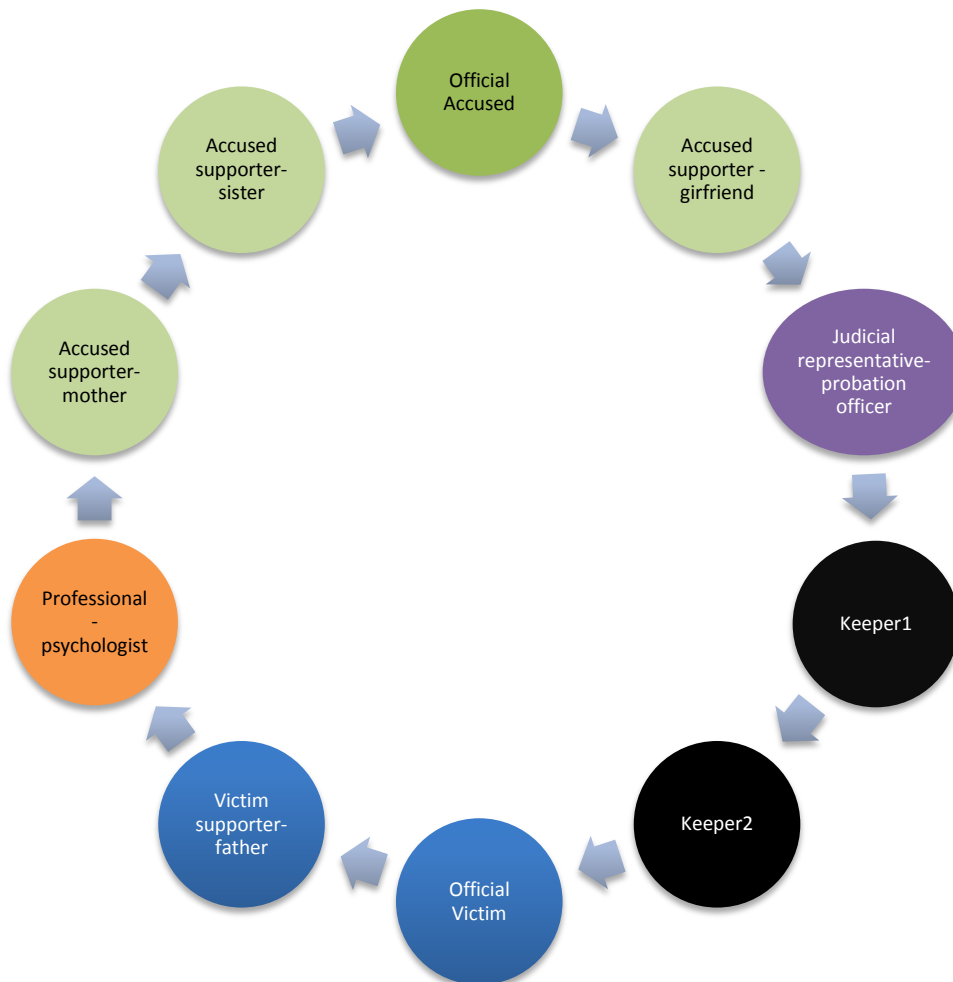
*Involving a lawyer*

The keepers knew about the intention of the accused to bring a lawyer. Keeper1 tried to dissuade the accused from bringing a lawyer, she emphasized that nobody gets harmed or attacked in circles, the aim is a partner-based discussion and expression of emotions and necessities, which can be interfered by a lawyer. In the end the lawyer appeared before the circle, and asked about the unusual framework of the meeting (circle, more people are present). It turned out that he came to give information about the presumption of mediation, which was prescribed by the prosecutor: a preliminary deposit of money. Keeper1 explained the PMC-setting to him in a private talk and expressed that he can be present during the meeting but he can only observe the procedure out of the circle. He requested to talk about the deposit during the action plan-phase, and his tasks regarding the transfer of the deposit, and it was agreed with keeper1 that he informs his client (the accused) about this agreement then he will leave.

The parties had a rejective attitude towards the involvement of community representatives and the keepers brought in an additional viewpoint during the reflection report in order to consider the parties’ rejective attitude towards community involvement. They perceived that typically there is a lack of culture of assistance in Hungary, whereas this culture of assistance would be a feature of circles, yet involving community representatives is sometimes difficult.

## 5.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION

The seating arrangement was planned before the meeting but it had to be changed because the accused brought his mother and sister unexpectedly. Both parties arrived about half an hour before the start, which reinforced that the event is important for them but made the preparatory management more difficult for the keepers.



### 5.2.1. Preparing Participants

A deviation from the Gatenby model was that not all of the participants were prepared personally: the personal supporters were invited and informed by the parties, and not by the keepers.

Based on the reflection of the keepers the circle was a 'good practice-circle' from the point of extensive preparatory work done with the parties, and it had its positive effects on the PMC.

### 5.2.2. Ceremonies

- An deviation from the Gatenby model was that there was no shaking of hands as an opening ceremony
- Reasonable adaption:
- A closing circle was used as a closing ceremony at the end of the circle with a question 'How do they feel now?'
- Endowing the talking piece with a symbolic meaning was also a ceremony

### 5.2.3. Talking Piece

- Consensus was reached on the using of the TP by all participants.
- The talking piece was a children's toy, a mobile plastic sphere, which can change its size as it is expanded and contracted. The keepers explained that the TP symbolized connectedness, and the opportunities and risks when relationships change.

### 5.2.4. Important circumstances of each Phases (meeting and introduction, defining values, building trust, identifying issues and needs, action plan)

#### *Defining values*

Participants brought in honest expression of emotions, honesty, respect, partnership and the intention to understand the other party.

Keepers brought in openness as an important value and summarized values.

### 5.2.5. What are Circle Goals?

In accordance with the impression from the preparation phase there was deep emotional involvement in the case but without active anger and conflict. Firstly because of the prior 'personal work' that both parties already went through, - also supported by the one-year long time period that has passed since the crime – secondary because of the substantial preparation done by keeper1. As a consequence of these it was a healing circle, which gave space to talk about the future in safe and secure environment.

Compared with other PMC's this took place at an 'advanced level' of working through when the conflict was already over, the anger and passions were resolved, but emotions were still present. It was a dilemma for the Keepers if the PMC was necessary for restitution or the parties could solve the problem by themselves. Keepers thought that it would have been very difficult to create such a safe atmosphere, a platform of dialogue spontaneously, out of the secure PMC setting, the TP, the keepers as most people tend to avoid uncomfortable dialogues. They 'clear cut' the situation if they are not directed to a secure platform. A healing circle contains unpleasant moments, what people tend to avoid in everyday situations. PMC offered a safe environment where they could have gone deeper into the emotions, regardless of it 'hurting'.

### 5.2.6. Contribution(s) of Participants to Each Circle Phase and their Impact

The accused was on a high level of responsibility taking. Both the victim and the accused came with a grounded intention to move on. It was motivated by their relationship and emotional ties towards each other.

Acceptance was very dominant in this PMC from both sides, but especially by the victim. Both the acceptance of the situation and of each other. It was a precondition, which aided the move forward.

The victim's father was the most mistrustful member of the circle at the beginning. His attitude towards the accused went through a great change. The accused had to prove a lot to him about the validity of his regret and his true intentions to repair. The victim (his

son) also helped him a lot to build trust toward the accused, he showed a good example to his father by accepting the move forth. Another info, which changed his attitude was when he got to know that the accused does seasonal work during the whole summer to be able to pay the financial reparation by himself (not aided by the parents).

At the end of the PMC the father expressed it directly that he started to trust the accused: *'You know what? I started to believe that you are honestly regretful for what you've done! (victim's father)*. He even invited the accused to their home.

### *Accused supporters*

Since the parties did not want to involve neither friends nor educators from the dorm, their family members could be interpreted as the community around them.

It was revealed at an early stage that the mother and girlfriend of the accused are emotionally affected by the case, they are secondary victims, who are less supportive towards the accused but their presence and expressing of harms and disappointment was very important from the point of the reparation of family-relationships. Their presence put community- aspects into the discussion: the community of care appeared and family-related consequences of the case were discussed.

- The fact that the victim's father expressed solidarity towards the family of the accused and the lack of stigmatizing him assisted the mother to move forward from shame towards relief.
- The victim's positive and cooperative attitude helped her to deal with her own feelings instead of protecting her son from a hostile environment.

While the mother of the accused was stacked into her own grievance and disappointment, the girlfriend of the accused was capable to take a supportive role as well: she also gave perspectives for the future and treated the events as a chance for reflection and personal development. She reported that they already started this procedure 'informally' within the family and within their relationship, and the circle is a platform to develop it further: *'I think it is good that all these have happened. Parents teach you how to live properly. How to be value-driven. But in fact you learn from what you experience. Now he experienced what it means to cause harm for people he loves: to a friend, to me, to his family. (...) We already had lots of conversations about the events. I wanted to get answers to my questions. Why did he do this to us? Since, he became much more emotional. He thinks more before he acts. He wants to repair what he did for our sake as well. This was a necessary lesson for him to learn to appreciate what he has and see that we are standing behind him and support him. (...)* (accused's girlfriend)

### *Community representatives*

Community meant the community of care in this case. There were no additional community members, which limited the scope of this PMC but also helped to create an even safer atmosphere. This – together with the extremely receptive attitude of the victim's side – facilitated the accused's family to share their disappointment and bring their deepest emotions into the PMC about the accused. This way the PMC could not just help in restoring the relationship between the victim and the accused but it really aided restoring family relationships within the accused's family.



### *Legal professional*

The legal professional was a probation officer in this case. She was prepared by keeper1 as a legal professional, informed about the possible functions of legal professionals in a PMC (represent the law, give information about the penal procedure and possible consequences of the PMC to the legal process, take care of legality). Like in several other cases, here equally the probation officer rather served as a social professional and less like a legal expert. Instead of giving information about the penal procedure and consequences, taking care of the legality of the PMC, she gave support to the participants and shared personal opinion, as well as case-related stories and experiences. She mostly gave positive feedbacks to the parties. E.g.: She expressed that the open and highly sensitive attitude of both the accused and the victim was very surprising for her, what she hardly ever experienced in her practice before. She reassured the accused by expressing that it is a rare and very valuable human condition to be able to admit that he made a mistake.

The only contribution from the legal professional during the PMC connected to the legal procedure was an answer to keeper1's question towards the legal prof: *'Do you have any similar story in your practice as a probation officer? What is a general legal way and outcome in similar cases?'*

She answered that in most of her cases the parties do not get any opportunities to speak about their feelings. She compared the nature of court procedures with the nature of a PMC, emphasizing the time consuming and inhuman nature of court procedures.

### *Other professional – psychologist*

The parties didn't really have a need for psychological help. The psychologist could adapt flexibly to this circumstance. She fulfilled the role of an impartial supporter, who supported the parents and the youngsters equally with 1. reinforcing feedbacks: e.g.: in the closing circle *'I am so happy that I recognized - everyone is smiling now'*. And external observations, which confirmed and reflected some aspects of the circle to the parties. E.g.: *'I would like to raise the youngster's attention that their parents are very much touched and worn out by the events'*.

She thought about the causes of the offense and she reflected on some of her own considerations.

E.g.: she told them that her observation is that both the victim and the accused seem to be very vulnerable personalities and their basic character seem to be close to each other.

Or: she asked the accused if he was irritated by the appearance of the victim?

But she soon realized that looking backwards was a 'dead end'. That the parties rather needed clues and guidelines for the future and not explanations of the past. She could serve the parties' needs by giving up searching for explanations (*'Although I was thinking a lot about explanations for the events, I think it became unnecessary to report them. At this point you need rather help in focusing to the future – How to proceed'*.)

Finally she has found her place in the PMC very flexibly. She tried to give personal aid to the accused's mother – who lagging a bit from the other circle participants as she progressed least in the working through process and she was much more stuck in her negative feelings, shame and disappointment about the accused. The psychologist realised this discrepancy and tried to help her catch up.

### 5.2.7. Questions' impact on the circle

There were some additional questions used, such as:

- (towards every circle participant:) 'What does friendship mean to you?'
- (towards the accused's supporter:) You mentioned that the accused (they name him) has changed a lot as a consequence of the events happened. Could you explain in what sense?'
- (towards the community of care:) 'How do you see the two boys in the light of the previous rounds and moments of the PMC?'
  - Keepers found these question important because participants got an 'extra opportunity' to give feedbacks to each other and speak more open and complex about their feelings.
  - Keeper1: reflected that it had to be asked at the right time to fulfil a good role: strengthen the boys.
  - Keeper2: reflected that she was not sure that the participants will give positive, reinforcing answers to these question. But she asked this question as a test for having feedbacks from the parties about how far they are from relief and offering opportunity to express any doubts should they have any.
- (towards the victim and the accused: ) 'How do you see each other now?'

Keeper1 asked personal, clarifying questions from each participant, which was important due to the different levels of personal affectedness and stages of digest. (e.g.: 'Could you tell examples what do you mean by getting to the recognition that the victim is different than the picture you have developed about him? What kind of person he is?' Or: The mother of the accused expressed her disappointment by not knowing about the blackmailing. Keeper1 asks: 'Do you have an idea why your son hasn't told you this?')

### 5.2.8. Keepers' less Neutral Role in the Circle

Although they asked quite a lot extra questions, keepers experienced that it was a 'self-functioning' circle. They did not have to take many efforts to govern the circle, it directed itself. They also said that this was a PMC where the original scenario planned worked almost without modification and the circle went through the phases spontaneously. They only had to give time and a safe space for discussion. They also reflected that their roles had been specified: keeper1 focused on more personal, emotional revealing due to her more active participation in preparatory work, and thereby more personal relationship with the parties. E.g. she asked more personal questions and also included a personal story. Keeper2 included more social dimensions, which were related to the community and the broader society, because she wanted to balance keeper1.

**Keepers' most important roles/functions:****Evaluating keeper's contribution to the circle**

Keeper 1 (local probation officer PM)	not at all			very much	
Guided through the circle stages	1	<b>2</b>	3	4	5
Summarized arguments, important statements and such	1	<b>2</b>	3	4	5
Asked specific questions	1	2	3	<b>4</b>	5
Expressed own opinion	1	2	<b>3</b>	4	5
Described legal consequences of success/failure	<b>1</b>	2	3	4	5
Put the TP away	1	<b>2</b>	3	4	5
Restored power-balance	1	<b>2</b>	3	4	5
Else:.....	1	2	3	4	5

Keeper 2 (civil PM)	not at all			very much	
Guided through the circle stages	1	<b>2</b>	3	4	5
Summarized arguments, important statements and such	1	2	<b>3</b>	4	5
Asked specific questions	1	2	3	<b>4</b>	5
Expressed own opinion	1	2	<b>3</b>	4	5
Described legal consequences of success/failure	<b>1</b>	2	3	4	5
Put the TP away	1	<b>2</b>	3	4	5
Restored power-balance	<b>1</b>	2	3	4	5
Else:.....	1	2	3	4	5

**5.2.9. Power relations Impact on the Circle**

The Circle was balanced and power-relations were not a dominant issue. The unequal number of supporters could have easily caused imbalance in the power relations, as the victim came with one supporter and the accused came with three. The fact that the mother, sister and girlfriend of the accused were secondary victims of the event had an additional balancing role in the circle: they could support him on one hand but also expressed their own feelings on the other hand. Therefore they contributed to the confrontation of the accused with the consequences of the harm done.

**5.2.10. Security Issues Impact on the Circle (confidentiality issues)**

Confidentiality was not a central issue during the PMC. Sound recording was allowed. But there was an aspect worthy of mention, that neither the victim nor the accused wanted to widen the circle towards their friends or dorm-fellows. Besides the shame-factor it can be also seen in connection with the aim for a sense of privacy. This led to the consideration

whether involving a wider community would raise the risk of a less confidential atmosphere?

All participants respected the confidentiality of the PMC to the extent that at the end of the circle the victim's family asked for permission from the accused whether they can tell what happened in the PMC to the victim's mother (who couldn't be present).

### 5.2.11. Social and cultural diversity of participants Impact on the Circle

Diversity was not a dominant aspect of this case. Both families seemed to have similar social and cultural background: the victim and the accused were approximately in the same age, the families were middle-class families living in the countryside of Hungary. Although the accused expressed that the victims' 'supposed wealth' was among the motivations for blackmailing him. He thought that the victim was vaunting by having expensive clothes and accessories, which annoyed him. He reported that later, while blackmailing he realized that what he diagnosed as 'vaunting' was a defence strategy of the victim to cover his vulnerability. It made him empathetic and started to feel sorry for the victim.

The similar backgrounds helped the parents to empathize with each other and understand each other's perspectives. There were some points of the circle where they expressed empathy towards each other. E.g.: the victim's father expressed that he understands the accused's mother and empathizes with her disappointment: *'I see that you are more indisposed than us. This case could be even more difficult for you than for us.'* (victim's father)

## 5.3. EVALUATION AFTER THE CIRCLE

### 5.3.1. Reaching restorative goals, success in the circle (regarding relief, forgiveness and regret)

In spite of the huge amount of financial damage, financial reparation had a secondary importance during the circle. Symbolic reparation was much more crucial for the parties. They focused on the reparation of relationships: between them and within the family members of the accused.

### 5.3.2. Was there a noticeable impact on the larger community?

The impact could be sensed on the level of the community of care. This PMC failed to involve a wider level of community (e.g.: friends, dorm-fellows).

According to the keepers' reflection, if some friends were present from the company of the victim and the accused, the emotional richness and maturity of the two youngsters would have surprised them a lot and could have served as a constructive example for the whole community. A common friend could have helped following the PMC to further facilitate reparations of the friendship between the two guys. But due to the deep emotional involvement of the participants the keepers nevertheless found it relevant to handle the case in a PMC setting and after the PMC they evaluated it as the right decision.

**Restorative success**

	not at all			very much	
responsibility taking	1	2	3	4	<b>5</b>
redemption/remorse	1	2	3	4	<b>5</b>
better understanding of other party ( <i>more from the accused party towards the victim than vice versa</i> )	1	2	3	4	<b>5</b>
acceptance of restitution	1	2	3	4	<b>5</b>
relief/healing	1	2	3	<b>4</b>	5
Etc.:.....	1	2	3	4	5

Regret, responsibility taking and forgiveness /acceptance in the circle	not at all			very much	
By words	1	2	3	<b>4</b>	5
By non-verbal signs	1	2	3	4	<b>5</b>
To what extent found victims' regret and responsibility taking honest and satisfying?	1	2	<b>3</b>	4	5
To what extent found offenders forgiveness / acceptance honest and satisfying?	1	2	3	<b>4</b>	5
To what extent found circle keepers the regret, responsibility taking honest and satisfying?	1	2	3	<b>4</b>	5
To what extent found circle keepers forgiveness / acceptance honest and satisfying?					
Were there turning points of responsibility taking?	<b>1</b>	2	3	4	5
Were there turning points of forgiveness / acceptance?	1	2	<b>3</b>	4	5

## 6. PMC H6

**Dóra Szegő, Gabriella Benedek**

### Brief Case Study

Neighbours reported by telephone to the police about some breach of peace in a pub at night, well after the regular closing hours. Two policemen were sent from nearby police-station to see about it and take action. Having arrived, policemen realized that there are too many people staying in the place, so they asked for. As the third policemen arrived they took action. The saloon-keeper was drunken hard and refused identity check. The policemen continued procedure by writing up an official note in the controlling log. The accused tore the page out of the log, and refused to sign it. As a consequent, policemen informed him about initiating proceedings against him due to an offence. The accused, subsequently, used derogatory expressions to the three policemen, who prosecuted him. The prosecutor proposed to divert the case for VOM.

The probation officer mediator proposed to implement PMC primarily because its presumed concerns for the neighbourhood community, in order to prevent future disturbing conduct. The preparation for circle revealed that the sad occasion of the noisy bash was a closing party, as the pub went bankrupt, so the preventive and the neighbourhood focus of the circle became uncalled-for.

The composition of the circle was expanded by an assertive supporter for the accused – his friend and sidekick, and by a former policeman, a restaurant owner at present. The accused arrived ashamed and immediately apologized for what he had done and said as drunken as he did not even remember. One of the victims was wearing a uniform and his URH walkie-talkie was on as he was in service, which was an expression of the peculiarity of the circle was that dominated by men: only males participated except for one woman, one of the two keepers.

Eventually, the main issue in the circle, which slightly connected the participants, was the difficulties one experiences in conducting their profession and enterprise. This resulted in reasonable empathy for the other party. The accused invited the victims for dinner in their newly opening restaurant as a (probably pre-designed idea) non-financial compensation, which was refused, as the victims deemed it too personal compared to the nature of their actual relationship. In fact, policemen stuck to the ultimate financial compensation in order to make the accused remember it and to ensure he behaved differently next time. Nevertheless, each of the victims decreased the requested amount after learning information about the measures of penalty to be already paid by the offender.

#### **Content of the agreement:**

Accused pays financial compensation, 10-10 thousand forints to each of the three victims within two weeks after the circle,

#### **Fulfilment of the agreement:**

**The financial compensation was completed** in the presence of the keeper (probation officer mediator). Parties met in a contented and relaxed atmosphere, without signs of further grievances.

## 6.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 6.1.1. Choosing the Peacemaking Circle Method - Considerations:

#### *Offence or Offender Specifics*

OFFENCE SPECIFICS. The considerations were based on the official documentation of the case before the preparation started. It was never reconsidered, however the circumstances.

#### *Availability of an alternative*

The prosecutor referred the case. There were two alternatives. If parties do not agree, and the case went to the court, the victims should have initiated a procedure subject to civil action, in which compensation could have been awarded.

The other alternative was the VOM, with an identical license to agreement as the one the circle had. Only the three victims, the offender and one of probation officer mediator could have participated.

#### *Decision makers (Who?)*

The prosecutor decided to refer the case for restorative justice, and the probation officer mediator decided to conduct a circle (consulting with the civil mediator, who was going to be the other keeper in the circle).

#### *Decision making (Why?)*

Keepers assumed that the PMC is an appropriate method for the case, because (1) there were a group of people witnessing the offence in the bar, and because (2) neighbourhood relevance of the case was assumed since the police had been originally called to proceed against civil disturbance.

### 6.1.2. Choosing participants to PMCs

#### *Who decides who to invite as participants?*

Besides victims and offenders, emphasis was made to involve and prepare appropriate community members. One of the keepers, the probation officer mediator invited the participants, as his task was the preparation. In the course of the process, he consulted the civil mediator.

#### *Who is invited?*

Three victims of the insult are invited and the accused. Besides that, one supporter of the accused, who was a friend and colleague and who was present at the act. There was a probation officer, as representative of the juridical system, and a special member of the community: a policeman, who was formerly accused and condemned for a crime.

There were an idea to invite the neighbours who were disturbed by the noise in the pub and/or the one who called the police for civil disturbance. Talking to the accused, the context of the act was clarified, and that is why the idea was discarded.

### *How are participants invited?*

The victims were invited by mail, and most of them were contacted by telephone calls, as well, except for the victims – these policemen were only contacted by letter.

The keeper responsible for the preparation decided to meet the accused personally, because he was the most informed party about the context of the act.

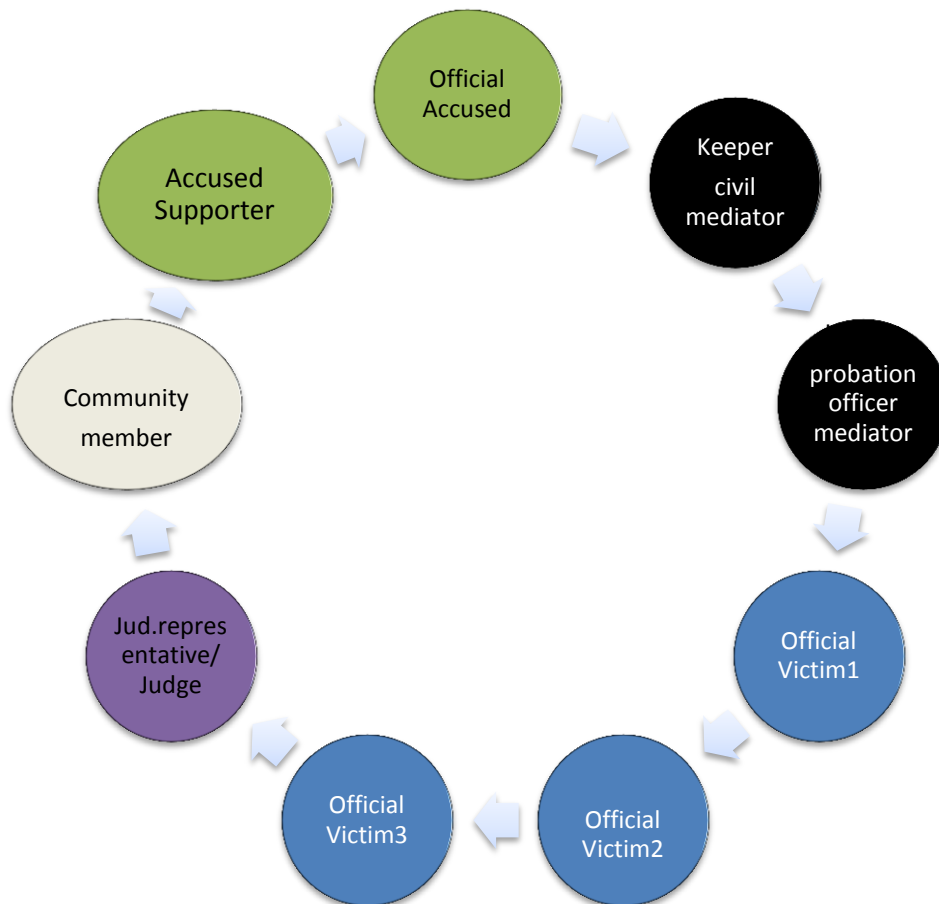
To compare, participants of VOM are generally invited formally by an official letter.

### 6.1.3. Implementing PMCs into the system

General feature of PMC's, described in the Hungarian 'Findings' chapter

## 6.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION

### *Seating arrangement*



The idea was to group the participants into four clusters: (1) the victims, (2) the offenders, (3) the 'extra participants', i.e. community member and probation officer, representing the judicial system, and (4) the accused and supporter. The victims and the accused side was intermediated by less involved/independent parties: the keepers on one side and the 'extra participants' on the other.

It turned out that the policeman labelled here as 'Victim1' was the most dominant and talkative person out of the three. When the talking piece was handed to him from keeper



to 'Victim1' from the right, as he answered the question, the other two victims, or claimed that they could not add anything to what had been said, or simply said 'pass', and handed the TP over to the left.

### 6.2.1. Fidelity to the Gatenby Model and Reasonable Adaptions

#### *Preparing Participants*

There was no thorough preparation.

Preparing of participants was focused on the explanation of the keepers role and the involvement of extra participants. Preparation interview with the accused served as a source of information for the keeper to add to the picture he had gained from the document. The preparatory interview allowed the accused to think about choosing and inviting a supporter for him.

In preparation phone-calls to the 'extra persons' focused on explaining their role and the course of the PMC and to motivate the persons (especially the one labelled as the community member) to come.

#### *Ceremonies*

The chairs in circle setting and the ritual of using the TP can be considered as ceremony. The greeting of the participants seemed rather restrained and official for the observers, but the greeting of participants conveyed respect as the keepers greeted each participants equally, in the same way.

#### *Talking Piece*

For the talking piece, a compass was selected. It was used in both directions. Keepers decided from round to round if they wished to ask the victims or the accused first. As a consequence, they handed the TP to the right or to the left (asking the accused first was a tool to balance power, in which the victims outweighed, both with respect to number, social status and position (later more about this).

As described in the introduction, there are times when the TP are out. This fuels the one-to-one discussions between participants. It was noticeable that the agreed communication rules were not violated either, when the TP was taken out. Keepers seemed to use this tool to regulate the dynamics, too.

#### *Were the four (or five) phases realized?*

(Meeting and introduction, defining values, building trust, identifying issues and needs, action plan)

All the four phases were realized, within a relatively short time (less than 90 minutes). Each phase after the other, in brief.

The probation officers and the person, present a community member contributed to the 'defining values' phase a lot.

As the accused expressed regret and remorse from the very beginning, thus did not encourage victims' ventilation further. This strategy was also linked to the definite unequal division of power in the circle.

The trust-building phase focused on developing empathy among the parties. It was realized by (1) sharing information about the situation of the accused generally, (2) about the circumstances of the case (i.e. it happened at the closing party before the pub was closed

because of bankruptcy), and (3) about the financial consequences, the fines the accused already had to pay with relation to the case.

In the 'identifying issues' phase, keepers also offered the parties to allow more openness on the emotional level, which they only moderately accepted. The central topic important for the parties was in close relation to the future agreement: whether victims can ask for financial compensation for non-financial harm they suffered.

However, in the phase of the action planning, feelings became stronger and came to the surface. Thus, the issue of compensation became central in the process, and implied lots of hidden passion. First, the victim offered a non-financial compensation (invitation for dinner in the restaurant he runs), and realized that victims rejected it because they felt it was inappropriate (too personal). In turn, the victims expressed their need for financial compensation. The supporter of the accused suddenly accused the victims with "black-mailing", as he felt that his mate in a trap: either they pay or they have to go to court.

As it was the victims who provided legal information on the issue, the power gap broadened further but the feelings calmed down.

In the final closing circle, participants agreed with the action plan and expressed relief over having been able to find a solution.

#### *Were other important circle features implemented successfully?*

In the circle, participants realized that the case had a universal human perspective as well. Both victim and offender admitted they have experienced hardships in their present work-life, and this helped to bring them to a common ground and created understanding and empathy (although it did not overwrite ultimate power-differences).

### 6.2.2. Specifications and Circle Characteristics

#### *What are Circle Goals?*

For victims, the goal was to get compensated and make an impact (primarily through the compensation) in order to prevent further repetition of such harmful behaviour.

For the accused, the goal was to find acceptable solution and close the case.

#### *Contribution(s) of Participants to Each Circle Phase and their Impact*

The supporter of the accused was very active, and took over most of the assertive, interest-articulating role from the accused. As the victim was very much humiliated, and the power balance was rather fragile, this was a valuable role.

The community member had a so-called 'bridging' role. The person was just member of the virtual community. The reasoning behind his selection was that the person, due to his personal background, was able to emphasize with both victim (as former policeman) and accused (as formerly accused and as an owner of a restaurant at present). His contribution modelled empathy to the parties, which promoted agreement and settling the issue in peace.

The probation officer, who was invited in the role of the "legal/judicial representative", on the contrary, did not make much difference with his contribution. It seemed, that neither his role or position, as nor his personal ability to share his experience or insights had

worth-while impact on the circle. When parties questioned the legality of asking for a financial contribution, this person was not able to provide information (in line with his role): no-one assumed he was the one to ask.

#### *How did Questions impact the circle?*

All the circle questions, which keepers prepared were the general circle questions, the ones, which always provide for the structure of the circle phases.

#### *How Did Keepers Interpret their Less Neutral Role in Circles?*

The specialty of the circle was, that only one woman participated, who was one of the keepers. She admittedly undertook to present a “rounder, smoother”, “connecting”, emotion-conscious communication style, complementing the supposed male-style communication, which is characterized as direct and “factual”, and “angular”.

Thus, the two keepers contributed to the circle differently, and the sum of their contribution equalled a whole. Keepers explained that such a division in style was convenient for them.

#### *Did Power relations Impact the Circle?*

Power relations seemed to be a key issue in this circle. The three victims owned sensibly more power than the accused. The following factors contributed to the power difference:

- the greater number of the victims,
- the morally superiority as victims (aggravated by the shame that the offender was blind drunk at the case)
- the social status of the victims as policemen (FUNCTIONARIES). The fact that one of them wore uniform even strengthened this.
- better communication skills, more intelligence
- more information and routine concerning the process and other official matters  
Keepers foreseen this constellation of power relations and prepared for it. The invitation of the supporter was necessary, which sat on the offender’s left. Also, the offender sat beside the keepers, who also supported him non-verbally, when needed.
- Out of the victims, one policeman became the informally the speaker, and the others just indicating agreement and passed on the talking peace. This also helped the communication balance, although expressed the unity of the victims’ “side”.
- Keepers intended to bring issues able to mobilize emotions, in order to evoke sympathy and empathy in order to balance “from the inside”. This means, that instead of maximizing their power, participants become ready to compromise for the sake of a resolution and reconciliation.

However, the anger on the accused side as late as in the phase of action plan may have been rooted in the feeling of oppression and lack of sweep.

*Did Any Security Issues Impact the Circle? (confidentiality issues)*

No. The atmosphere, or tonic of the circle was quite protecting. Beside expressing their needs, policemen openly expressed their caring attitude towards the accused, and did not want to misuse their authority consciously.

*Did the social and cultural diversity of participants Impact the Circle?*

It was not a really diverse circle. The power-differences made greater impact (see there).

*Were other circle Outcomes reached (added value compared with other methods)?*

The circle allowed for joining of two participants (the friend and the unknown “fellow” (community member), who contributed to a relatively balanced encounter. Victims had the opportunity too.

*Reaching restorative goals, success in the circle (regarding relief, forgiveness and regret)*

Symbolic compensation was realized in the form of apology and expression of regret. Accused offered symbolic compensation, but could not think of an alternative after it was refused. The refusal might have left hurt feelings behind.

Material compensation was agreed on based on a deal. Victims made a point of receiving financial compensation, although the harm was immaterial. The amount of the compensation was determined after deliberations about the penalty the accused had to pay in relation with the offence.

Accused took responsibility from the beginning, which facilitated efficiency in the process. Generally, attitude of the accused was quite open to solutions, while victims behaved empathic and open to negotiation about money.

**6.3. EVALUATION AFTER THE CIRCLE****6.3.1. Was there a noticeable impact on the larger community?**

The member of the community was not in direct contact with the parties. The PMC definitely enhanced victims’ trust in restorative processes, as the policemen openly expressed in the closing circle. They claimed that as defamation is a crime that concerns policemen, they would be happy to promote the opportunity for their collages, in spite of their former ignorance.

**6.3.2. Keepers’ satisfaction**

The keepers were satisfied, because the circle was complete and they experienced the benefit of inviting extra participants, especially that of the community member. Keepers in their evaluation emphasized that their new, less neutral role is effective being complemented by the Talking Peace. They were satisfied because certain emotional aspects of the case and that the circle built recognizable empathy between the parties, which effected the final agreement.

### 6.3.3. Was the action plan executed successfully?

The financial compensation was paid. Parties accepted that they hand over the payment in the presence of the keeper.

#### Evaluating keepers' contribution to the circle

Keeper 1	not at all		very much		
Guided through the circle stages	1	2	3	<b>4</b>	5
Summarized arguments, important statements and such	1	2	3	<b>4</b>	5
Asked specific questions	1	2	3	<b>4</b>	5
Expressed own opinion	1	<b>2</b>	3	4	5
Described legal consequences of success/ failure	1	2	<b>3</b>	4	5
Put the TP away	1	<b>2</b>	3	4	5
Restored power-balance	1	2	<b>3</b>	4	5
Else:.....	1	2	3	4	5
Keeper 2	not at all		very much		
Guided through the circle stages	1	2	<b>3</b>	4	5
Summarized arguments, important statements and such	1	2	<b>3</b>	4	5
Asked specific questions	1	2	3	<b>4</b>	5
Expressed own opinion	1	2	<b>3</b>	4	5
Described legal consequences of success/ failure	1	2	3	<b>4</b>	5
Put the TP away	1	2	<b>3</b>	4	5
Restored power-balance	1	2	3	4	<b>5</b>
Else:.....	1	2	3	4	5

#### Restorative success

	not at all		very much		
responsibility taking	1	2	3	<b>4</b>	5
redemption/remorse	1	2	3	<b>4</b>	5
better understanding of other party (more from the accused party towards the victim than vice versa)	1	2	3	<b>4</b>	5
acceptance of restitution	1	<b>2</b>	3	4	5
relief/healing	1	<b>2</b>	3	4	5
Etc.:.....	1	2	3	4	5
Etc.:.....	1	2	3	4	5
Regret, responsibility taking and forgiveness /acceptance in the circle	not at all		very much		
By words	1	2	3	4	<b>5</b>
By non-verbal signs	1	2	3	4	<b>5</b>
To what extent found victims' regret and responsibility taking honest and satisfying?	1	2	3	4	<b>5</b>
To what extent found offenders forgiveness / acceptance honest and satisfying?	1	<b>2</b>	3	4	5
To what extent found circle keepers the regret, responsibility taking honest and satisfying?	1	2	3	<b>4</b>	5
To what extent found circle keepers forgiveness / acceptance honest and satisfying?					
Were there turning points of responsibility taking?	1	2	<b>3</b>	4	5
Were there turning points of forgiveness / acceptance?	1	2	3	<b>4</b>	5

## 7. PMC H7

Dóra Szegő, Gabriella Benedek

### Brief Case Study

The offence is a civil case, which was not reported to the police. The crime was in fact a severe fight in a children's home for girls, around Christmas. A newcomer girl was beaten up by a group of others on the first evening after her arrival. The motives of the lynching were said to point to alleged former or actual insults or just because she seemed to look self-possessed. In the whirl of the fight she managed to phone her father and asked him to rescue her. After that she never returned to the building, being fugitive since then. The staff of the institution had to admit they could not interfere satisfactorily although the victim has signalled her feeling of intimidation and lack of safety. Stakeholders, the management, the members of the staff and *the girls* assess the significance of the incident very differently: from bagatellization on one end to consider it as a striking symptom of the institution's many-fold insufficiency.

The referee of the case was the in-house psychologist, who was seeking for external professional help to deal with the problem. The case was taken up in the framework of the PMC project. The damages from the concrete case and the far-reaching suffering from the malfunctioning system – they were both put on the table. Almost twenty proposed participants met the keepers personally during the preparation. The participation of the main victim was uncertain till the very last moment. Finally she did not turn up in the circle, neither that member of staff who was directly physically involved and probably victimized in the case.

The main challenges identified were the absence of the main victims from the circle and that there were so many different layers of the issues to talk about. Another challenge was the need for talking together (which was unprecedented) and the need for talking only among the staff (which could be, on the contrary, banal or frustrating). The circle was shorter for the *girls*, the staff stayed longer to talk among themselves. The main issues identified were inclusion of newcomers, gossiping, coping with feelings like anger and powerlessness and

The action plan phase drew on taking up personal commitments to change in attitude and behavior in the future. *The girls'* taking responsibility or showing regret was limited, as well as that of adults, who were understating the significance of the insult. Some members took responsibility and the managers realized their role in creating a more supporting working environment for the staff.

In the last part of the circle, the managers and the staff stayed among themselves, to talk more openly. The issues were support and acknowledgement and feedback, the lack of space for communication and segregation between the different castes of the staff. Some of the participants became aware of the similarity and relatedness of the issues identified from the lynching case and the ones lingering in the discussion about the working environment and the working relations.

#### Content of the agreement:

No written agreement or plan of action was produced. The majority opinion was that there was a need to continue the discussions in order to develop the institution, especially the communication. Keepers agreed to facilitate discussions in the future if there is a need.

#### Fulfilment of the agreement:

n/a  
(nb.: Until two months after the closing of the circle, there was not any call proposing the continuation.)

## 7.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 7.1.1. Choosing the Peacemaking Circle Method - Considerations

#### *Offense or Offender Specifics*

In the keepers' interpretation, the parties are members of the same community, that of a children's home. There are the young females (colloquially: the 'girls', who are to live there (between 14-18), and adults who work there in various jobs. The case happened in the building and there was a consensus that it was only the tip of an iceberg, the focal points of the case are related to/stem from and, at the same time, indicates the dysfunctional system.

#### *Availability of an alternative*

Since this was a civil case when no official complaint was made, the alternative was to neglect the case (do nothing), or to react to it by disciplinary procedures and sanctions. The other, rather theoretical alternative was to report the case in the form of a complaint and turn it to a case in criminal justice.

It is important, for the records that it was difficult for the institution to find a mediator, who undertakes the work. The reasons were lack of competence in the special field, the lack of time or the amount of the fee offered for the work. The budget of this and similar institutions usually cannot afford paying specialists, nor they have access to independent expertise provided within the child welfare (social) establishment. The PMC budget for the implementation of circles provided an unexceptional, un-systemic solution this time. Normally, the mediators/service providers have to size up the situation whether they have organizational capacity to taking unpaid social responsibility jobs or not.

#### *Decision makers (Who?)*

The deputy principal and the principal of the institution played the crucial role as a referral of the case. She interpreted the violent case as a symptom of the malfunctioning organization and problematic staff. After that, the turning point was her decision to bring the problem to light and dare to involve someone from outside. These considerations entailed the next steps: contacting a civil mediation agency and asking for professional help with the situation. The leader of the agency agreed to start to prepare the case, assuming that the PMC method could be appropriate frame for handling the case (after financial considerations explained above). After the decision by the referrals, this was a second, complementary decision, which led to the peace making process.

The third group of decisions was that of the potential participants. It was their choice to decide to come to the preparation interviews or not, and then, to the circle. (the process described under *Preparation*.)

#### *Decision making (Why?)*

Most of the arguments have been already explained. There are two aspects of the PMCs which need to be mentioned here.

ONE. Both the concrete case and the system incorporating the case (its relevance has been pointed out above), concerns numerous human beings (with a large intersection of

the two sets). PMCs are supposed to be able to handle many stakeholders with their different levels/aspects of involvement.

TWO. The offence has to be interpreted in the context of the institution (just to mention one determinant feature is that these *girls* are legally compelled to be in the home going through long devastating proceedings of the guardian court.) PMC is supposed to be able to address and tackle damages made on different levels with a systemic approach without depersonalizing the harm done.

### 7.1.2. Choosing participants to PMCs

#### *Who decides who to invite as participants?*

After a few introductory phone-calls and interviews with the main clients, the ‘hosts of the case’ (the deputy director and the director), when they have basically decided on the scope of the circle, the keeper, (the one in the foreground in the negotiation/preparation phase) asked them to think over “the persons whose participation would be needed to talk effectively about the chosen scope of issues. After that they listed the names.

#### *Who is invited?*

There were altogether at least 15 people invited: from among members of the staff and from among the girls living in the institution. The girl, let her be referred to as Jenny, who was primary victim of the concrete case was only a hypothetical invitee, since she had been missing since the fight from (in fact, she escaped from her father’s place who had been asked to save her out from the institution in the night of the big fight).

Thus, Jenny, she was fugitive at the time of the preparation. Although she was finally contacted and invited by a member of the staff, the general public opinion doubted her willingness to come to the meeting (related to the fact that she would by no means come back to the institution.) Keepers always provided an opportunity for her to meet up for a conversation, and consequently, the chance of having her in the circle was theoretically there until the last moment. (later more about its implications)

#### *How are participants invited?*

The director and the deputy director invited the listed people, in fact, it was the request of the management of the institution to come to the interviews. Practically, a time-table were made to arrange the interviews. Each person had the chance to talk personally with one of the keepers. Nevertheless, some of the people, finally, could not or did not want come to the circle finally. The process took for two days.

### 7.1.3. Implementing PMCs into the system

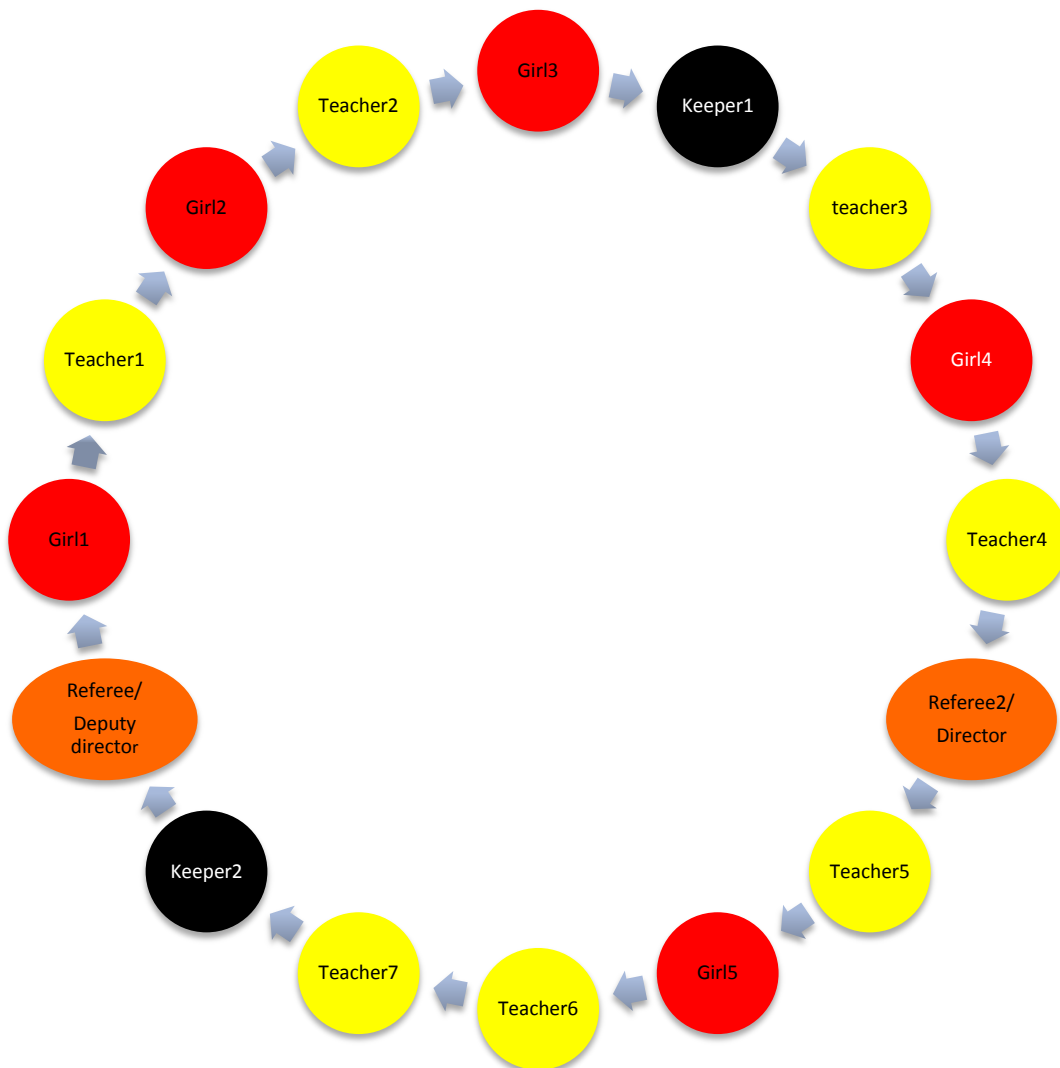
General feature of PMC’s, described in the Hungarian ‘Findings’ chapter.



## 7.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION

The criteria was to prepare the participants so that they sit down together and maintain constructive communication about the concrete violent incident and about the problematic organizational issues, which had been identified by the main clients and partially in the preparation interviews. Thus, the success was evaluated in line with (1) the integration of different subgroups, and (2) the integration of the different goals and expectations put up for the circle.

### *Seating arrangement*



N.b.: As the case was not an officially reported criminal case, the seating arrangement refers to the categories most relevant for the context: besides the keepers, the teachers and the girls (dorm inmates) are distinguished, and the two managers, who referred the case.

The governing principles of creating the seating arrangement was to mix the 'girls' with the adults and to allow a supporter be close to each of the girls. There was an option not to have a prepared seating arrangement at all this time, but it was finally abandoned.

Some of the girls seemed to need the close presence of the supporter and the adults fulfilled these roles. Others tried to choose a new place in the break trying to rearrange the arrangement. Adults concerned handled these initiatives differently: one of them allowed it; the other one rejected the idea of changing place.

As to the keepers, they decide to sit vis-r-vis, to test the arrangement. In their reflection, keepers pointed out advantages and disadvantages of the arrangement. As a plus they highlighted the usefulness of a second opportunity to give an input once a round has started. As a negative, the less contact and sense of connectedness was mentioned, due to the larger distance between the keepers. The conclusion was that it's better for the keepers to sit beside one another.

### 7.2.1. Fidelity to the Gatenby Model and Reasonable Adaptions

#### *Preparing Participants*

The preparation was thorough and comprehensive. First phone calls and interviews with the referee and then the main clients (the 'hosts of the case', so to say). During the interviews, two circles of stakeholders were outlined. One was the management and staff of the institutions. Interviews revealed inner hierarchic structure and the dynamics of the community. Keepers learned that there were three distinct subgroups of the staff defined by the scope of activities: the preceptors, the matrons and the specialists (psychologist, special education teacher).

The topics of the interviews covered the (a) evocation of the incident and the each person's emotional and mental stand towards what had happened and towards the life of the institution, (b) explanation of the setting and possible functions of the PMC (c) building trust and understand the role of the keepers (d) considering the persons' needs and anxieties with respect to participation, and (e) what the individual goal of each person could be in the circle.

As participating in the preparatory interviews was a request of the management, keepers explained that participation in the circle is completely voluntary. One member of the staff expressed his firm criticism about the idea of bringing on and "making much of "the incident. This person turned the invitation to the circle down. However, another colleague, holding similar view in the question and a very sceptic attitude to the method, agreed to come.

Some risks were identified after the preparatory interviews, such as keepers assumed that sitting in the circle for the hours could be too demanding (strenuous and frustrating) for *the girls*. This is why the seating arrangement was designed to support their well-being as much as possible: each girl got seated near to a support person, who – as it turned out later –carried out this role gently Another challenge was to define an appropriate goal for the circle, in which the girls and the staff could participate together, knowing 99% sure that the main victim of the violent incident would be absent.

#### *Ceremonies*

Due to the preparations each participants knew each other and the keepers personally. The ceremony was made up of three parts. The special arrangement of the room, the refreshments prepared and the relatively warm and reassuring welcome from the keepers when participants were entering the room created a ceremonial atmosphere before the circle started.

After the introduction of the TP and its functions, a short fable was celebrated, an explanation, why the keepers selected to use the given object (a large ball of wool). This *speech act* served as part of the opening ceremony, condensing the keepers' previous understanding of the situation AND the expression of hope and reassurance of positive energies the community can build on. "This ball of wool, one can see how many different threads are in there ... pulling one, it feels on to the other, the others...as we learned, handcraft, embroidery are groovy and important here for many of you.."

Also, the first round was a pillar of the ceremony, insofar as it created a special atmosphere and evoked connectedness and constructive energies. Of course, this rates to the "trust-building" phase as well. The first round sounds like an upbeat. "Think a little and share one thing which connects you to this institution". Even if very shortly, by only one or two words, each participants checked-in *personally* the circle by mentioning something valuable.

### *Talking Piece*

The explanation was very nice, accurate and sensible. The keeper used only affirmative phrases, no prohibitions (talk, believe, listen, pay attention, pass on).

The shape and soft material of the TP encourages people to throw it, and keepers (sitting far from each-other) happened to start doing that. They could throw the wool-ball to any person who is asked to start and answer first in a round. This added dynamics and diversity to the circle, without keepers having to get up from their chairs. Observers did not register any violation of the rule of the TP, and noted that the circle setting, the presence of the keepers and the TP altogether exceedingly regulated the process.

### *Were the four (or five) phases realized?*

(Meeting and introduction, defining values, building trust, identifying issues and needs, action plan)

Yes, the all the phases were realized. Keepers emphasized explicitly the importance of TRUST in the introduction and the values phase as well. Interestingly, girls mentioned people or objects of the life-world, while adults mostly abstract notions (e.g. values and professional principles) with regards to trust and values. Trust was mentioned in the sense of "TRUST THE CIRCLE", quoted by one of the keepers (referring to both the process (method) and the participants)

The 'IDENTIFYING ISSUES' phase is very tricky because the participants are concerned in very diverse ways. For the question: "What do you remember? What have you heard?", instead of telling a story, some facts or details, participants felt the need to define their relatedness to the incidents, including the taking of responsibility, itemized (latter is true for the adult participants) and naming the most intolerable moments. This round showed that several indirectly concerned members of the staff had been victimized. (The primary victim of the fight and the most concerned matron were absent. The other matron, who had been directly involved in the incident, openly denied her being damaged by belittling the incident and then blaming herself for having been incapable to handle the situation (pointing to the fact that she was then a completely new worker in the institution).

It was a large circle, there were 15 people altogether, and thus one round went for a long time in spite of no one was speaking exuberantly. In the next round keepers chose to focus on a motif, which (1) link the concrete incident with general working/living conditions in

the children's home and (1.1) get elevated from the concrete case, and which (2) was still relevant and real for each of the circle participant, and also (2.2) could supposedly evoke answers on the personal level. The question that went around was "*Being a newcomer here, what was it like? What's Your experience with inclusion here?*" Keepers assumed this question will tap the pains and needs in the room, too. The hypothesis were right. The themes were put on the table naturally and the intersection between girls and staff was dissolved amongst the reminiscences of difficulties, sufferings and self-protecting or coping strategies.

Observers agreed that sharing personal stories are far more influential in the circle than going on general, abstract, or philosophizing.

**ACTION PLAN PHASE.** Keepers facilitated this phase by pulling out three issues from the previous conversation and highlighted them as foci of possible future changes. These were 'Tackling Gossiping', 'Inclusion of New-Comer's, and 'Handling Anger and Impetuous Emotions'.

"*Could You please think of one thing You can do differently, that You could change in order to make any of these problems easier? Something, You can take responsibility for?*" – the instruction went like that.

Generally, the action plan phase went rather jerky. Participants tended to say generalities, some of them openly rejected changing something, others gave more or less open advises on who should do what differently. Keepers conversed a little with each people in the line about what they said: asked for explanation or challenged them. It was very difficult for speaking 'I language' and utterances showed that only a few agents of change are there.

It is worth mentioning that the girls' planned actions (future strategies) tended to point to the avoidance of conflicts and to 'I'd-better-mind-my-own-business' kind of attitude, and that further articulation of needs and pains continued in this phase, too.

There was a so-called 'after-circle', when only a fraction of the participants stayed to continue discussion.

Irregularly enough, to maximize circle's proceeds, keepers decided to maintain a private time and space for the staff to talk, so after a swift closing circle (It was good.. it was good, I'm tired..) let the girls go. The adults did not change their places, just pulled their seats closer to each other.

There was swinging between denying/belittling that there was a problem at all, and a few voices needed to reclaim that there were. The keepers had to refuse the ownership of acceptance or denial.

An outcome was that participants appreciated the useful contribution of a third party who moderated the discussion, and that the majority of the participants committed to continuing and strengthening of the communication.

### 7.2.2. Specifications and Circle Characteristics

#### *What are Circle Goals?*

The circle's goal was dual. On one hand, it was to work with the incident, which happened two months ago, by (1) identifying and venting about harms and injuries in connection with

the case, and (2) facilitate taking bits of the responsibility and (3) making up preventive strategies. "Let's try to understand it...and step forward...to calm emotions down. On the other hand, there were another bunch of goals in connection to general dysfunctions of the institution: to put them on the table and identifying issues, which needed to be dealt with.

To identify and inspire capacities and potentials to work with the issues in the future and to offer a good enough experience that they are capable of talking and hearing each other about the pains and problematic issues in a constructive way.

Eventually, the circle modelled a way of working with the girls towards conflict resolution for the participating professionals.

THE MOST SCEPTIC participant, in the 'adult-only after-circle' said: *"I feel as if we had rolled away from why we originally came... But OK, let's vent, why not?"*. It seems that to talk about the damages caused by institution's dysfunction beyond those closely related to the concrete incident was not at all consensual. Some of the participants were reluctant to participate on this level, and expressed criticism. *"I feel a bit lost. I thought we are in a peace-making-circle... But I'm trying to join You, having this heart-to-heart."*

#### *Contribution(s) of Participants to Each Circle Phase and their Impact*

After the break, at the beginning of the action planning phase, after asking the question for the round...

*Keeper paused and hesitated, to whom she shall hand the TP over. After a moment, one girl spoke out noticeably loud: "Ms. B. shall start". "Why?"- keeper asked. "Because she is the director!" This was sort of a breath-taking moment, because not any of the girls had initiated anything before, as they had been just briefly answered the questions... The keeper dropped the ball of wool to the lady, who laughed and commented nervously "Thanks for giving me the right to speak, darling". "So, if 'I am the director' ...I will try to help with, when a new girl arrives, We do not just get her unexpectedly...", and she told one or two more sentences like that.*

Why it is worth describing this so thickly is because what the girl had said sounded very sensible, and there was truth in it in general terms, too. Many would silently agree that there was an urgent need for leadership in order to consolidate the institution. Keepers and observers identified the scene as a 'magic moment', when the 'wisdom of the circle' manifested. However, the response of the director revealed that, unfortunately, she was not kind of the leader meant and that she did not have a clue what she faced. ---

The psychologist's contribution was a comprehensive development plan, a summary in the end of the whole event. The most sceptic participant contributed by stating his difficulties to talk openly, and his wish to talk separately to the colleagues. This genuine expression of needs gave a clue to keepers how to continue the circle, whereas they set a model of positive reaction to the expressed needs.

#### *How did Questions impact the circle?*

Questions gave structure but participants did not stick to what the question was. The round question *"How do you remember? What is important to you?"* also elicited answers relating to (1) participants' expectations, what the goal should be, (2) identifying

issues, connecting the case with other situations or general characteristics (3) claiming positions (*I'd not forgive her, but I won't, because her father talked me off*) (4) explaining own behaviour or (5) examining responsibilities (*I think no one made a mistake, but me. Through no fault of her own.*) (6) reflecting on what others have said. Such statements alternate with fragments of the story of the incident.

Besides round questions, keepers often interfere with helping or clarifying questions, which help the speaker, further articulate their feelings or thoughts. (*How does it feel to remember what had happened to you elsewhere?*). Sometimes these interfering questions are thought provoking (*Who decides, if there is really a problem or not?*)

No matter which type, keepers interfere with maximum connectedness to what is happening in the speaking, thus they are aware of the themes and of intrapersonal and interpersonal (restorative) processes, and stitch the questions to one of those – probably it is the one which they think is the most constructive at the moment.

### *How Did Keepers Interpret their Less Neutral Role in Circles?*

The keepers heavily emphasized the circle's values, for example *trust* and *solidarity* "Who are feeling better can help those who have had a hard time". Keepers were expressing a lot of support and appreciation for the community for undertaking the organization and participation in the circle.

The keeper emphasized the goals of the circle very positively: as it was an opportunity to "pronounce openly the thoughts, deemed important", as if they were campaigning for speaking up. Keeper justified the "after-circle" by highlighting that the "the working with the girls depends on how You can cooperate, as many of You said already".

Keepers were able to change the perception of their role when the dynamics in the circle changed. The starting round of the 'adults' circle addressed a need previously mentioned: "*What makes You feel that colleagues support You?*" It was eye-striking how the framework has been loosening and, that therefore the previous pace and order of the circle dissolved after the girls left. Even the keeper fuelled this by asking (for the first time). "*Who wants to start?*" Then one responded, she wanted to be the last one, then another one grabbed the TP and asked a different, personal question, then a third person asked for the TP and went denying that the whole issue exists as problematic. As the participants became more excited and their speaking got more heated, keepers get involved more and more as mediators, i.e. emerging in on-to one conversations with participants. For a while, questions-and-answers replaced the rounds, between the participants and keepers.

### *Did Power relations Impact the Circle?*

When the girls and the staff were together in the circle, the power relations were made blunt. Adult members of the staff were maintaining their professional roles and were keen on playing mostly the supporter role. Only the different status of 'old/experienced mates/colleagues' and 'new-comers' were differentiated and, besides that, the formal role of the director was highlighted. In the 'only-for-the-adults' circle, however, other power relations appeared unvarnished: there was the formal hierarchy between preceptors, the matrons and the specialists. It became clear, that there is a shadowing informal hierarchy the formal position of the director is questioned and that informal power played an important role in the institution.

*Did Any Security Issues Impact the Circle? (confidentiality issues)*

The circle is restricted by the missing participant(s). Keeper asks participants for self-restriction: t talk about themselves, not to talk about the ones who were not there.

*Since Jenny does not sit here, you shall talk about what you did, how you decided. Let's leave her.*

This request was obeyed, except for only one occasion, by another girl, who wanted to justify what she had not stood up for her mate. Keepers explained confidentiality rules in the introduction, stating "what is said here cannot go out from the room". For the observers, there were no factual confidentiality issues in the circle. Keeping the girls away from part of the circle reduced the potential risks on confidentiality. Thus, members of the staff could speak more openly together.

*Did the social and cultural diversity of participants Impact the Circle?*

The circle was quite diverse culturally (age, education background, position), but it was not what significantly influenced the circle. The organizational culture and its principles seemed to overwrite those differences.

*Were other circle Outcomes reached (added value compared with other methods)?*

The circle was able to include a lot of stakeholders with very diverse starting positions in opinions and in their relation to the incident. Participants had different motivation and ideas on what to talk about and how, but they agreed that they wanted to stay and improve the situation instead of exit. The circle's outcome was that participants had a chance to listening to each other and the keepers in a relatively safe environment, which made a *different* effect on each single participants, depending on the starting point, their position at the beginning. Thus, one event initiated many different individual changes deriving from the situation the circle maintained: people concerned with an issue listening to each other.

*Reaching restorative goals, success in the circle (regarding relief, forgiveness and regret)*

The main success in the circle was the building of trust for the precedential realization of a formal dialogue about harm and injuries, including the whole of the stakeholders. The preparatory interviews may also played a role in relief, but the circle, especially the adults'

The other restorative goal reached was the identification of issues and recognizing how these issues relate to one another. There were common points no matter how different people's background and motivation was. The circle was empowering for the weaker, powerless people in the community (who claimed to be relieved after venting), and it was challenging for the powerful ones, who claimed to get hard-pressed.

Participants were not so much concerned with the past, but concentrated on the future when they defined the goals. Many claimed, what motivated her was to make things be different (regarding the incident) at another time. Only a few took partial responsibility, and shared this with the others. A few individual action plans were drafted (but not a common one, yet). The feeling of regret was very limited, so was sympathy for the suffering of another person.

### 7.3. EVALUATION AFTER THE CIRCLE

#### 7.3.1. Was there a noticeable impact on the larger community?

We do not know, we have to go back and ask. But the larger community was very much present in the circle, which was a direct impact.

#### 7.3.2. Keepers' satisfaction

Keepers were partly satisfied, because the circle was complex and however there was progression towards the restorative goals, none of them fully completed. This outcome was predictable and realistic from the observer's point of view, but still caused mixed feelings. The keepers managed to let go of expecting fuller taking of responsibility or a written agreement, and try to exploit as much as possible of the circle.

Finding the balance between asking questions and contributing with analysis was difficult to maintain proportionally. Keepers felt they offered too many times too long explanations. The other source of dissatisfaction was whether they were clear enough in the preparation about the double focus of the circle, which turned out to be frustrating for some of the participants.

#### 7.3.3. Was the action plan executed successfully?

There was no formal agreement. Evaluating keepers' contribution to the circle.

Keeper 1	not at all		very much		
Guided through the circle stages	1	2	<b>3</b>	4	5
Summarized arguments, important statements and such	1	2	3	<b>4</b>	5
Asked specific questions	1	2	3	<b>4</b>	5
Expressed own opinion	1	2	3	<b>4</b>	5
Described legal consequences of success/ failure	<b>1</b>	2	3	4	5
Put the TP away	1	2	<b>3</b>	4	5
Restored power-balance	1	2	<b>3</b>	4	5
Else:.....	1	2	3	4	5

Keeper 2	not at all		very much		
Guided through the circle stages	1	2	<b>3</b>	4	5
Summarized arguments, important statements and such	1	2	3	<b>4</b>	5
Asked specific questions	1	2	3	<b>4</b>	5
Expressed own opinion	1	2	3	<b>4</b>	5
Described legal consequences of success/ failure	<b>1</b>	2	3	4	5
Put the TP away	1	2	<b>3</b>	4	5
Restored power-balance	1	2	3	<b>4</b>	5
Else:.....	1	2	3	4	5



**Restorative success**

	not at all		very much		
responsibility taking	1	<b>2</b>	3	4	5
redemption/remorse	1	<b>2</b>	3	4	<b>5</b>
better understanding of other party ( <i>more from the accused party towards the victim than vice versa</i> )	1	2	<b>3</b>	4	5
acceptance of restitution	1	2	3 n/a	4	5
relief/healing	1	2	<b>3</b>	4	5
Etc.: dialogue, open communication	1	2	3	<b>4</b>	5
Etc.: identifying issues	1	2	3	<b>4</b>	5
Regret, responsibility taking and forgiveness /acceptance in the circle	not at all		very much		
By words	1	<b>2</b>	3	4	5
By non-verbal signs	1	2	<b>3</b>	4	5
To what extent found victims' regret and responsibility taking honest and satisfying?	1	2	3	4	5
To what extent found offenders forgiveness / acceptance honest and satisfying?	1	2	3	<b>4</b>	5
To what extent found circle keepers the regret, responsibility taking honest and satisfying?	1	2	3	<b>4</b>	5
To what extent found circle keepers forgiveness / acceptance honest and satisfying?	1	2	3	<b>4</b>	5
Were there turning points of responsibility taking?	1	<b>2</b>	3	4	5
Were there turning points of forgiveness / acceptance?	1	2	3	<b>4</b>	5

## 8. PMC H8

### Dóra Szegő, Gabriella Benedek

#### Brief Case Study

The characters – victims and accused – in this petty crime are all simple folks struck by chronic illness, unemployment and impoverishment. Husband and wife were renting a small house with a garden from the owner in a village on the Plains for many months. After moving out, they left two old and battered cars parking in the garden of the rented house. The next lodger, apparently the sister of the owner, as she could not stand them any more got someone to take the cars away, which were worth 200-250 EUR altogether (including the value of the tool cabinet in the boot). The five owners (siblings and brothers/sisters in-laws) reported the crime to the police as theft.

Later on, the case was referred to mediation by the judge. During the preparation, the symbolic significance of the vehicles unfolded, as the siblings and spouses inherited the two cars after their late father/father-in-law. Although the little value of damage, the cars were important both functionally and symbolically for its poor owners. They agreed to mediation with the aim to get financially compensated and to gain information about the fate of the vehicles.

In the circle, the owners had a chance to reveal their feelings of grief and explore the meaning of the cars to them as their only heritage. This was heard by the accused, which deepened her taking of responsibility and regret. The financial compensation defined in the action plan reflected the need of the owners to be enough for them to replace the cars, and the circle was closed in reconciliation and a sense of forgiveness and a sense of mutual empathy. The circle was closed in reconciliation and a sense of forgiveness and a sense of mutual empathy.

#### Content of the agreement:

The financial compensation defined in the action plan reflected the need of the owners to be enough for them to replace the cars.

#### Fulfilment of the agreement:

Later on it turned out that the case was referred back to the court because the accused had never started to pay the instalments due to the agreement. The victims are still without compensation because the date of the trial is not yet scheduled.

## 8.1. EVALUATION CRITERIA FOR CIRCLE IMPLEMENTATION

### 8.1.1. Choosing the Peacemaking Circle Method - Considerations:

#### *Offense or Offender Specifics:*

It was victim-specific, indeed, because of the victims were family members. Also, the accused and one of the victims formerly had good relations.

#### *Availability of an alternative:*

In fact, *the PMC* was an alternative of mediation. Rather oddly, the case was referred by the Court, not the Prosecution Office. It was suspended for 5 months.

#### *Decision makers (Who?)*

The two keepers were both new to PMCs: this was the second circle for one of the keepers, and the first one ever for the other. This latter was the one, who suggested the case for a circle, in fact, the keepers consulted and then decided about it. The core participants of the case *accepted/took notice* of the fact that it would be a PMC instead of mediation, and that there was a possibility to have other people as participants.

#### *Decision making (Why?)*

Actually, there were five victims of the theft, who were relatives of each other. Moreover this, the object of the theft connected them in a material and immaterial way. The stolen car was, in fact a shared property of the five victims, at the same time, an object, which connected them symbolically, as it was their heritage from their late father. This connectiveness was the main argument for the PMC.

In other words, the monetary value of the object was minor, compared to the symbolic loss. The circle was a chance to address the harm caused by symbolic loss(es).

### 8.1.2. Choosing participants to PMCs

#### *Who decides who to invite as participants?*

The keepers' had a role-division: the "local" probation officer mediator selected the case, he did the preparation and he was the "host" in the circle. The civil mediator had a complementary role, which she regretted. In the keepers' reflection it was stated that a more balanced (equal) task-division, and a closer cooperation is needed for keepers' satisfaction.

#### *Who is invited?*

The four victims and the one accused were the core of participants. There was another victim (joint owner of the cars and also brother to three of the other victim.) He was invited too, but refused to come because of his living permanently abroad. He agreed the circle be kept in his absence by denouncing of any kind of compensation.

The accused was encouraged to invite a supporter on her side, but she was reluctant to do so. It was an option for the victims, but most of them treated each other as supporters.

Only one of them invited her husband. (Due to their outnumber the accused, the later was less of keepers' concern).

In order to broaden the circle of the core participants, the main focus was set on inviting a judicial person, preferably a judge. The keeper informed the Chief Judge of the County, who delegated three penal judges to the circle, with a definite stand that the concerned judge was not allowed to participate in the PMC. The reason for that was the conflict of roles. One of the three judges participated in the circle, while the other two were observing.

### *How are participants invited?*

Invitations were in the hand of the probation officer mediator. Participants were invited by letters, and also phone-calls were made to most of them. The official documentation of the case informed the keeper about the contacts of the victims and the offender. No direct, personal contact was made to any of the circle participants.

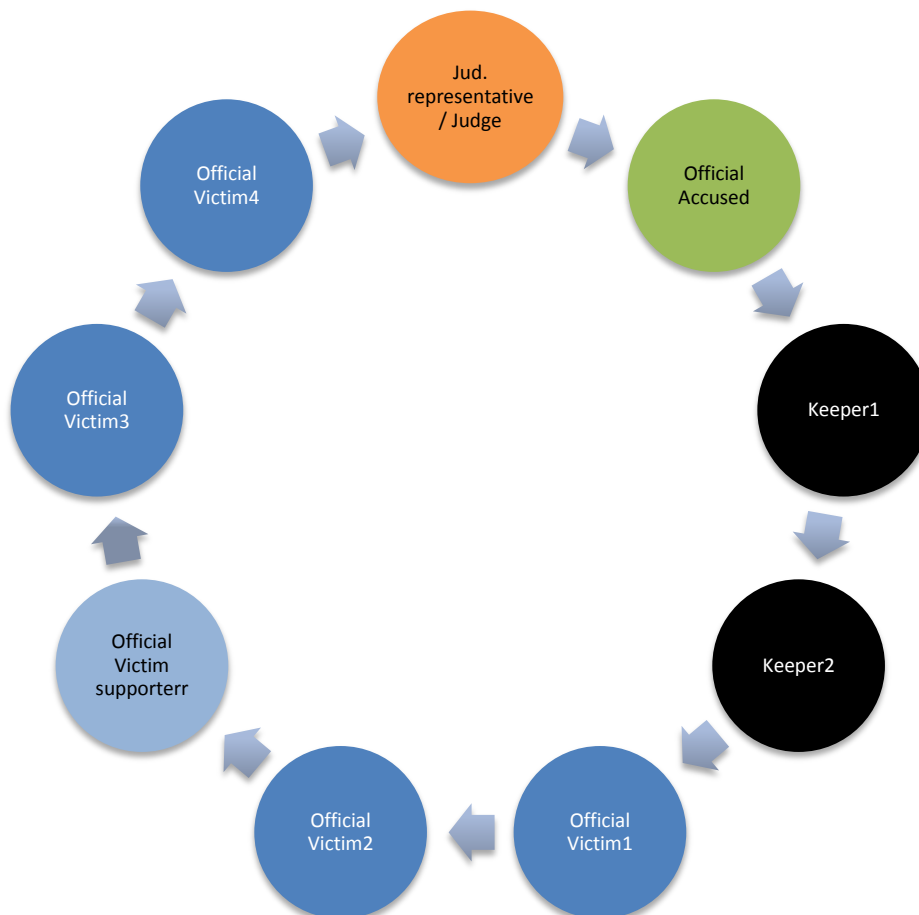
The judges, who came to participate/observe the circle were delegated by the Chief Judge, thus there was no direct contact made to them by the keepers.

### 8.1.3. Implementing PMCs into the system

General feature of PMC's, described in the Hungarian 'Findings' chapter

## 8.2. EVALUATION CRITERIA FOR CIRCLE FACILITATION

### 8.2.1. Seating arrangement



### *How was it created and how was it functioning?*

The four victims of the crime were sitting together (randomly) with a victim supporter, a husband of one of the sisters, then there was the judge to the right, then the accused, and then the two keepers. There was one person among the victims who was closely connected to the accused. If the keepers knew that before, this would have affected the seating arrangement. Although the keepers set close to each other, they did not seem to have effective (meta)communication with, thus they could only cooperate in a limited way. For example, when one of the keepers had to leave the room for printing the agreement, they did not agreed on the other's role effectively.

### 8.2.2. Fidelity to the Gatenby Model and Reasonable Adaptions

#### *Preparing Participants*

The preparation was lacking the personal element: there were no visits or comprehensive preparatory interviews. There were some concrete negative consequences, for example, preparation interviews could have shed light on a significant figure: the sister of the accused. Later it turned out, that this person was better to be part of the circle, because her absence provided the participants with a chance to scapegoating, and partly refusing the taking of their responsibility by referring to the agreement with this figure. Also, participants were mistaken in how long time the circle takes (they thought it was going to be an hour).

The need for a more thorough preparation as a learning point was reflected on by the keepers after the circle.

The training of the probation officer mediators in Hungary emphasize a minimalist approach to preparing participants, which had a profound justification stemming from the needed neutrality of the mediator. The circle-experiences challenged this approach and keepers reconsidered it during the case-conferences in the first trimester of the action research.<sup>7</sup>

#### *Ceremonies*

The keepers greeted each participant by shaking hands while arrival, and there were refreshments in the room, which were offered in a casual way. These basic ceremonies distinguished the circle from official VOM. Unfortunately, the accused was late almost an hour from the meeting (by mistake), which undermined a smooth starting point for the circle and fuelled the discontented victims.

#### *Talking Piece*

As keepers introduced the TP and explained it role, participants seemed to be keen to accept and respect it. They stuck to speaking with the TP in their hands and asked for it

---

<sup>7</sup> The probation officer mediators started to do more and more thorough preparations, step by step. The main motivation was to get those participants attend the meeting for whom it was not obligatory (supporters, experts, members of community etc.) or when they found the case complex or sensitive enough to be worth the extra effort.

when they wanted to talk. “May I ask the feather back?”, or communicate the same request by body language (reaching for the feather). Participants also reminded one another to the use, and through that, indirectly, to the rules (implying that it was not the keepers who had to do so).

The keepers’ introduction pointed out that the TP rules concerns keepers differently: that they can interrupt the circle at any point. The keepers, while interrupting, physically grabbed the TP. One example to this was when they felt that the answer diverged too much from the keeper’s original questions or when there was an unfolding one-to-one dialogue/discussion between two circle participants. Other times, keepers interfere even without gaining the TP at all (for example, to summarize what have been said, often with a reframing function. (It was reflected that keepers felt somewhat frustrated by having less opportunity to *be active* compared to the roles what they were used to. Some of their interruptions are basically unnecessary, indeed, and participant’s seemingly *off-the-topic* contributions turned out to be more constructive and sensible than they were conceived for the first sight. Participants seemed to be more comfortable with the delaying effect of the TP than the keepers.

A typical pattern of ‘customizing the use of the TP’ is the *loop*, which occurs when someone is directly addressed in someone else’s speaking in a round. Then, if that former person wishes to directly react, asks the TP back, tells her talk, then hands the TP over to the person, who comes next in the round. Keepers approve this practice by not interfering in it.

*Important circumstances of each circle phases (meeting and introduction, defining values, building trust, identifying issues and needs, action plan).*

The perception of time in the introduction phase was different for the two keepers. The probation officer mediator, who actually delivered this, it seemed too long. The structure and the content built a lot on the introduction generally used in official VOM, to the extreme of automatically mentioning the possibility of a ‘shuttle-mediation’.

The values phase was felt very thin and mixed with articulating participants’ expectations with respect to their goal or to the outcome of the circle. Victims: “A profound financial agreement should be the subject of the circle” or “let there be a car in the family again” or “let’s put a full stop, she shall compensate us”. The accused: I wish to get information, how I can compensate them.” Keepers summarized them in a reframing way, e.g.: *Victim: I wish to close the case. I had to take a day off to come! Keeper: “Your need is to pay attention to the time here.*

The keepers and the judge are the ones who mention values openly, like respect and paying attention. The judge highlights the opportunity the circle provides to trying to find an *alternative solution*.

Building trust phase was not a separate one, which means that no round(s) could be identified with this function. Some of the keepers moves (scattered all along the process) resulted in the building of trust (e.g. emphasizing the possibility of ‘pass’ as passing the TP on, or when keepers’ caring attitude manifested (as they prepared the agreement sooner for a participant who had pain so that she can leave). Also, when the memories of their former good relation unfold from telling the story, e.g. having looked after the victims’ dog etc. “We never had any problems with each other.” Thirdly, the presence of the judge was a trust building feature, which was fed back overtly.

When it came to the identifying issues phase, the judge was asked to do so. As she read the official documents, a scent of the court atmosphere returned to the room. The turning point was the identification of the topic “What have those cars meant to you” which raised the issue of the symbolic values of the loss, and made the accused gain a fuller understanding of the consequences of her deed. Also, this question opened the door to stronger feelings of grief, even for tears. With the next question “What does *heritage* mean to you” the circle reached its deepest point, raising a bridging issue, i.e. relevant for all participants (incl. keepers and the judge)

Complementary, there was another feature of this phase, what we called the “taboo of the shared secret”. It seemed that there was a silent (?) agreement between participants about not to mention some circumstances (motives or facts) of the case. This resulted in a fragmented story, which was evident for the keepers and the observers. Keepers’ reflections agreed that although the consensual withdrawal of information did not help to take the circle to its full potential, participant’s decision was to be respected, i.e. what they want to ‘bring into the circle’.

This phase incorporated the expression of regret and the acts of apology. Although accused gained this insight long time before the circle, having learned about the above mentioned symbolic content of the loss and how the loss effected victims’ lives, motivated the accused to not just recall but pass through the momentum, which was kind of a surprise for one of the keepers (who originally assumed that the case had ‘gone cold’).

However, the action-planning phase was mainly reduced to negotiating the compensation to be paid for the loss. The compensation to be paid was basically in proportion to the total sum of the losses. Although the needs which were mapped, no other forms of restitution have been addressed.

Whether the circle was closed by signing the written agreement between the parties *or* by a closing (evaluation) round was uncertain for the keepers. As they did not decide it before, it was an ad-hoc decision. Keepers reflected to this as a point to improve in the future.

#### *Add other important circle features*

Generally, the feelings that come up to the surface in the circle are very welcome. In the circle, these feelings effect the participants. Facing the results of their deed accused tend to take more responsibility, or, on the victims’ side, working through the harm. Keepers’ competences to handle such feelings may vary, as it is the question of their background and emotional endurance. How much space keepers allow for feelings depends on these and also on the aim set for the circle. In this case, as it turned out that grief is a massive underlying issue, there was a risk that it may lead to reactions that keepers not be able to manage or that circle turn to a direction where therapeutic competences would be needed.

### 8.2.3. Specifications and Circle Characteristics

#### *What are Circle Goals?*

Besides the ones, mentioned above at describing the phase of the values, the need for information about the circumstance and about the fate of the cars should be highlighted here. Victims definitely longed for information like “What exactly happened to the cars”, “What did the neighbours think?” the accused was reluctant to answer these questions, in spite of the repeated questioning and the justification of the request. (Observers and keepers assume that this is related to confidentiality issues. See the details there).

#### *Contribution(s) of Participants to Each Circle Phase and their Impact (community and legal representatives)*

The judge’s contribution is worth investigation. Her own goal with the participation was a professional one, as she wanted to learn about the PMC method and experience it. At the beginning she was asked to sum up the case. Then she promoted the restorative alternative, emphasizing its advantaged over going back to the court.

In the break, before the beginning of the phase of making up the action plan, participants expressed that they insisted on the judge’s presence. It is clear that the judge could help the parties in decision making on the agreement/action plan.

The judge cleverly maintained a two-fold role throughout the circle: when directly addressed, she answered as a legal-expert, when taking her turn in the rounds, she shared her personal views, but no personal stories or emotions were shared from her side. As to the communication pattern, the judge stuck to addressing the participants formally (with a very formal linguistic addressing) all the way through, while the others were on the first name terms with each other.

There was only one special momentum, when the judge spontaneously interrupted the circle (violating the rules of the TP) and asked the accused a question as if a judge by her role. She wanted to clarify the motivation for the crime. The accused, in fact, evaded the question.

The keepers felt a bit embarrassed by the presence of the judge, when they had to explain the expectations from her before the circle (It was a big success in the preparation to get her into the circle). Perhaps because of the respect for authority, keepers addressed the judge quite soon in the introduction phase.

The presence of the judge represented the state’s criminal authority. Keepers reflected that the judge’s presence provided for a more serious atmosphere for the circle and made the participant more disciplined (restrained) in their communication without reducing the extent of emotions expressed.

The keepers experienced that it was still possible to maintain the keeper role with a Judge being present (coming from another realm (culture) of criminal justice). “The judge in the circle was active, but did not over-dominate the circle”.



### *How did Questions impact the circle?*

Questions asked by the keepers fall in two main categories: the 'round questions' for whole circles are one, and other questions asked "on the way" are the other. The questions (or rephrasing of previous questions) falling in the latter category sometimes expressed the keepers' need for more participation in and/or control over the flow of the conversation, however the necessity of the interruption was not always proved for observers.

The set of the main "round questions" was part of the keepers preparation. The underlying principle was to facilitate the phases and set light on symbolic aspects of the harm. However, the rounds could not be realized mechanically: a careful listening in the "identifying the issues" phase helped the keepers pick the relevant (but not predictable) issues identified by participants themselves through the conversation. Thus, some of the round questions were improvised on the spot.

Participants also asked questions from each other. The victim's main goal was to find answers to their questions in connection with the stolen objects, like "How come, You were able to do such a thing" and "What happened to the cars exactly?" The answers to these questions were also needed for reconciliation, besides financial compensation. However, this need could only partially fulfilled – a few questions remained unanswered.

The legal representative, the judge had a special role. Her professional questioning also revealed her need to get the fragmented story completed.

### *How Did Keepers Interpret their Less Neutral Role in Circles?*

Keepers shared their own vision about the goal of the circle, complementing (contrasting) what the participants expressed. The civil keeper emphasized the symbolic aspect of the harm, and its importance in making a sustainable and peacemaking process for the parties. (NOTE: this aspect ...)

Also, a caring aspect characterized the keepers, as they reacted to the emotional and physical needs of the participants, for example, when offering to take a break before starting the action plan phase. They help to handle the situation when and after there was someone crying in the circle.

Keeper once contributed with a story "I also knew someone, who....". The story highlighted the connection of the value of the car for the victims and the value of the relation with the person, the car embodied for them.

### *Did Power relations Impact the Circle?*

The victims dominated the circle, so to speak.

On one hand, they were superior in number (5:1) and in social status as well. Plus, of course their inevitable victimization and moral counted as an advantage, power-wise. Also, the victims were unified, as there was no difference in particular victim's interest and, as members of one family, they served as supporters to each other (although, one of them was the opinion leader, kind of a spokesperson). As a result, victims managed to put forward their immanent claim, that the compensation should cover the cost of the replacement of the vehicles, instead of just paying the estimated value of the given old cars. Due to the agreement, the accused was to pay 150% of the cost defined in the documents by

the damage assessment. (120000 HUF compensation compared to 60-80000 assessed damage HUF)

The fact that the accused decided not to invite a supporter, sealed the status quo.

The power relation described above resulted in the accused inhibition to fully articulate the hardship the payment of the compensation meant to her, although her general complaint about her health and nervous problems are mentioned to underline the negative effects of the case on herself. Another self-empowerment strategy was to refer to her daughter, who 'works in the field of justice', admitting/mentioning that it was a pity that she did not ask her to come to the circle with her.

Finding herself part of the described power-dynamics it was difficult for the accused to assert a more appropriate agreement for herself. This observation may have to do something with the later fact of life, namely that the action plan was not successfully executed, since the accused did not ever pay a single instalment, in spite of the agreement.

#### *Did Any Security Issues Impact the Circle? (confidentiality issues)*

We may suspect that one or more further crimes would have been disclosed if the participants were fully honest. On one hand, there seemed to be a silent consensus between about what *not to mention* in the circle, and, besides that, some information was hidden by the accused, as she was reluctant to provide information. However, it is a question why the police did not search the answers during the investigation, in due time and phase (compared to the circle, which is not for such fact-finding, by definition)

Facilitators agreed that participants estimate the risk of mentioning a detail and keepers shall respect this. The judge also reacted to the obvious gap with seemingly coming out of her role as a 'simple' participant (see later at participants' contribution to the circle).

#### *Did the social and cultural diversity of participants impact the Circle?*

Not really. The background of the participants did not have implications to cultural diversity.

#### *Were other circle outcomes reached (added value compared with other methods)?*

Unfortunately, victims could not gain substantially more information about the circumstances (which they wished to) because it was against the interest of the accused and because an important figure – the owner of the property – was not present, although the circle setting provided space and opportunity for inviting her. Those issues, which did not become part of the circle because of the consensual concealment they could not be dealt with. From the beginning, keepers were aware that this can destabilize the outcomes reached. "*The more deep and complete understanding provide durable peace and fuller taking of responsibility.*"- as keepers' reflection concluded.

#### *Reaching restorative goals, success in the circle (regarding relief, forgiveness and regret)*

The main restorative outcome is that victims expressed (verbally and non-verbally) that their anger has gone and expressed empathy towards the accused "she is not a million-

aire, either". Another outcome is that during the conversation in the circle, participant identified 'the lack of communication' as the core of the conflict, which reframed the case for them. Learning about the symbolic significance of the loss (cars) for the victims made the regret of the accused deeper "If I had known that *then*, those cars would still park there in the garden, for sure".

The process had an effect on the offender, who came into the circle with an elaborated expression of regret and taking of responsibility, which was elaborated in the circle by learning about the background and the meaning of the loss for the victims. However the accused partially resisted to allow more spontaneous manifestations of regret for herself.

### **8.3. EVALUATION AFTER THE CIRCLE**

#### **8.3.1. Was there a noticeable impact on the larger community?**

Unfortunately, representatives of the community did not participated in the circle, even key figures were missing (as it was learned only in the course of the conversation, not before.) It is a question if it was a good idea to suspend the circle and call a second one to which these important figures are at least invited? The main reason, why keepers did not suggest that was based on the participants basic needs they expressed at the outset.

#### **8.3.2. Keepers' satisfaction**

The basement of the keeper satisfaction was that an agreement was negotiated and that the participants noticeably relieved over the circle. The non-material issues treated in the circle contributed to the keeper satisfaction, related to the goal go beyond financial compensation in order to facilitate full reconciliation. The role division between the keepers was basically satisfactory, i.e. there is host, and a civil facilitator.

Keepers also identified learning points in their reflection. The most important ones concerned the preparation of participants, to prevent key figures missing, and the cooperation between the keepers, so that their contribution to the circle become more balanced and equalized, that and they can trust and build on each other more as real co-facilitators. For this, they identified the need for more preparatory consultations between the keepers, including the case-selection, and seeking and working out an interpretation what the essence of the circle could be.

Keepers admitted that their routines and practice with other restorative methods are both an advantage and a boundary for them when working with PMC.

#### **8.3.3. Was the action plan executed successfully?**

The action plan was not executed successfully, because the accused one never paid any of the instalments as agreed. This means, that the case is taken back by the criminal justice and a trial will take place at the court, for which the date is not set.

**Evaluating keepers' contribution to the circle**

Keeper 1	not at all			very much	
Guided through the circle stages	1	2	3	4	<b>5</b>
Summarized arguments, important statements and such	1	2	3	<b>4</b>	5
Asked specific questions	1	2	3	4	<b>5</b>
Expressed own opinion	1	<b>2</b>	3	4	5
Described legal consequences of success/ failure	1	2	<b>3</b>	4	5
Put the TP away	<b>1</b>	2	3	4	5
Restored power-balance	1	2	<b>3</b>	4	5
Else:.....	1	2	3	4	5
Keeper 2	not at all			very much	
Guided through the circle stages	1	<b>2</b>	3	4	5
Summarized arguments, important statements and such	1	2	<b>3</b>	4	5
Asked specific questions	1	<b>2</b>	3	4	5
Expressed own opinion	1	2	3	<b>4</b>	5
Described legal consequences of success/ failure	1	2	3	4	5
Put the TP away	<b>1</b>	2	3	4	5
Restored power-balance	1	2	<b>3</b>	4	5
Else:.....	1	2	3	4	5

**Restorative success**

	not at all			very much	
responsibility taking	1	2	3	4	<b>5</b>
redemption/remorse	1	2	3	4	<b>5</b>
better understanding of other party ( <i>more from the accused party towards the victim than vice versa</i> )	1	2	3	<b>4</b>	5
acceptance of restitution	1	2	<b>3</b>	4	5
relief/healing	1	2	<b>3</b>	4	5
Etc.: Information about background of harm-doing	1	<b>2</b>	3	4	5
Etc.:.....	1	2	3	4	5
Regret, responsibility taking and forgiveness /acceptance in the circle	not at all			very much	
By words	1	2	3	<b>4</b>	5
By non-verbal signs	1	2	3	<b>4</b>	5
To what extent found victims' regret and responsibility taking honest and satisfying?	1	2	<b>3</b>	4	5
To what extent found offenders forgiveness / acceptance honest and satisfying?	1	2	<b>3</b>	4	5
To what extent found circle keepers the regret, responsibility taking honest and satisfying?	1	2	3	<b>4</b>	5
To what extent found circle keepers forgiveness / acceptance honest and satisfying?					
Were there turning points of responsibility taking?	1	2	3	4	<b>5</b>
Were there turning points of forgiveness / acceptance?	1	2	3	<b>4</b>	5

## 9. PMC H9

Dóra Szegő, Gabriella Benedek

### Brief case summary

In the summer and autumn of 2011, a group of five children broke five windows at a nearby abandoned airport of a town by throwing stones at the building. Three children in the group were under 14, so only the other two were officially accused of impairment. Although fenced in, protected by CCTV-s, and attended by a security guard, this area became an informal open-air meeting point for the communities of the small town, youngsters, but also for families with children habitually spent their free time there. The local municipality, the owner of the territory planned to call for an investor to make use of the area, but while not finding one easily, an amortization of the environment and the airport-building has started. All but one child in the group agreed to take part in the PMC, although three of them did not have consequent legal responsibilities due to their age. The juveniles, who were officially charged only took partial responsibility, claiming they were just “in the wrong place at the wrong time”, both the extent of the damage and the exact identity of the perpetrators were kept questioned by the accused ones. It was hard to come to an agreement because of the gap considering the children being responsible on a moral level and on a legal one. Although the honest presence of the child offenders was in itself acknowledged by the juveniles and their parents. It resulted in a more fair procedure from the official, juvenile offenders’ perspective and had a great educative impact on the children. The first encounter did not ended in an agreement, even though the option of taking the case back to court surfaced, in the context of seeking for ‘justice’. The juveniles and their parents asked for time to get more information about the possible legal options. Finally they requested for a second encounter where an agreement was signed. The contribution of the child offenders remained symbolic, the total amount of the damage was paid by the juvenile offenders.

#### Content of the agreement:

As an outcome, a financial compensation was to be paid by the two, legally accused families, which they could do in instalments over the following months. This was expected and agreed on by the representative of the local government.

No financial contribution has been expected or offered by the families of the younger children, as the unofficial parties. Their voluntary participation in the circle as ‘harm-doers’ was the way they could and wanted to take and share responsibility and express their regret.

#### Fulfilment of the agreement:

The financial compensation was paid.

#### *Method selection – Who and how*

The case was diverted from the prosecutors’ office. Keepers decided to conduct a circle due to the community of children and juveniles who committed the crime together. The children (under 14), who did not have a legal responsibility but in fact contributed to the

offence wouldn't have been involved in case of a VOM- this was an extra justification for a PMC. The legal procedure had artificially divided this group to "accused" and "witnesses", taking only their age into consideration, but keepers felt motivated to work with the complete group. Moreover, the circumstance that the airport was used as an informal open-air meeting point for the local communities of the small town, put the crime into a community context on a broader level and called for a PMC. The keepers raised the possibility of a PMC firstly to the juvenile offenders who were ready to involve the child offenders. The three child offenders were addressed then. One family refused to come, because they were afraid that they will be forced to take part in the financial restitution. The other family (two brothers and their parents) was willing to come.

### *Involving participants*

Juveniles and child-age participants were joined by their parents as supporters – keepers made personal preparation both with the families of the juveniles and the children. The social workers helped the keepers with contacting the officially not accused families and with asking and persuading them to participate.

The injured party, the local municipality – the handler of collective property – was represented by two in-service clerks. The PMC was extended by the policeman, attending the investigation, and two helping professionals from the local family-support service. The victim, the policemen and the helping professionals were invited via phone.

### *Motivations*

Juvenile offenders and their parents hoped that the child-age offenders will contribute to the financial restitution as an outcome of the PMC. Although the child offenders' family expressed during the preparation that they are willing to join the circle, express responsibility, apology and regret but due to their financial situation their financial contribution is ambiguous. The keepers could have counted on the discrepancy between moral and legal responsibility and the families' different expectations about the meeting. The victim – the municipality representative – was open to the PMC as well, he expressed that he is mostly interested in the financial restitution, with a slight educative intention, to see "remorse" and setting an example for others (i.e. children from the community).

### *The encounter*

The venue of the circle was the local family-support service (since there is no probation service in the town). All participants arrived even earlier than on time. The keepers tried to choose an object as talking piece that is relevant for the children as well. They brought a Pinocchio-figure, which referred to the importance of honesty with its "growing nose".

The circle has had its phases, but it did not end in an agreement. The gap between the moral and official responsibility of the children couldn't be dissolved. The juvenile families – although respected that the children came – were resistant to take full responsibility for the events. The missing family (under-aged, not officially accused) served as a scapegoat – a way out of responsibility. The juveniles' parents were the most active in the circle. They questioned their kids' responsibility, criticized the investigation and blamed the maintainer of the area. The juvenile offenders spoke little. The child offenders' emotional attachment was more visible, they took part more actively and showed their "personal face" more than the juveniles. They expressed sorrow and took a part of responsibility. Their parents believed that they have the moral duty to participate in the circle because of shared responsibility, but their readiness to participate was meant to be a symbolic redemption. Although, the children's father offered a financial contribution at one point, which was discredited, thus indirectly refused by the official offenders, on the basis of the poor financial conditions of the children's family.

A further issue was the security-guard of the abandoned building, who initiated the reporting instead of starting a personal dialogue with the children when he caught them. His responsibility of shifting the conflict into a formal, legal context instead of an informal, personal educative negotiation also emerged in the circle. Unfortunately he was missing from the circle, because he was not mentioned by the families during the preparation phase as a key person.

The best outcome of the circle that could have been reached has still seemed at that time "unfair" for one of the officially accused families. Thus the action plan stated the need for further negotiations within and among the families and getting more information about the potential outcome of the jury's possible verdict and its future impact on the kids life (whether noted the juveniles' records, which affects their future career choices in public bodies, for example) – to be able to choose pro or contra the PMC agreement. The families wished to implement the action plan without the assistance of the peacemakers than agreed to request for a continuation of the PMC if they decide about a restorative continuation. The official victim accepted this alternative without any claims and waited for continuation.

The goal of the circle was to provide opportunities for expressing and understanding the needs and the boundaries on the victim's side, for mapping the willingness and potentials of the other, non-officially accused parties in taking a share from the financial compensation. Besides, it provided space for vent out, especially for the juveniles' parents. A strong disagreement was expressed with the result of the police investigation and one of the ju-

juveniles' mother questioned the charge against his son during the circle. At that point, the policeman, conducting the investigation was a key-person of the circle, since he answered the parents' questions and provided hints that refusing responsibility is already anachronistic at this point of the criminal justice process, as the two juvenile accused previously made plea agreement and this is precondition of diversion for a restorative process.

The question of the keepers also touched on a few generalized, community-level issues, which turned participants' attention from the concrete case to a more general level of experiences, e.g. 'making rules and their exceptions' or 'local community space for youth leisure activities'.

#### *After the circle*

After collecting all the information about the possible legal outcomes, the families of the juveniles requested to make a second round of PMC for making the agreement. They decided to pay the whole amount of the victim's claim, although they expected the children's families to come to the meeting. In the end only the official victims and offenders were present at the second round, held at the same place and rather formed as mediation, focusing purely on the agreement. Sadly, the lack of participation of the families of the children was a result of a miscommunication between the families, as the families of the children have not shown up as they have not received an invitation, whereas the families of the juveniles were upset by the others not turning up. This was mentioned during the second round, although later on they tried to dissolve the misunderstanding through informal discussions.

As an outcome, a financial compensation was to be paid by the two, legally accused families, which they could do in instalments over the following months. This was expected and agreed on by the official victim, representative of the local government. The prosecutor's office was informed about the fulfilment by the keeper.



## 10. PMC H10

**Dóra Szegő, Gabriella Benedek**

### Brief case summary

A juvenile girl was committing serial theft from three girls, her room-mates in the student dorm. She stole money, clothes and cosmetics from the girls. She lived in an average middle class family, her social background did not explain her motivations. The fact that she did not use the things but collected them in her cupboard referred to a psychological problem. The investigation extended to a psychological test as well. The prosecutor's office diverted the case to the probation office. It was revealed during the preparation phase that although the events happened about a year ago, the victims were still very astonished about it and could not understand the motivations of the offender, who was their friend. They were motivated to the encounter although were afraid of the meeting - the offender moved out of the dorm, they haven't seen her since the events. The psychological opinion was that the theft was in connection with her trauma of moving to the dorm from the family home. The victims, the offender, their parents, an independent psychologist and a probation officer were involved in the PMC. The keepers made some efforts to invite a dorm-deputy, but they reserved from participation. Financial restitution was an evident intention in this case. Although understanding the motivations of the offender and the circumstances within the serial theft took place was more important for the victims and their parents. The victims showed deep emotions. The offender was communicative and talked about her motivations behind her deeds (jealousy, envy, feeling herself less competent than the other girls) but did not show emotions. The victims did not understand this attitude and questioned the credibility of the offenders' remorse. The psychologist had a crucial role in this PMC since her explaining of being alienated and incapable to express emotions is part of the offender's psychological problem the victims became more empathic and got answers to the „why”-s. The victims' parents got over their anger and expressed great solidarity towards the offender's parents. The mother of the offender mother was also victimized by the events and could hardly support her daughter. Thereby the psychologist had a secondary, very important role: she functioned as a personal supporter to the offender. There was a common grievance of the four families, the disappointment about the dorm-director by not informing the families about the serial theft (their daughters did not inform them immediately) and by not trying to solve the situation informally, out of the legal framework. Moreover, not being open towards the PMC. Latter created a common bridge between the victims and the offenders.

#### Content of the agreement:

The parties agreed on a financial payment in parts. The offender also agreed to continue visiting the psychologist.

#### Fulfilment of the agreement:

The agreement was partly fulfilled: the financial compensation was paid. But the victim did not visit the psychologist during the follow-up period.

### *Method selection – Who and how*

The case was diverted from the prosecutors' office. Keepers chose the circle method because more victims were concerned with the case and the events happened in the community of girls, who lived in the same room. The keepers raised the possibility of a PMC firstly to the victims who expressed fears about meeting the girl again but were ready to participate. The offender was addressed then, who felt remorse, and was very motivated having a chance to express apology and explain her intentions to the victims.

### *Involving participants*

Since all the victims and the offender were juveniles, their parents joined them as supporters - keepers made personal preparation together with the three juvenile victims and their parents, and separately with the offender and her parents.

### *Motivations*

The main motivation on the victims' side was to get answers to their questions about the offenders' motivations for the serial theft. Why did their friend steal from them when she did not need those objects? – While the offender – who started to visit a psychologist since the events – was very motivated towards the encounter, wanted to face the victims and talk about her motivations that she herself started to understand in the therapy. All families were motivated in involving the school director, since they wanted to express their disappointment about not being informed about the serial theft from the school. On the other hand the school was not interested in participating, because they were worrying about their good reputation.

### *The encounter*

The venue of the circle was the central probation office of the county. All participants arrived earlier, which made the greeting ceremony and seating more difficult for the keepers. The most important value of the encounter was that the victims' and their supporters got to understand the behaviour of the offender and the motivations behind the offense. They got to know information about the case (e.g.: one of the victim's father asked where the offender threw out the official documents of the victim from the purse).

Keepers chose a Pinocchio-figure as talking piece. It worked well in the previous case where juveniles and children were concerned. It referred to the importance of honesty with its "growing nose" - just like in the previous case.

The responsibility of the school was also brought up by one of the victim's father, which was a common grievance that created a bridge between the victims and the offender. Keepers and participants equally learned from this PMC that the encounter won't give a solution for all the problems. It did not solve the psychological problems of the offender, although it helped victims to understand and reinforced the offender – as well as her parents – that they followed a good path when they turned to a psychologist and started to deal with the emotional causes of the offense.

Although the victims were emotionally very touched by the events, some signs of empathy were expressed towards the accused. E.g.: the parents of the victims insisted on part-payment or one of the victims wished good luck for the accused for her emotional recovery. The mother of the accused not only acknowledged the emotional grievance of the victims but also their maturity by facing the events. On the other hand the mother of the accused took a secondary victim's role. She faced her part of responsibility for her daughter's emotional deficiency right in the PMC, hence she could not support the victim. Thereby the psychologist seconded as a supporter for the offender, she had a fundamental role in supporting her and help the victims to understand her situation. The agreement contained a financial restitution and a statement about an endeavour of the accused that she continues visiting the psychologist.

*After the circle*

The financial payment was entirely fulfilled, although according to the follow-up by the keepers the accused did not visit the psychologist in the first period. She explained it with being harmonic and comfortable in her new school and life-situation.

## 11. PMC H11

**Dóra Szegő, Gabriella Benedek**

### Brief case summary

It is a neighbourhood conflict. The neighbour's private garden-pond was poisoned by a man, who was irritated by the noise of the frogs. People from the neighbourhood were invited partly by the victim as victim supporters, partly as community members by circle keeper1. The central issue of the peacemaking circle was how to make and maintain peace in the future if the people within the neighbourhood community have such different concepts of silence and calmness. The fact that one person from the neighbourhood had his own, alternative conflicts with the offender made it more difficult for the keepers to keep the circle on track. The circle provided the offender with the opportunity to show more about his 'human side' and also take responsibility for the events. It provided the victims with the opportunity to express their feelings about the harm done and the neighbourhood community to clarify, communicate and reinforce community values.

#### Content of the agreement:

The offender pays the costs of the pond-rehabilitation. He helps out with sustaining the pond. Redefinition of the communication between the victim and the offender. They laid down the first steps: the victim invited the offender and his children to her house to introduce the pond and its fauna. If problems occur in the future, the victim and the offender try to resolve them via personal communication. If they fail they will request help from the community.

#### Fulfilments of the agreement:

All parts of the agreement were fulfilled. No complaints were reported by the victim.

#### *Method selection – Who and how*

The case was diverted from the prosecutors' office. Circle keepers decided about the PMC method because of the community relevance of the crime. Keepers raised the possibility of a PMC towards the official victim, the owner of the garden-pond. She was very cooperative towards involving people from the neighbourhood community, who can represent values and interests of the community. The offender also accepted the involvement of the wider community and the method selection

### *Involving participants*

Circle keeper<sup>1</sup> held face-to-face, separate preparatory talks with both the official victim and the offender. He visited the neighbourhood, invited some of the community members personally, and others via mail. The victim also invited two people from the neighbourhood as community members – besides her husband as a supporter. Finally two people showed up from the neighbourhood invited by the circle keeper, and other two came for the invitation of the victim. Although the circle keeper suggested the offender to invite a supporter, finally – based on his own decision – he did not bring anyone. The circle keepers were counting on that and invited a psychologist from the probation office with the orientation to support the offender if it is necessary. One of the circle keepers also took on a supportive role occasionally to substitute the personal supporter of the offender. An independent probation officer was invited as judicial representative and a hydrobiologist as professional.

### *Motivations*

It became probable from the preparation that some community members from the neighbourhood were motivated by some other, alternative issues from the past. They wanted to raise these agendas in the encounter. It was considered as a risk at the PMC because the circle keepers considered that they could not let these focuses dominate the session. They were aware of that risk and tried to create a balance between the issues and the main course of the circle.

The victim was motivated by the intention to express the harm that was caused and to get support by the community to represent common values of the community.

The offender felt remorse and his motivation was to express responsibility taking on one hand and his 'own harm' on the other hand ('I also had my own truth. Not to attack you but fighting against the frogs').

### *The encounter*

The two circle keepers sat aside each other, which was more secure for them - based on their interpretation. The talking piece was a frog figure brought by one of the circle keepers, who had personal relation to the object since it was her children's toy. She gave the explanation that you can imagine a variety of feelings considering that object.

The victim expressed the harm in terms of harm against the community. Since the oil dipped into the pond poisoned the soil as well. When talking about the damage she also emphasized other side-effects, such as the destruction of the plants and fish. Another important issue was the way of communication: she found the anonymous letters written by the neighbour as 'warnings' very unpleasant and demanded direct communication.

The offender took responsibility for the events, expressed remorse and apology, which was acknowledged and appreciated by the victim and the community. He could stand all the victim's complaints without interrupting. His positive and receptive attitude helped the victim to relieve and move forward. As a consequence of this, both the victim and the community became more open to his problems.

The presence of the community was very important from the point of the offender as well. Since thereby he also got the chance to express his own, community-related harms. Namely: that he did not feel welcomed in the community after they have moved to the neighbourhood. He still felt alone but he was very willing to participate in community activities. Besides insisting on the community values and rules that were violated by the offender, the community acknowledged his harm and was open to integrating him into their community.

Important community values related to the neighbourhood were represented, such as that the noises of the nature are part of the 'rural lifestyle' and are favoured by the community members. As a consequence of this the offender recognized that he did not share some important community values and maybe this neighbourhood did not fit his lifestyle. This antagonism could not be resolved by the circle, although the community moved from the position of 'we cannot accept someone who is complaining about the nature in a rural environment' towards the position: 'let's listen to each other's problems, try to respect and protect each other'.

#### *Role of extra participants*

The hydrobiologist had a very important role in this circle as a professional. She could justify the damage and give adequate answers to the victim's questions about rehabilitation. The psychologist was involved mostly to support the offender who did not bring a personal supporter. However she participated in a rather formal way as an expert, without the human side that was expected from her. Despite that, the parties accepted her expertise and referred back to her comments. The independent probation officer gave legitimacy to the circle, especially as at this time he was the director of the probation office he mentioned during his self-introduction. His most important comment was about tolerance and some other long-term issues within the community. The three people from the neighbourhood community raised and acted for the issue of peace within the community.

#### *The course of the circle*

The circle had a quite difficult starting since one of the neighbours brought up his own personal conflicts with the offender already in the trust-building phase. Namely that the offender was riding a quad to make him nervous or that he was suing him because of having an unregistered well in the garden. Due to the consequences of this interference the trust building phase was shorter than expected, which had an impact on the circle: 1. on one hand the keepers had the chance to strengthen the rules of the PMC with regulating the community member 2. on the other hand his stress increased the stress level of other participants and 3. forced the circle to move towards sharing harm and different perspectives. As a negative side-effect of the broken trust-building phase some issues from the past still came up at the 'action plan phase'.

Finally a very comprehensive agreement was created that – besides the financial restitution – included some guidelines related to the future relationship between the victim and the offender and ways of communicating problems.

*Judicial consequences*

The probation officer circle keeper wrote a report to the judicial authorities after the seminar and the receipt of the financial payment that the agreement was totally fulfilled, in accordance with the action plan. The penal case was suspended.

## 12. PMC H12

**Dóra Szegő, Gabriella Benedek**

### Brief case summary

A man committed physical assault against his sister during a family debate. The hospital reported the case to the police as an official duty. The case was diverted from the court during the judicial phase. Although both parties were open towards the PMC method, the offender took only partial responsibility during the preparation and his only motivation was to close the case. The victim was much more motivated for the restorative procedure. They refused to invite more participants due to the private nature of the offense. Keepers reasoning for a PMC method was based on the deep emotions on the victim's side and the existence of non-official victims – the victim's mother and boyfriend – who were present during the assault and were involved in the argument. They could not attend a VOM. The keepers decided to bring an addictologist, a psychologist and a policeman as professionals into the PMC. The offender refused to invite a personal supporter, that's why an extra social worker who is working with addicts was also invited to provide personal support to the offender. The offender behaved very passively and was reluctant to participate in the circle. He hardly took any responsibility and even left the room at some point. The agreement was very important for the victim, as a 'least-worst outcome' of a miserable process. The intention to protect the offender as a family member was also an issue for the family. The sister convinced the brother to come back to the circle and try to achieve an agreement. Only the official and non-official victims took part in the formation of the agreement. The offender remained passive and resistant until the end. After he left, the victims stayed and an 'after-circle' took place, which was a spontaneous but necessary continuation in accordance with the victims' needs.

<p><b>Content of the agreement:</b></p> <p>Behaviour rules about the way and frequency of communication and interaction between the victims and the offender in the coming six months</p>	<p><b>Fulfilments of the agreement:</b></p> <p>The victims did not report any violation of the agreement during the period covered by the agreement</p>
---	---

### *Method selection – Who and how*

The case was diverted from the court. The effectiveness of mediation in family violence issues has a dubious adjudication by the Hungarian judicial professionals, especially when addiction is at stake. This might be the possible reason behind, why the prosecutor



did not divert the case during the prosecution phase. Circle keepers decided about the PMC method because of the family relevance of the crime: a system of emotional relationships were at stake. There were extra family members, who - as unofficial victims – were concerned and influenced by the event, but wouldn't be invited in the case of a VOM.

The probation officer keeper had a personal preparatory talk with the victim, her mother and boyfriend and a separate discussion with the offender. All of them accepted the PMC method.

### *Involving participants*

The possibility of involving other people with the neighbourhood was also raised but the family refused, due to the private nature of the offense. The offender only took partial responsibility and was resistant to bring a personal supporter. His sister mentioned that he had alcohol addiction problems. Because of the alcohol issue, and the offender's rejection to invite a personal supporter keepers decided to involve several professionals into the circle: an addictologist, a psychologist, the local family care service officer, a policeman and a social worker were invited to the circle.

### *Motivations*

An official report was made by the hospital when they realised that domestic violence had been involved, which influenced the parties' motivation on both sides. (Being in a judicial procedure was an obligation, not the parties' own intention):

This was a case where the victim was much more motivated for a solution out of court than the offender. The intention to protect the offender – as a family member – was among the motivation factors on the victim's side.

The offender was rejective, took some responsibility during the preparation phase but did not take any in the circle. He said that he would rather go to court than take responsibility for something that he had not committed.

### *The encounter*

Considering the offender's negative attitude towards the PMC and his poor responsibility-taking, – which was revealed during the encounter – the goal of the circle turned to be empowerment of the official and unofficial victims to protect themselves and to provide a deeper understanding to them about their situation, about the motivations of the offender and the nature of the offense. (concerning psychological factors and addiction). The talk-

ing piece is a bunch of sage, the explanation is that the sage-plant represents honesty and telling the truth in ancient cultures.

### *Role of extra participants*

Keepers' intention by involving them was to give support to the offender on one hand and to provide different (psychological, medical, judicial) perspectives about the offense on the other hand. The offender's supporter, the addictologist worked very well. The offender was very passive, hostile towards the keepers and the setting and hardly said anything in the circle. The addictologist tried to transmit the victim's needs and questions to the offender on one hand and translate the offender's perspective towards the other members of the circle. Since the situation got tough, and the offender did not seem to cooperate at all, all professionals tried to take on some circle keeper-roles: they addressed the offender with questions from different perspectives: the addictologist asked him about his own expectations, the policeman asked very direct questions about his relationship with the family – in a manner of a hearing.

### *The course of the circle*

Keepers started with the ceremony of "Telling us a personal story". The question worked really well. Even the offender, who hardly says a word during the PMC, shares a personal story. All answers reinforced that this question brought all circle participants - even the professionals - to a very personal level. There were many half-circles when only the family members have spoken, the talking piece did not get to the professionals. The official victim, her mother and boyfriend shared their perspective about the events, but the offender refused to give any reactions. He passed the Talking Piece just like if it was 'a burning object'. Realising the offender's passivity the circle keepers raised different options. Their ideas went beyond the circle framework: such as separate discussion with each party or the opportunity to continue within a framework of a Family Group Conference (leave the family alone to discuss things by themselves) - supposing that the offender is intimidated by the crowd. But the offender refused all the options. The circle was not proceeding anywhere, when – as a final effort – one of the keepers raised the offender the opportunity to leave, saying "it is not obligatory to stay here if you do not want to". The offender stood up and left. The victim, his sister, went after him and convinced him to stay. It was a big dilemma for the keepers whether to fulfil the victim's needs, desires even when responsibility taking and volunteer participation is missing on the offender's side? Finally they decided to give priority to the victim's needs even considering the lack of responsibility taking and volunteer participation. They supported the agreement, which was not satisfying but seemed to be the 'less worse outcome' from the point of the victims. The agreement was supported and constructed by the victims at full lengths, the offender did not contribute yet

vetoed to put his responsibility taking into the agreement. The victims did not trust him but they hoped that the agreement gives some security to them against the offender and not going to the court would give him a second chance to change. They were a bit disappointed after the circle and ashamed by the offender's attitude.

#### *After-circle*

The offender left the room at the end of the circle but the official and non-official victims stayed. They were waiting for 'something more'. An after-circle took place that had a healing function. The psychologist and the policeman gained an important role, they gave advice to the victims on how to protect themselves from the offender when he was drunk. They got clarification on one hand and empowerment on the other hand to their problem by the professionals: what are those aspects of the problem that they have an impact on and what are those that they have to accept as circumstances they cannot work on. Social control represented by professionals, social assessment of their problem and representation of norms towards the victims and the offender was an important aspect of this PMC. Sometimes it is difficult for a family to adjudicate if a harmful behaviour within the family is acceptable or not. Independent professionals gave a reinforcement to the family that their feeling of being harmed and intention to change the situation is justifiable. The circle gave a secure space for the victims to express their feelings towards the offender and face him with the harms done, and the after-circle provided them with some tools on how to change.

#### *Judicial consequences*

The probation officer circle keeper wrote a report to the judicial authorities after the PMC about the agreement. The victims did not report any violation of the behaviour rules during the accomplishment period. The penal case was suspended.



## CHAPTER 4: RESEARCHERS' OBSERVATION

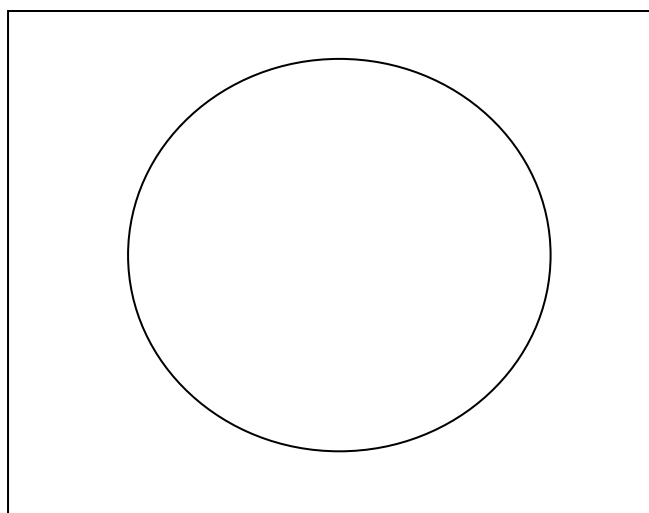
Beate Ehret, Davy Dhondt, Dóra Szegő

### 1. Before Circle(s): Making contact, preparing participants

- 1.1. What impact did the preparatory talks/meetings have on the actual circle?
- 1.2. Was there anyone missing whose presence would have been important or needed?
- 1.3. Were there any prior/failed attempts to convene a circle?
- 1.4. For what reasons did they fail?
- 1.5. What happened during prior attempt(s) that may impact the circle?
- 1.6. Was there anything else prior to this encounter that may impact the circle?
- 1.7. Was everyone on time for the beginning of the circle? How were late-comers dealt with?

### 2. Beginning of Circle: Defining Values and Ground Rules, Confidentiality issue

Researcher draws a circle indicating where participants are sitting! This will also help analyzing the audio-recording.



- 2.1 How would you assess the seating arrangement? Were victim and offender parties separated and by who?
- 2.2 Was an opening ceremony used and how was it perceived?
- 2.3 What was the first question asked in the circle?

- 2.4 How did the discussion of values and resulting ground rules for the circle exchange go?
- 2.5 Which values are implemented by the participants and which by the circle keepers?
- 2.6 Were all relevant ground rules explored and explained sufficiently?
- 2.7 Was consensus reached on all ground rules?
- 2.8 Were additional ground rules needed and defined? Why and which ones?
- 2.9 Was use of talking piece explained sufficiently and consensus reached on its use?

### *Confidentiality*

- 2.10 What was mentioned and discussed regarding confidentiality? (e.g.: exceptions of confidentiality, mentioning /revealing another crime, disclosing some of the circle decisions for the fulfillment of the plan, etc.).
- 2.11 Was consensus reached regarding confidentiality of circle matters and potential exceptions?
- 2.12 Was the confidentiality (or other agreements at this stage) formalized, e.g. by signing a document?
- 2.13 What were the signs of a confidential / inconsequential atmosphere?
- 2.14 Were there any circumstances that made the establishment of a confidential atmosphere more difficult?
- 2.15 Was victim addressed first regarding the offense, experienced harm, and corresponding needs?
- 2.16 If not, who was addressed first and why?

## **3. Four stages of the circle**

- 3.1 Did the four stages of circles occur? Or more?
  - 1- Meet and Introduce (did not start with the offense but with human beings).
  - 2- Build Trust (everyone had the opportunity to share personal stories).
  - 3- Identify Issues and Needs (allowed time and space for everyone to express themselves, talk about the experienced harm and corresponding needs).
  - 4- Develop Action Plan (explored options, found or built consensus)
- 3.2 What dimensions of compensation were included into the action plan and how realistic was the action plan according to your opinion? (ways of compensation, money, timeline, etc.)
- 3.3 Which participants were contributing to the creation of the action plan?
- 3.4 Was there a discussion about the practical implications of the action plan?

- 3.5 Were supporters identified and assigned to help the accused fulfill the action plan?
- From within the circle?
  - From outside the circle?
- 3.6 Is there an "emergency plan" for problems that may occur afterwards? (For example if action plan turns out to be infeasible or unrealistic.)
- 3.7 Was a closing ceremony used and how was it perceived?

#### 4. Circle Keeping: Issues and Rule Violations

- 4.1 What were the most typical or characteristic ground rule violations?

Ground rules:	Violation 1	Violation 2	Violation 3
	<i>Short description of the event including: -Who was the violator? -What was the circle keeper's reaction? -What was the participants' reaction?</i>		
Respecting the Talking Piece. (only the person holding it has the right to speak).			
Speaking from the heart. (truthful and authentic).			
Speaking with respect / as a partner. (sensitive about the use of words/tone of voice).			
Listening with respect. (paying attention to what is said).			
Being and remaining present. (physically and mentally).			
Other, please indicate:			
Other, please indicate:			

- 4.2. Who specifically did the circle keeper have to remind repeatedly of the ground rules?
- 4.3 Where there other instances where the keeper had to intervene and for what reason?
- 4.4 Did other participants point out the ground rules to others who broke them?
- 4.5 Was there anything else that was hindering or interfering with the circle process?
- 4.6 How (well) was the circle keeper handling the Talking Piece?
- 4.7 What were situations where the talking piece was passed 'crosswise', counterclockwise, or not used at all when speaking? (who initiated these actions

the keepers or the participants? What was the impact of these actions on the circle)

4.8 What else did the circle keeper contribute to the circle process and to what extent?

Keeper 1	not at all		very		
	1	2	3	4	5
Guided through the circle stages	1	2	3	4	5
Summarized arguments, important statements and such	1	2	3	4	5
Asked specific questions	1	2	3	4	5
Expressed own opinion	1	2	3	4	5
Described legal consequences of success/ failure	1	2	3	4	5
Put the TP away	1	2	3	4	5
Etc.:.....	1	2	3	4	5
Etc.:.....	1	2	3	4	5

Keeper 2	not at all		very much		
	1	2	3	4	5
Guided through the circle stages	1	2	3	4	5
Summarized arguments, important statements and such	1	2	3	4	5
Asked specific questions	1	2	3	4	5
Expressed own opinion	1	2	3	4	5
Described legal consequences of success/ failure	1	2	3	4	5
Put the TP away	1	2	3	4	5
Etc.:.....	1	2	3	4	5
Etc.:.....	1	2	3	4	5



## 5. Circle Participants

- 5.1 What were the self-definitions (aims, interests, roles, etc.) of the participants of relevance for the circle process?
- 5.2 Way of questions and answers in the circle
  - 5.2/a What were situations where the circle keeper answered his own question and did this have an impact on the participants?
  - 5.2/b. Were there issues coming up within the circle, which were out of the main focus of the circle? If yes, what happened with them during the circle?
- 5.3 Turning up and path of feelings in the circle
  - 5.3/a Are there any extreme positive/ negative feelings coming up during the circle?
  - 5.3./b. What are the non-verbal signs of feelings?
  - 5.3./c. Do the participants react to the non-verbal signs and how?
  - 5.3/d. Are there any contradictions between the verbal and non-verbal signs?
- 5.4 Way of reflection and debate in the circle
  - 5.4/a. Ways of self-reflection and reflection of others in the circle
  - 5.4./b. How do the different viewpoints/ perceptions of reality come up and work out in the circle? (Accommodation versus confrontation)
  - 5.4./c. What were the power relations between participants? Were any circle participants dominant? In what way?
  - 5.4./d. Did anyone repeatedly pass the talking piece without saying anything and who was that?
  - 5.4./e. Did any circle participant seem afraid to speak, intimidated, or very insecure and who was that?

## 6. Strategies in circle

- 6.0. Where does the offender look when he talks (keeper, victim, support persons, the ground, center of the circle, etc.)? Is there a change over the course of the circle?
- 6.1. Are there any strategies of participants observable in the circle?  
E.g.: Offender is taking victim-role in circle?
- 6.2. How do the circle keepers handle these strategies?
- 6.3. How are these strategies impacting the circle?

## 7. Role and activity of community members

7.1. What was their importance, given value and impact to the circle and to each participant?

## 8. Role and activity of judicial representatives

8.1. What was their importance, given value and impact to the circle and to each participant?

## 9. Restorative success:

9.1. Were the following goals achieved?

	not at all		very much		
responsibility taking	1	2	3	4	5
redemption/remorse	1	2	3	4	5
better understanding of other party	1	2	3	4	5
acceptance of restitution	1	2	3	4	5
relief/healing	1	2	3	4	5
Etc.:	1	2	3	4	5

9.2 Regret, responsibility taking and forgiveness /acceptance in the circle

Regret, responsibility taking and forgiveness /acceptance in the circle	not at all		very much		
By words	1	2	3	4	5
By non-verbal signs	1	2	3	4	5
Victims' reactions to regret and responsibility taking	1	2	3	4	5
Offenders' reactions to forgiveness / acceptance	1	2	3	4	5
Circle keepers reactions to regret, responsibility taking, forgiveness / acceptance	1	2	3	4	5
Turning points of responsibility taking	1	2	3	4	5
Turning points of forgiveness / acceptance	1	2	3	4	5

## **CHAPTER 5: QUESTIONNAIRES FOR CIRCLE PARTICIPANTS**

**Beate Ehret, Davy Dhondt, Gabriella Benedek**

We made up different questionnaires for the different possible circle participants (victims, offenders, support persons, community members and judicial representatives and professionals. Since the differences between the different questionnaires are rather minor, we will only add the victim questionnaire here as an example.

# Victim-

Thank you for your participation in a circle and taking the time to complete this questionnaire, which takes a few minutes. The questionnaire is voluntary and anonymous. It is part of a research study that would like to gain insights of the implementation of Peacemaking circles in COUNTRY.

Date of Birth:.....(dd/mm/yyyy)

Date of circle:.....(dd/mm/yyyy)

Gender:  Female  Male

1. How did you get to know about the possibility of participating in a peacemaking circle?

**From the:**  police  prosecutor's office  court  probation office  mediation service

family member  other way:

.....

How do you feel about the upcoming circle encounter?

.....  
 .....

2. What were your main reasons for accepting to participate in a peacemaking circle?

.....  
 .....

3. What goals would you like to reach in the circle?

.....  
 .....

4. How much do you feel that the incident(s) had an influence on your life?

**Not at all      Rather not      Partly      Pretty much      Very much**

***Please circle your answer!***

**1                  2                  3                  4                  5**

5. Did you know the accused before the incident?

No **☛ If no:** Please skip to question 7!

Yes **If yes:** How close was you relationship to the accused?

***If you knew more than one of the accused, please circle your answers for each accused person you know seperately!***

**Not close at all      Rather not close      Partly      Pretty close      Very close**

Accused A	1	2	3	4	5
Accused B	1	2	3	4	5
Accused C	1	2	3	4	5
Accused D	1	2	3	4	5

6. How do you feel now about the accused?

.....  
.....  
.....

7. How would you estimate your current willingness to comprehend the accused's point(s) of view?

**Not at all    Rather not    Partly    Pretty much    Very much**

***Please circle your answer!***

**1            2            3            4            5**

**Thank you!**

# Victim-

Thank you for participating in a circle and taking the time to complete this questionnaire, which takes a few minutes. The questionnaire is voluntary and anonymous. It is part of a research study that would like to gain insights of the implementation of Peacemaking circles in COUNTRY.

Date of Birth:.....(dd/mm/yyyy)

Date of circle:..... (dd/mm/yyyy)

Gender:  Female  Male

1. How do you feel now about the circle encounter and process?

.....

2. Do you find it important to have met the accused **personally**?  Yes  No

2. A Why? .....

## A: Your Experiences in the Circle

*Please circle your answers!*

	Not at all	Rather not	Partly	Pretty much	Very much
3. How much did you feel respected during the circle-process?	1	2	3	4	5
4. How <b>safe</b> did you feel during the circle?	1	2	3	4	5
5. How much did you feel that you can <b>tell things</b> that are important to you during the conversation?	1	2	3	4	5
6. How much do you think that you got <b>answers</b> for your questions from the accused?	1	2	3	4	5
7. How much do you think that the accused got to <b>understand</b> your point(s) of view?	1	2	3	4	5
8. How much do you feel that the accused spoke <b>honestly</b> ?	1	2	3	4	5
9. How much did you feel that <b>you</b> could speak <b>honestly</b> about what happened?	1	2	3	4	5
10. How much do you feel that the accused took <b>responsibility</b> for what they did?	1	2	3	4	5
11. How much did the circle help you <b>comprehend</b> the accused's point(s) of view?	1	2	3	4	5
12. Was <b>regret</b> mentioned?	<input type="checkbox"/> Yes		<input type="checkbox"/> No		
13. <b>If yes:</b> Did you find the <b>regret honest</b> ?	1	2	3	4	5

<b>B: Your Feedback About the Circle Procedure</b>		<b>Not at all</b>	<b>Rather not</b>	<b>Partly</b>	<b>Pretty much</b>	<b>Very much</b>
<i>Please circle your answers!</i>						
14.	Did you have <b>expectations</b> about the circle?	<input type="checkbox"/> Yes			<input type="checkbox"/> No	
15.	<b>If yes:</b> How much did the circle correspond with your <b>expectations</b> ?	1	2	3	4	5
16.	How much are you satisfied with the <b>circle</b> process as a whole?	1	2	3	4	5
17.	How much are you satisfied with the work of the circle <b>keepers</b> ?	1	2	3	4	5
18.	How much do you think were the circle keepers <b>impartial</b> with the participants?	1	2	3	4	5
19.	Did the circle come to an <b>agreement</b> ?	<input type="checkbox"/> Yes			<input type="checkbox"/> No	
20.	<b>If no:</b> What <b>inhibited</b> the agreement? ..... ■ Please skip to question 24					
21.	<b>If yes:</b> How <b>satisfied</b> are you with the agreement?	1	2	3	4	5
22.	How much do you think was a <b>fair</b> agreement worked out?	1	2	3	4	5
23.	How much do you think you had an <b>influence</b> on the <b>content</b> of the agreement?	1	2	3	4	5
<b>C: Your Reflections About the Circle</b>		<b>Not at all</b>	<b>Rather not</b>	<b>Partly</b>	<b>Pretty much</b>	<b>Very much</b>
<i>Please circle your answers!</i>						
24.	How much did you feel <b>blamed</b> during the circle?	1	2	3	4	5
25.	How much did you feel <b>hurt</b> during the circle?	1	2	3	4	5
26.	Did you <b>miss anybody</b> who should have participated in the circle today? <input type="checkbox"/> Yes <input type="checkbox"/> No					

27. **If yes: Why? (You can select more than one answer!)**  
**He/ she:**  could support me/us  is also responsible for the offense  
 is also harmed by the offense  could give information about the events  
 other reason:.....
28. Did you feel **supported** by other members of the circle?  Yes  No
29. **If yes: By whom? (You can select more than one answer!)**  
 Own support person(s)  Support person(s) of the accused  
 Facilitator(s)  Judicial representative(s) (e.g. police, prosecutor, judge)  
 Other participants (e.g. community members, neighbours, etc.)
30. Did anyone besides the accused take **responsibility** during the circle (eg. for having helped with the offence or for not having tried to stop it)?  Yes  No
31. **If yes: Who? (You can select more than one answer!)**  
 Own support person(s)  Support person(s) of the accused  
 Facilitator(s)  Judicial representative(s) (e.g. police, prosecutor, judge)  
 Other participants (e.g. community members, neighbours, etc.)
32. Do you think other circle participants (**besides the accused person(s)**) also contributed to the **repair** of harm or will do so?  
 Yes  No  
**☛ If no:** Please skip to question 34!
33. **If yes: who? (You can select more than one answer!)**  
 Support person(s) of the victim  Support person(s) of the accused  
 Facilitator(s)  Judicial representatives  
 Other participants (community members, volunteers, etc.)
34. **If yes:** Please explain how:  
 .....  
 .....
35. Could you indicate any experiences from the circle-process that felt **uncomfortable**?  Yes  No
36. **If yes:** Please explain.....  
 .....
37. Where do you see **advantages** of this mediation method compared to other ways of dealing with conflict?  
 .....  
 .....



38. What would you **improve** or **change** about the circle process?

.....  
 .....

39. Would you **recommend** a peacemaking circle to others in a similar situation?

Yes    No

40. Why? Please explain:

.....  
 .....

41. What do you think about including **community members** in the circle?

.....  
 .....

42. What do you think about including **judicial representatives** in the circle?

.....  
 .....

---

**D: Looking Forward**

*Please circle your answer!*

**Not at all   Rather not   Partly   Pretty much   Very much**

43. Do you feel the circle helped you overcome or start overcoming what happened?      1      2      3      4      5

44. What **impact** did the circle have on your **relationship** to the accused?    **Not applicable**

.....  
 .....

**Thank you!**



## CHAPTER 6: KEEPERS' REFLECTION

Beate Ehret, Davy Dhondt, Borbála Fellegi, Dóra Szegő, Gabriella Benedek

### 1. Reflection of Preparatory Steps/Talks

For all of these questions, please *think* of and *indicate* if you are referring to:

- Talks or Encounters with Victim(s) / Supporter(s)
- Talks or Encounters with Offender(s) / Supporter(s)
- Talks or Encounters with Community Member(s)
- Talks or Encounters with Judicial Representative(s) / Professional(s)

Please also report if *anyone* was particularly *helpful* or *problematic*!

#### Thinking about making contact:

- 3.8 How was making contact?
- 3.9 How would you assess the degree of willingness to participate? (Please compare victim/offender!)
- 3.10 How much persuasion did it take to convince everyone to participate?
- 3.11 What were their main concerns?
- 3.12 Did anyone know of Peace Circles already and what they are about?
- 3.13 How did you reach/find all the participants (particularly the community members)?

#### Thinking about preparatory talks or meetings:

- 3.14 How well was the circle prepared?
- 3.15 How did the preparatory meetings with the conflict parties go? (Please compare victim/offender!)
- 3.16 Did you hold a healing/support circle with victim or offender separately?
- 3.17 Did any problems or difficulties arise during preparatory talks?
- 3.18 How hard was it to find a date and time for bringing everyone together?
- 3.19 Was anyone invited but not willing to come? If yes, who? Why? What impact did this absence have on the circle?
- 3.20 Was anyone invited and willing to come but not able to come? If yes, who? Why? What impact did this absence have on the circle?
- 3.21 Was there anything else happening beforehand that might have had an impact on the circle process?
- 3.22 Altogether, how would you assess the impact of preparatory steps on the actual circle?

## 2. Reflection of (Own) Work

Thinking about your prior mediation training and experience (for first circle in case of more than one):

- 2.1 What aspects of your prior training/experience were helpful for your circle keeping?
- 2.2 Are there any aspects of your prior training/experience that seem rather obstructive for your circle keeping? If yes, please explain!
- 2.3 Altogether, how would you assess the impact of your prior training and experience on your circle keeping?

---

Thinking about your own work:

- 2.4 Did you feel **comfortable** during the circle process? If yes, please explain!
- 2.5 Did you feel **uneasy** or **irritated** at any point? If yes, please explain!
- 2.6 What was new or **surprising** to you about this mediation experience?
- 2.7 What would you try to **retain** (keep the same) for next time?
- 2.8 What would you **change** or do differently next time?
- 2.9 How often did you have to **intervene**? And what were the main **reasons / functions of intervening**?
- 2.10 What kind of **roles** did you take on as a circle keeper and what was your **rationale** behind it?

(for example summarizing thoughts, asking questions, interventions due to rule breaking)

- 2.11 Where there ground **rule violations** and if yes, what kind of?
- 2.12 How did you **respond** to ground rule violations and how did that work?
- 2.13 Were there **repeated** violations of ground rules and how did you manage them?
- 2.14 Altogether, what did you **gain** or **learn** from this circle?
- 2.15 Altogether, how would you **assess** your mediation? Were you content with your own work?

...

## 3. Reflection of Other Keepers' Work

Thinking about your fellow-circle keeper's work:

- 3.1 What was your fellow-circle keeper doing well? Please explain.
- 3.2 Where do you see a need for improvement in him/her?
- 3.3 Altogether, how would you assess your fellow-circle keeper's work?

...



## 4. Circle Keepers' Cooperation

Thinking about the cooperation between you two:

- 4.1 How well did you and your fellow-circle keeper cooperate?
- 4.2 Were there any difficulties in cooperating?
- 4.3 Regarding the cooperation between you two, where do you see a need for improvement?
- 4.4 What kind of agreements did you make beforehand? (e.g. role allocation, division of work)

## 5. Circle Keepers' Evaluation of Circle Process and Satisfaction

Thinking about the overall process:

- 5.1 What did you **like** about the circle process?
- 5.2 Were there any **special** moments and what made them special? Please explain!
- 5.3 When you had to **intervene** how did that go?
- 5.4 Was the discussion **escalating** at any point and how did you deal with it?
- 5.5 Were there any other **difficult** or **stressful** moments? Please explain!
- 5.6 Was there any moment where you were trying to divert the process in the direction of a VOM? (If yes: Was it a conscious decision or did it happen rather intuitively?)
- 5.7 If yes, how did it influence the process?
- 5.8 Were there any difficulties regarding the **circumstances**? Please explain!
- 5.9 In what sense did the **four stages** of circles come into being?
- 5.10 Which were **turning points** of the circle and why?
- 5.11 Did you recognize a **change of interests/needs** of the conflict parties during the circle process?
- 5.12 How did you perceive your **neutrality** as a circle keeper?
- 5.13 How did you perceive your **emotional involvement**?
- 5.14 To what extent did you express your own **opinion** during the circle process?
- 5.15 Were there key characters in the circle? If yes, please explain!
- 5.16 What was the importance of community members and judicial representatives for the circle process?
- 5.17 Did you perceive a lack of any potential participant of the circle? (e.g. missing persons or roles) If yes, who?
- 5.18 Did you think some participants should not have been included in the circle?

(Or sit in an outer circle, and only be asked for their input/expertise when needed?)

5.19 All in all, how much are you satisfied with the circle and its outcome?

5.20 How satisfied were the parties when they left?

a) In a psychological sense.

b) Regarding the procedure.

c) Regarding the result.

...

## 6. Restorative Aspects

6.1 How did you perceive the **atmosphere** of confidentiality? (Did you feel that you can rely on the other participants regarding their discretion about things said in the circle?)

6.2 How much do you think the participants have spoken **honestly**?

6.3 Was there any real **responsibility** taking?

6.4 Do you think that the parties felt **safe** in this procedure?

6.5 Did you notice any power manifestation and were you able to balance these

6.6 Was there anything else you would consider **problematic**? Please explain!

6.7 What would **confirm or support the reasoning behind** inviting more parties to the circle in this particular case?

6.8 What helped and what made it more difficult to reach a settlement or come to an agreement?

6.9 What helped and what made it more difficult for the participants (not just the conflict parties!) to take responsibility, to feel (and/or express): regret, relief, forgiveness, or to repair harm (Please add your thought if you can think of other, additional restorative goals!)

...

## 7. Implementation Issues

1.1 Do you think peacemaking circles are a fair social practice based on today's experience?

1.2 Do you see an added value of the circle method compared with VOM or other restorative approaches? How would you describe it?

1.3 Did values and characteristics that distinguish the circle processes' from other mediation methods emerge or come to happen today?

- 1.4 What would you consider a systems' effect (penal mediation system within public administration) and what as your responsibility regarding the emergence of values?<sup>8</sup>
- 1.5 Regarding this case what are the advantages and risks of using the circle method in the penal procedure compared to VOM?
- 1.6 What would you pick out as a lesson from this circle for a professional?
- 1.7 What would you pick out as a lesson from this circle for an outsider?

...

*~ Circles are Community Building ~*



---

<sup>8</sup> In Hungary, the peacemaking circles are integrated in the Hungarian system of penal mediation. Thus they take place in the same office as other sessions. The settings and circumstances are the settings of public administration, like in case of VOM. We suppose and experience that the bureaucratic system has an effect to the peacemaking circles. Although the keepers try to minimize these effects they are still tangible.





## CHAPTER 7: TOPIC LIST (WITH EXAMPLE QUESTIONS) FOLLOW-UP INTERVIEWS

Beate Ehret, Davy Dhondt, Borbála Fellegi, Dóra Szegő, Gabriella Benedek

### 1. Satisfaction

*This topic area focuses on the satisfaction of interviewees with the peacemaking circle (process and meeting). Questions will be adjusted according to the interviewee's role in the circle such as: conflict party (victim/offender), support person, community member or judicial representative.*

*Their satisfaction is of interest regarding the following circle aspects:*

- **CIRCLE METHODOLOGY** (i.e. use of the talking piece, sitting in a circle, talking about values, harm etc.)
- **CIRCLE KEEPING** (facilitation i.e. were facilitators impartial, did they intervene enough or too much, etc.).
- **OUTCOME** (i.e. was an agreement reached, was their consensus about it, did they feel harm was repaired (as good as possible, etc.).
- **CIRCLE PROCESS** (e.g. effect of circle as a whole on attitudes towards restorative justice/methods, sanctions, their feelings towards the crime, the "other" conflict party, etc.).

*Participant satisfaction is an evaluation dimension we aim to measure in a twofold approach: (1) How satisfied they feel **CURRENTLY** about these circle aspects and (2) how they perceive changes **RETROSPECTIVELY** regarding their level of satisfaction since the time of the circle up to present (time of the interview).*

*Example questions<sup>9</sup>:*

- General questions.
  - Has opinion about the Peacemaking circle changed since the event? If yes, in what respect?
  - Would you pick out any important experience from the Peacemaking circle?
  - Would you pick out any negative experience from the Peacemaking circle?
  - Could you describe anything that you have learnt from this procedure?
  - Would you accept the request again to a procedure like this?
  - What did you like about it?
  - What could be done better?
  - Did the PMC affect your attitudes towards mediation or VOM?
  - Did the PMC affect your attitudes towards PMC?
  - Did the PMC affect your attitudes towards sanctions?
  - Why or what aspect of circle led to this change?

---

<sup>9</sup> Some example questions require rewording, according to the interviewee's role in the circle such as victim/offender, support person, community member, and judicial actors.

- Questions for **VICTIM/OFFENDER**.
  - What were the reactions of others (not participating in circle) in your immediate environment regarding your participation?
  - Did the circle have an impact on your personal environment / “close community?” If yes, in what respect?
- Questions for **COMMUNITY MEMBERS**:
  - How do you see your role in the PMC? Please describe.
  - Did the PMC affect your attitudes towards mediation?
  - Did the PMC affect your attitudes towards PMC?
  - Did the PMC affect your attitudes towards sanctions?
    - Why or what aspect of circle led to this change?
  - Would you accept the request again to participate in a procedure like this?
- Questions for **JUDICIAL REPRESENTATIVES**:
  - How do you see your role in the PMC? Please describe.
  - Did the PMC affect your attitudes towards mediation?
  - Did the PMC affect your attitudes towards PMC?
  - Did the PMC affect your attitudes towards sanctions?
    - Why or what aspect of circle led to this change?
  - Would you accept the request again to participate in a procedure like this?

## 2. Relationships

*This topic area aims to capture how the peacemaking circle affected relationships, in particular of victim and offender, but also with and among other circle participants as well as with their “closer community” (i.e. not participating in the peacemaking circle). Finally, we also want to know which circle participants they found important and/or supportive to them, and which potential circle participants (or circle roles?) were missing.*

*Participant satisfaction is an evaluation dimension we aim to measure in a twofold approach: (1) How satisfied they feel **CURRENTLY** about these circle aspects and (2) how they perceive changes **RETROSPECTIVELY**.*

*Example questions:*

- Perspective on the crime/other conflict party (i.e. changes? Evolution?)
  - What kind of feelings and thoughts did you have after the circle about yourself in connection with the crime?  
(E.g. shame, anger, regret, acceptance, forgiveness, etc.).
  - Can you remember what kind of feelings you had after the circle about the accused / victim? (E.g. shame, anger, regret, acceptance, forgiveness, etc.).
  - Did/do you notice any changes of these feelings since the time of the circle? If yes, please describe! About yourself? About the accused / victim?
  - Do you think the circle helped you cope with what happened?
  - How much do you feel that you can understand the other party’s point(s) of view now?
    - Note: When interviewing community members: replace “other party” with “accused / victim.”

- Did you meet with the accused / victim since the PMC? What was the reason or purpose of your meeting? Would you describe it?
- Support in the circle/afterwards
  - Which participants of the circle helped you in coping with the events?
  - Did you feel supported from any of the circle participants after the circle?
- Did they miss anyone? Is there a difference between the “community” of crime versus the community included in the circle? Do they think people were connected to the crime but not included in the circle?

### 3. Community

*This topic area captures a defining element of peacemaking circles: the inclusion of community. We want to know from victim(s) and offender(s) if they regard community members participating in the circle meeting as an added value or not; moreover, we also want to know which role the community members played according to the different circle participants: were they there because they were also harmed by the crime, as a support for offender/victim, out of curiosity, etc.? In other words, can they claim that community members have a right to participate because crime is a problem of the community in general, not only of victim and offender, be supported by the experiences of all circle participants? Again, CURRENT opinions as well as their changes in RETROSPECT during the time period between the circle and the interview are relevant information.*

*Example questions:*

- Community as an added value or an obstacle?<sup>10</sup>
  - “What is, in your opinion, more preferable: a PMC, a direct meeting with the other conflict party (without community members) or an indirect mediation without a personal encounter with the other conflict party (e.g. shuttle mediation)?”
  - What are the pro and contra arguments about involving community members into the discussion according to your opinion?
  - Could you describe any events that happened since the Peacemaking Circle and expressed community support? Was anyone of the community involved after the circle in supportive ways?
- Crime as a problem of the society?
  - Role of the community members: supporters? Own agenda? Etc.
    - What are your preferences vs. your experience?
  - Did the community take responsibility for the crime? Or for its causes? Or for preventing crime in the future?
  - Did the community contribute to the construction of the action plan?
- PMC as community-building?
  - Contact with circle participants after the circle?

---

<sup>10</sup> The same can be asked about judicial actors.

- Reality vs. Preferred?
  - Did you talk about the peacemaking circle within the community since then? What have you discussed?
  - Did you talk about the crime within the community before and since the peacemaking circle? Would you tell us a bit about these conversations?

Note: This *aims to reveal if the way of speaking about the crime has changed since the PMC? Or, if their attitudes have changed?*

#### 4. Future

*Although we try to ask about evolution in their points of view for each topic area, this evaluation topic focuses explicitly on the time period after the circle and what happened in the weeks/months following it. In the above, the current point of view can be compared to the point of view directly after the circle (this can be asked directly from the interviewees and can also be compared based on the questionnaires of the interviews right after the circle); here we focus more on questions that were difficult or impossible to answer directly after the circle. These questions include the healing aspects of the circle, the accomplishment of the action plan and the impact of the peacemaking circle on the judicial proceedings.*

- Healing aspects/role of PMC in coping with crime/aftermath of crime.
  - Did the circle help you cope with what happened? And can you describe how?
  - What aspects of the circle helped you in coping with the events?
  - What happened since the PMC that contributed to the repair of the harm?

*(And who was contributing? Offender, victim, support persons, community members, others?)*

  - Could you describe what happened since the Peacemaking Circle that expressed the responsibility taking by the accused? / acceptance by the victim.
- Action plan.
  - What do you think about the action plan now?
  - (Accused, support, community) Did you have a role in the accomplishment of the action plan?
    - If yes, please explain?
  - Was the action plan accomplished?
    - If not, what were the hindering factors?
  - Did you miss anything from the action plan? If yes, what? (E.g. harsher sanctions)
  - Which aspects of restitution / redemption were addressed in the action plan?
  - Did you miss any aspects of restitution / redemption? If yes, what?
- Connection PMC – judicial procedure?
  - Do you know what the judicial reaction / consequences were regarding the PMC? (court hearing, case classification, etc.)

***In case the case file went to court:***

- “Was the PMC mentioned in the court hearing?”
  - Did the prosecutor/judge refer to the PMC or its action plan?

## CHAPTER 8: TOPIC LIST (WITH SUGGESTED QUESTIONS) “EXPERT INTERVIEWS”

Beate Ehret, Davy Dhondt, Borbála Fellegi, Dóra Szegő,  
Gabriella Benedek, Tünde Barabás, Szandra Windt

### 1. Introduction

In our research project we are planning to implement Peacemaking circles as a model of extra-judicial conflict resolution in NAME COUNTRY (Germany, Hungary, Belgium).

1. What comes to mind if you hear the **term** “Peacemaking Circle?” What do you associate with it?

### 2. Brief Description of Peacemaking Circles

Peacemaking Circles are an **extension** of Victim-Offender Mediation. They aim to **include more persons affected** in the mediation process. This can be persons who would like to **support** the victim or the offender, as well as additional members of the community who feel **affected** by what happened or have an **interest** in resolving a conflict (for example in case of conflicts at a school, in a neighbourhood, or a community). Moreover, some countries also include **representatives of the criminal justice system** (e.g. judges, prosecutors, police officers, etc.) to facilitate a direct **dialogue** between them and persons affected by the offence.

### 3. Core Content (Questions to be Addressed to All Groups of Interest)

#### 3.1. Regarding their Implementation in a Specific Country

2. Can you think of **cases** or **case constellations** where such a Peacemaking circle could be beneficial? What type of offences would be appropriate for circles?
  - 2.a If appropriate: Have you personally dealt with **cases**, where such a circle would have been beneficial?
  - 2.b If appropriate: Related to this particular case, **who** (all) would have **benefited** from holding a Peacemaking circle?  
If appropriate, repeat: In our research project we are planning to implement Peacemaking circles as a model of extra-judicial conflict resolution in NAME COUNTRY.
3. Generally speaking, what do you think are the **chances for implementing** Peacemaking Circles (that include more people) in NAME COUNTRY?

4. What would be your **concerns about implementing** Peacemaking circles in COUNTRY? Where do you see **obstacles** or **risks**?

Dig deeper: 4.a Where specifically do you expect **problems**? Could you be more specific please?



If no or rather unsatisfying answer, dig deeper:

- 4.b: What do you think should be taken into account concerning implementation? (Think of legal, institutional contexts, circumstances, etc.)
- 4.c: How would you deal with this (problem)?
- 4.d: How could this obstacle be overcome?
5. Where do you see **possibilities** for implementing Peacemaking circles in COUNTRY? Would you have **ideas** or **suggestions** for us?



In case Interviewee is completely blocking this question, dig deeper:

5. a In the US, Australia and Canada such circles are applied successfully. Why not in our COUNTRY (Germany, Hungary, Belgium)? Is there a way?



If no or rather unsatisfying answer(s), more options to dig deeper:

5. a: How could it work?
5. b: What could this look like?
5. c: If you were part of this project, how would you do it?

### 3.2. Regarding Circle Conduction

6. What do you think of the idea of also **including persons who were more indirectly affected** by what happened (if necessary, give examples: e.g. fellow students or neighbors) in circles?
6. a From your perspective, what are the specific **risks and benefits** (e.g. privacy of victim or the accused) regarding the inclusion of such **indirectly affected persons**?
7. What do you think about the idea of **including community members** in Peacemaking circles?
7. a From your perspective, what are the **specific risks and benefits** (e.g. privacy of victim or the accused) regarding the inclusion of **community members**?
7. b How could their inclusion be **put into practice**?
8. What do you think about the idea of including **representatives of the criminal justice system** (such as judges, prosecutors or police officers) in Peacemaking circles?

8. a From your perspective, what are the **specific risks or benefits** (e.g. their position of authority) regarding the inclusion of **representatives of the criminal justice**?
8. b: How could their inclusion be **put into practice**?



If not mentioned yet from interviewee, please add the following questions:

9. Which **legal conditions** have to be considered?
10. What needs to be considered for **putting** Peacemaking circles **into practice**?
11. Which **context factors** might play a role? With context factors we mean for example the "case overload" within the criminal justice system or things like that.
12. From your perspective, which **actors** should definitely be **included**?  
Dig deeper: 12. a Can you think of anyone? Why do you think so?
13. Which **actors** should **not** be included at all?  
Dig deeper: 13. a Can you think of anyone? Why do you think so?

#### 4. Modules for the Specific Groups of Interest (except mediators):

##### Groups of Interest:

- (Youth) Judges
  - Prosecutors
  - Lawyers
  - Police Officers
  - Probation Officers
  - Victims Aid
  - Offender Aid/(German) Division for the Legal Protection of Minors
  - Mediators (module questions not suitable for mediators)
14. Concerning NAME GROUP (e.g. prosecutors), what **possibilities** do you see for including them in Peacemaking circles?

##### Dig deeper:

14. a How could this be **put into practice**?
15. How about you personally? Which specific **risks or benefits** can you see in participating for yourself?
16. What do you think, how would your **presence impact the victim**?
17. What do you think, how would your **presence impact the accused**?
18. How could the **confidentiality** of circle meeting contributions be guaranteed despite your presence?



In case of a negative answer dig deeper:

18. a How could the confidentiality be protected **as good as possible** (then)?

## 5. About Victim Offender Mediation (VOM)

When introducing victim-offender mediation in the 90-ies, there were skeptical reactions at first. Nonetheless, it eventually became an integrated part of criminal law.

19. How did you **experience** the implementation of VOM and what did you **observe**?

Dig deeper: 19. a How was that from your perspective?

20. In your opinion, what **mistakes** were made back then?

Dig deeper:

20. a What do you think, what should have been **done differently**?  
 20. b What would have been a **better way**?  
 21. And what **went well** (back then)?

Dig deeper if necessary: 20 a Is that all?

22. What **insights** or **experiences** from back then could be useful for the implementation of Peacemaking circles?  
 23. What specific **problems** persist until **today**?

Dig deeper: 23. a What are the **causes** for these problems?

24. How could these **problems** be **overcome**? Do you have any suggestion?  
 25. What are the **aims of VOM** according to your opinion?  
 26. For what reasons are cases **referred** to VOM?

27. In general, how would you estimate the **willingness** of the conflict parties to **participate** in Victim-Offender mediation?

27. a On the part of the **victim**? 27. b On the part of the **offender**?  
 27. c Do you think there are **gender differences** in this respect?

28. How would you estimate the **satisfaction of the participants** after an agreement based on Victim-Offender mediation?

28. a On the part of the **victim**?  
 28. b On the part of the **offender**?  
 28. c Do you think there are **gender differences** in this respect?

29. How would you estimate the **risk of recidivism** for the offender after an agreement based on Victim-Offender mediation?

29. a Do you think these effects are rather **short or long term**?  
 29. b Do you think there are **gender differences** in this respect?



30. **Scenario** (1): Imagine you were the **victim** of a criminal offence yourself—for example your bag got snatched on the street—would you be willing to face the offender to talk to him or her?

Dig deeper:

30. a For you to be willing to **face the offender**, what would this **encounter** have to be like?
30. b Would you set any **conditions** beforehand for example? Or would you like someone to come with you for your support?
31. **Scenario** (2): Imagine you were **accused** of a criminal offence yourself—for example you got caught stealing something in a shop—would you be willing to face the victim (shop owner) to talk to him or her?

Dig deeper:

31. a For you to be willing to **face the victim**, what would this **encounter** have to be like?
31. b Would you set any **conditions** beforehand?
31. c Would you like **someone to come with you for your support**?

## 6. Questions for Prosecutors or Judges Only:

32. For what reasons **do you refer** a case to VOM?
33. What are the **benefits** of VOM for you compared with a traditional judicial process?
34. What do you think, why do some prosecutors/judges **not use** the possibility of VOM?
35. What is the function of **ceremonies** and **rituals** in a jury trial? (Clothes, specific order and manner of speeches, etc.)
36. What can be the function of **ceremonies** and **rituals** in a Peacemaking circle?

## 7. QUESTIONS FOR VICTIMS AID REPRESENTATIVES ONLY:

37. Do restorative encounters such as VOM represent the interests of **all** parties?
38. What do you think a **VOM** needs to represent **all** parties' interests?
39. What do you think a **Peacemaking circle** needs to represent **all** parties' interests?

Thank you very much for your time! We appreciate your support for our project very much!



# Annex: German Victim-Offender Mediation Standards<sup>11</sup> (Working Group VOM Standards)

Sixth Revised Edition

**Editors: Servicebureau for Victim-Offender Mediation and Conflict Settlement & National Association for Victim-Offender Mediation**

Publisher:

**Servicebureau for Victim-Offender Mediation and Conflict Settlement –**

an institution of DBH e.V. – Association for Social Work, Criminal Law and Crime Policy, Cologne

*(Servicebüro für Täter-Opfer-Ausgleich und Konfliktschlichtung – eine Einrichtung des DBH e. V. – Fachverbands für Soziale Arbeit, Strafrecht und Kriminalpolitik, Köln)*

**National Association for Victim-Offender Mediation**

*(BAG-TOA e.V. – Bundesarbeitsgemeinschaft für Täter-Opfer-Ausgleich e.V. )*

*DVJJ – German Association for Juvenile Courts & Court Services*

*DBH e.V. – Association for Social Work, Criminal Law and Crime Policy*

*Association for Conflict Settlement and Consens*

*BDS – German Arbitration Association*

*(Mediation instead of court)*

*ado – The Committee of Victim Support Organizations*

## Contents

Foreword (sixth revised edition)

Preamble

- 1 Conceptual requirements
  - 1.1 Description of the offer
  - 1.2 Requirements for carrying out victim-offender mediation
  - 1.3 Case selection criteria
  - 1.4 Primary goals
  - 1.5 Monitoring and/or evaluation
- 2 Organizational requirements

---

<sup>11</sup> This annex is a copy of the publication “Standards for victim-offender mediation”, published by Servicebureau for Victim-Offender Mediation and Conflict Settlement – an institution of DBH e.V. – Association for Social Work, Criminal Law and Crime Policy, Cologne (ISSN 0947-5249).

- 2.1 Provider and organization
- 2.2 Infrastructure
- 2.3 Accessibility
- 3 Requirements regarding public image awareness and cooperation
  - 3.1 Public relations
  - 3.2 Cooperation
  - 3.3 Exchange of experiences
- 4 Requirements for the facilitator
  - 4.1 Qualification
  - 4.2 Reflection on practice
  - 4.3 Methods
  - 4.4 Understanding the facilitator's role
  - 4.5 Legal framework
- 5 Performance requirements for victim-offender mediation
  - 5.1 Referral
  - 5.2 Contacting the parties
  - 5.3 Pre-Mediation Sessions
  - 5.4 Phase of decision making
  - 5.5 Mediation dialogue
  - 5.6 Agreement
  - 5.7 Closure

## **Foreword (sixth revised edition)**

The starting point for this VOM standards edition was the so called 'Herbsteiner Declaration', in which the practitioners of victim-offender mediation first formulated mandatory best practice standards. In 1994 a working group of five colleagues developed a pioneer edition within a period of 15 months, which was revised in 2000 by another six colleagues, producing the 4th version. We would like to thank them for their intensive work which is very much appreciated.

One emphasis of the editorial work was to streamline the contents and to focus on the current status quo in the practice of victim-offender mediation. Due to this goal, the forewords of previous editions were therefore deleted. It is however suggested that everyone who is interested in the development of the standards should read previous editions. It makes visible that from the very beginning these standards were a tool derived from practice in order to serve practice.

We, the working group of this sixth revised edition, see ourselves as part of the same tradition and would like to provide this current edition for wider discussion.

We are not seeking to provide a program imposing rules 'from above'. The goal is, as always, to gain the broadest approval of the basis.

We have realized that the current standards at some points do not correspond to a changing and improving practice any longer. In particular with regard to the victim's perspective, changes had to be made. Until now, it was not stated clearly enough, that the victim can, at any time of the procedure, withdraw his or her consent to take part in victim-offender mediation and that respecting the victim's 'No' is an essential part of mediation. Finally, the question of 'who to approach first' is not a question of belief, but must rather depend on the individual situation of the case. We have made some changes in these regards.

How can the field of 'domestic violence' be integrated into the standards? Our aim is for this field to be understood distinctively, but nonetheless as part of victim-offender mediation. Therefore, the aspects that are specific to 'domestic violence' and were developed by another working group have been fully integrated into this edition.

The readability of earlier editions has suffered from the inconsistent use of terms.

We have for instance now agreed on the consistent use of the term 'victim-offender mediation' rather than the alternatives such as 'mediation in penal matters'. Furthermore, the term 'impartiality' was chosen over 'neutrality'. The terms<sup>12</sup> 'offender' and 'accused', as well as 'victim' and 'injured party' or 'person harmed' are used interchangeably for the participating parties.

The law has not changed. Much has however changed in how it is being applied. Therefore it can be seen that within the main trial agreements are being made within a very short time, which are accepted as victim-offender mediation and thus being considered in relation to the sentence. In such cases, the offender often denies the offence until the latest stage and is only willing to 'play the victim-offender mediation card' as a result of being confronted with overwhelming evidence of his guilt. The victim in these circumstances has to make a decision in a very short time and under pressure and without knowing what he or she is getting involved in. With the standards, we strive for an appropriate time-frame within which the victim has access to the necessary information, the possibility to gain advice through third parties and time for decision making.

Victim-offender mediation is less and less perceived only as a measure of diversion. This leads to a slow shift to medium and more serious crimes. This development is taken into consideration under the premise that the traumatising of victims is clearly set as a limit for carrying out victim-offender mediation.

---

<sup>12</sup> For reasons of readability, masculine terminology is generally used for persons, functions etc. It does however generally stand for both genders.

We agree with the previous working groups 'that these revised VOM standards will contribute to the discussion on quality and framework conditions for serious work on mediation in victim-offender mediation'.

*Frankfurt/Main in April 2009*

*Astrid Achterberg, Landratsamt Miesbach (BAG TOA e.V.)*

*Melissa Baluch, Straffälligen- und Gerichtshilfe Hamburg*

*Matthias Beutke, Diakonisches Werk Potsdam*

*Gerd Delattre, TOA-Servicebüro, Köln*

*Evi Fahl, TOA-Servicebüro, Köln*

*Boris Jarosch, Dialog Mainz*

*Veronika Hillenstedt, Konfliktschlichtung Oldenburg*

*Arend Hüncken, Kontakt e.V. Alfeld (BAG TOA e.V.)*

*Monika Lübbert, Rückenwind e.V. Hamburg*

*Ulrich Nötscher, DIALOG Ludwigshafen, im Landgerichtsbezirk Frankenthal*

*Josef Oeinck, Ausgleich Lippe Ruhr, Gelsenkirchen*

*Christian Richter, Waage Hannover (BAG TOA e.V.)*

*Birgit Schlobben, Horizont e.V. Nauen*

*Sonja Schmidt, Sozialdienst der Justiz beim Landgericht Saabrücken, Saarlouis*

*Birgit Steinhilber, TOA Vermittlungsstelle Frankfurt*

*Peter Wack, Neustart gGmbH, Stuttgart*

*Alfred Wilde, Soziale Dienste der Justiz, Berlin*

*2012 translated by Ricarda Lummer and revised by Paul Darby, Regina Delattre, Geoff Emerson, Christa Pelikan and Martin Wright*

## **Preamble**

The keynote in victim-offender mediation can be summarized shortly as follows:

A crime is not only a violation of the law and state order, but also a violation of people and relationships. A crime does not only create guilt, but also responsibility and obligations on the part of the offender.

In the traditional criminal law, society requires the justice system to determine guilt and undertake punishment. In victim-offender mediation, victims, offenders and, if wanted, the community are integrated into peacemaking efforts.

In comparison to the traditional approach, which only aims for punishment, the central element of victim-offender mediation is to place needs of victims and the offender's responsibility to repair harm at the centre of its efforts.

Behind this stands the philosophy of citizen-oriented legal policy, which has confidence in the return of the conflict to those involved to find a suitable solution. Self-evidently victim-offender mediation is an offer that can be refused at any time.

At court the decision is usually imposed. This often results in one party becoming a loser, which can, under certain circumstances, further fuel the existing conflicts. Additionally – in criminal law the victim usually acts as a witness and its emotional situation and its requests for material compensation are little noticed.

Victim-offender mediation, in contrast, ensures maximum involvement of the participants; it aims for a stable and peacemaking conflict resolution. The interests of victims are also secured through the immediate consideration of civil law demands (compensation).

Victim-offender mediation stands for the promotion of humane justice that has its priority in restoring social peace – this is internationally known as restorative justice.

The aim of the following standards is to achieve quality practice and to provide service as professional as possible for those concerned.

## **1. Conceptual requirements**

### **1.1. Description of the offer**

Victim-offender mediation is an offer made to the accused and the injured party, in order to deal with the aftermath of a crime with help of an impartial facilitator.

The participants are given the option to resolve the underlying and/or actual conflicts and regulate the damage through personal contact.

The basic concept of an organization that offers victim-offender mediation should include the clear description of the offer as well as how it is embedded in the given framework conditions, in order to avoid possible misunderstandings in advance.

A clear description of the offer adds to the transparency of work and increases the acceptance amongst those concerned and the cooperating partners.

The following aspects should be defined in the description of the offer:

- o What does victim-offender mediation mean for this organization? A distinction should be made in regards to solely material compensation.
- o What are the organizational goals regarding victim-offender mediation?
- o Which cases/offences is victim-offender mediation relevant for?
- o What is the procedure of victim-offender mediation?
- o What is the role of the facilitator?
- o How is victim-offender mediation embedded in the local practice of justice agencies?
- o A display of the opportunities and possibilities, but also the boundaries and risks of victim-offender mediation.
- o Highest possible transparency regarding the mediation offer, e.g. by preparing a leaflet giving brief information on victim-offender mediation, a website and the documentation of cases.

## **1.2. Requirements to carry out victim-offender mediation**

The requirements for victim-offender mediation result from its underlying philosophy (see preamble) as well as from the given legal frameworks.

These must be integrated in the concept and agreed upon with the local justice services.

The following premises must be ensured:

- o Voluntary participation: compulsory settlement is not possible. Conflict mediation is dependent on the willingness of all parties involved, in order to be at least partly able to become engaged in the arguments of the other party.  
Victim-offender mediation is an offer that can be refused at any time. The participants must be made aware of this at the start of the procedure.
- o Especially the 'Yes' of the victim, which must be made without any social or psychological pressure, is a basic requirement, without which no further steps towards victim-offender mediation can be initiated.
- o No conditions regarding VOM-results should be imposed by justice agencies (punishment equivalent). Victim-offender mediation should be an option for the harmed and the accused to participate in the regulation of the consequences of the crime in an empowered and self-determined way.
- o Re-victimization of the victim must be prevented.

## **1.3. Case selection criteria**

The basic requirement is that the offenders take responsibility for their behavior and that the victims have the possibility to formulate their needs towards the offender with the help of the facilitator.

Furthermore, it is necessary to make sure:

- o that where the victim is a company or organization, there must be a specific contact person who has authority to make decisions, since the existence of a contact person is crucial for victim-offender mediation or material/financial compensation for the purpose of negotiations;
- o that a clear agreement to participate in VOM was made by both the injured person/party and the accused;
- o that there is no refusal of 'self-referrals', so that persons who directly contact the VOM service asking for victim-offender mediation, receive a service;
- o that victim-offender mediation still can be initiated at any time.



## 1.4. Primary Goals

Crimes often occur within a conflict between two (or more) parties. In comparison to the traditional criminal justice process that focuses on the state and offender, it is the goal of victim-offender mediation to take up and, in the best case, to repair the consequences of the crime as well as the underlying conflict out of which the crime arose.

The quality of facilitation cannot only be measured by the achievement of an agreement as a result of carrying out a mediation procedure. Already the decision of victims and/or offenders that victim-offender mediation could be a suitable tool for the participants to deal with the conflict could be rated as a successful conflict consultation.

At the conclusion of a victim-offender mediation process the following outcomes should be achieved:

- o mutual agreement between the accused and the person harmed;
- o both parties see their needs as being recognized;
- o the reduction of conflict consequences and follow-up conflicts (prevention);
- o the guarantee of autonomy for the conflict parties;
- o compliance with the agreement;
- o the avoidance of injustices.

## 1.5. Monitoring and/or evaluation

Continuous control of goals and achievements is necessary, as well as transparency and openness in relation to these results.

Thereby it will be possible to **review**, if and how the planned measures and actions were implemented. It will also be possible to establish if the set goals were reached. It should moreover, through the documentation of all measures carried out, allow the **examination** and evaluation of experiences as well as to answer the question as to whether and how **continuation** takes place.

Monitoring and/or evaluation should include the following:

- o the completion of annual reports including systematic documentation of cases;
- o the completion and analysis of differentiated statistics, e.g. regarding referred/completed cases, types of crime, VOM-results, differentiation between VOM and material/financial compensation;
- o the completion of separate statistics regarding the cases of **domestic violence**. Here it is advisable also to collect data on counselling and **case related** cooperation with other organizations, alongside the **mediation results**;
- o the publication of these statistics, e.g. as part of an annual report and/or through participation in the national VOM-statistics;

- o the monitoring of fulfilment of the agreements between the cooperating partners and the VOM service, e.g. regarding case referral criteria;
- o the regular exchange of experiences with other VOM services.

The instruments of 'practice reflection' (see 4.2) also add to the monitoring and further development of practice.

## **2. Organizational requirements**

### **2.1. Provider and organization**

Victim-offender mediation can be carried out by various organisations, either by independent (usually by private charitable organizations ('Freie Träger')) or public (municipal or county-'Länder'<sup>13</sup>-organisations) and private (freelancers and companies) provider. Of particular importance are the guarantee of an independent and permanent field of activity and the consideration of special requirements in the organization of work.

The long-established VOM-practice so far has proven that specializing in this type of work is the most suitable form of organisation. Specialization means performance of victim-offender mediation through facilitators who are specially trained and exclusively employed in the field of conflict resolution.

It is necessary for the organization to ensure:

- o a clear separation of mediation and partisan/ 'subjective' social work;
- o an independent and impartial profile of the VOM service;
- o a flexible work-structure, which adapts to the necessities of mediation practice;
- o the organization enables and supports adequate working conditions, as suggested by the VOM standards, and makes funding agencies aware of these;
- o interdisciplinary stakeholder cooperation with as many as possible of the local and regional criminal justice agencies, and organizations assisting victims and offenders.

### **2.2. Infrastructure**

Appropriate personnel and material facilities are essential requirements for the work of a VOM service.

These can be listed as follows:

- o sufficient personnel capacity, which can provide specialized mediation;
- o the possibility to free facilitators from administrative duties;

---

<sup>13</sup> 'Länder' according to federal states in Germany

- o own offices and rooms, which allow for undisturbed conversations between the parties;
- o appropriate and up to date office equipment;
- o appropriate storage, carriage or disposal of case files according to the regulations of data protection;
- o the possibility to make use of a victim support fund (Opferfonds<sup>14</sup>) for financial assistance to victims;
- o premises which can ensure that parties do not meet in the waiting room;
- o access to an interpreter; family members of the parties are not suitable to do this;
- o the possibility for those concerned to be accompanied by their lawyer or a person of trust.

### **2.3. Accessibility**

A victim-offender mediation service must be accessible and easy to find. Therefore, directions must be given, rooms must be clearly labelled and be accessible by public transport if possible.

Furthermore, the following aspects must be taken into consideration:

- o In rural areas the possibility of on-site meetings in a neutral setting must be given (e.g. community hall).
- o Flexible planning of appointments, which are adapted to the needs of the parties concerned, is desirable. Easy telephone access to the service is also desirable.
- o The independence of the VOM-office from other organizations in the same building, must be clearly indicated (door signage).
- o The service should be registered in the local address book/service directory by the local press.
- o A record in a practitioners' list on the internet is desirable, in order to allow easy access to the available local services through online search.
- o Requests for anonymity of clients must be respected.

---

<sup>14</sup> If it is the case that the offender is not able to make compensation due to his financial circumstances, a so-called 'victim support fund' is often available at the mediation organizations. The offender can be granted an interest-free loan from this fund. It is also possible for him to provide community service and 'to be paid' for it fictitiously. In both cases the money from the fund is given directly to the victim, so that immediate reparation can be made.

### **3. Requirements regarding public image and cooperation**

#### **3.1. Public relations**

Victim-offender mediation as an out-of-court measure of conflict resolution and compensation is still largely unknown amongst the general public.

To establish this service, public relations work by existing VOM services is essential. With regard to this, however, some risks and rules must be considered. For instance, trust- and data protection must be guaranteed in any public promotion of VOM activity. The persons concerned shall not be misused for the promotion of the organization or of victim-offender mediation in general.

The following are important aspects in public relations:

- o the development, preparation and regular updating of the leaflet/promotional material and a conception, which provide information to service users and can also be used for public relations;
- o special promotional material to inform participants of domestic violence cases. Preferably creating a multilingual leaflet and, where appropriate, notes on the processing of domestic cases should be made;
- o concrete concepts, arrangements and thoughts within the organization in relation to contacts with the press, radio and television;
- o the preparation of press releases;
- o the documentation of one's own appearances in the media (e.g. creating a press kit);
- o organize information events, e.g. at schools, neighbourhood centres and youth clubs;
- o presentations in the professional field;
- o coordination of strategies with other VOM services;
- o registration in a practitioners' list on the internet that facilitates searches for the media.

#### **3.2. Cooperation**

Clear agreements, transparency and regular exchange of experiences are required for the understanding of the work of colleagues and cooperating partners to promote cooperation.

##### **- in case work**

For the success and acceptance of the work of the VOM service, there is a need for appropriate and continuous cooperation with those organizations that are involved in the case.

The scope of victim-offender mediation requires cooperation with the respective referring agencies, namely law enforcement authorities, courts, youth welfare organisations, the judicial social services and lawyers of the conflicting parties.

Furthermore, case work, also in the field of 'domestic violence', requires cooperation with organizations such as victim support agencies, counselling services for males and females, women's safe houses, therapeutic organizations (alcohol, trauma), marriage counselling services, agencies for support of men (anti-violence training for violent men), counselling services for migrants, as well as for children. These cooperation partners accompany the process case-related.

Effective cooperation is dependent on mutual understanding of tasks and roles within the field of victim-offender mediation.

#### **- in the (local/regional) network**

Beyond the cooperation with direct participants of the proceedings, the cooperation with victim support agencies, organizations for offender work, other mediation services, pension offices (Versorgungsämter), youth welfare organisations, organizations of education, including adult education and others, is appropriate and useful.

The VOM service can sharpen their profile and others can similarly define and adapt the services they offer accordingly. Those, in search of support and counselling can be cross-referred to the appropriate organization. Regarding joint themes and issues the contacts will be used to form opinions and to bundle interests, possibly also in the political sphere.

### **3.3. Exchange of experiences**

Continuous exchange of experience is conducive. The following key aspects are of importance:

- o regular team-meetings within the organization and/or collegial consultation;
- o creation of regional, county-('Länder')-specific and national working groups; with the goal of networking, e.g. for collective representation of interests, as well as lobbying at a political level;
- o cooperation with other VOM services in the same county court district;
- o creation of regional working relations, e.g. common supervision/case discussions (reviews), organization of regional further education and info-events, joint VOM-statistics, joint public relations and external representation;
- o participation at symposia and conferences;
- o making use of competences and helpful experiences of closely related professional fields, as for instance divorce mediation, professional pedagogy and family therapy;
- o attentive observation of supra-regional developments.

## **4. Requirements of the facilitator**

### **4.1. Qualification**

Mediation, as in victim-offender mediation, is a demanding and responsible task; it requires a sensitive handling of the persons involved. Ability to handle conflicts of third parties, as well as the willingness to face one's own ability to deal with conflicts, is equally essential.

Regarding the methodology, the facilitator must know several forms of dialogue support, which match the individuals' capabilities for verbal expression and their subjective views, and which also enable appropriate negotiation.

They must also be able to inform the parties about the framework conditions of their civil and criminal legal rights, without violating the legal standards of the law on legal services.

They must furthermore build up close cooperation to caserelated organizations.

Facilitators must therefore acquire adequate professional knowledge in the fields of conflict theory, dialogue/conversation techniques, criminal and civil law, as well as criminology and victimology.

The following requirements must be taken into account:

- o qualification as social worker/social pedagogue, psychologist, pedagogue or equivalent qualification;
- o completion of the one year training 'mediation in penal matters', the advanced training 'mediation in penal matters' for already certified mediators or an equivalent mediation training;
- o obligation to undertake regular practical work as a facilitator;
- o keeping up with regular information on current developments in the field of VOM;
- o undertaking further education, e.g. seminars on civil law, victim perspective, cooperation with justice agencies, workshops on methodology etc.

### **4.2. Reflection on practice**

A facilitator must deal with controversial emotions and interests. It is important that they reflect on their own actions.

The reflection on practice should include the exchange of experiences with facilitators of other institutions. Especially discussions with other facilitators can help to question one's own behavioural routines and to broaden one's sphere of actions.

The reflection on practice comprises, besides possibilities for self-reflection, also forms of collegial consultation and supervision, coaching and intervision.

The following elements of practice reflection should be considered:

- o make records and carry out regular analysis of sound case statistics; e.g. through participation in the national VOM-statistics and analysis by the VOM-research group;
- o regular case supervision;
- o study visits, observation and joint evaluation of mediation dialogues;
- o use of further feedback possibilities, e.g. through subsequent interviews of the injured party and the accused regarding their satisfaction with the mediation results.

### 4.3. Methods

Conflict settlement – not only – in penal matters means to find a balance between different subjective experiences and everyday lives, to find a balance between conflicting positions, underlying fears, prejudices, hidden and open resistance on one hand and the wish for peace on the other.

Mediators not only facilitate the interpersonal dealings between the conflicting parties but also the intrapersonal 'dispute' between inner conflicting emotions, interests and needs.

Therefore it must be the goal to develop a self-concept as a mediator, in order to allow a qualified work method with offender and victim, to communicate and cooperate with parties to the proceedings in the complex field of victim-offender mediation.

The following competences belong to the essential methodological skills for mediators:

- o the planned and adequate application of methods (e.g. co-mediation, non-violent dialogue, non-violence declaration, focus on the interests of the participants, reflecting team, duplicating (Doppeln<sup>15</sup>), mixed double (Gemischtes Doppel) and relay wheel (Staffelrad)<sup>16</sup> ;
- o the use of co-mediation with a female and a male mediator, which has proved effective in cases of domestic violence;
- o the focus of mediation on the interests of clients. Therefore detailed pre-mediation sessions are often necessary. Special attention has to be given to the personal backgrounds of the participants;
- o the ability to promote a non-violent dialogue. The mediators promote a non-violent dialogue during all conversations. Apparent verbal violence is brought to the attention of the participants and mutual insults or threats will be prevented;

---

<sup>15</sup> 'Doppeln' is a special conversation technique.

<sup>16</sup> 'Gemischtes Doppel' and 'Staffelrad' are special techniques and settings for victim-offender mediation. They were developed by Ed Watzke, an Austrian mediator. They are described in his book: *Äquilibristischer Tanz zwischen Welten – Auf dem Weg zu einer transgressiven Mediation*, Forum Verlag (Broschiert – 14. April 2011).

- o the ability to present modes of communication for future non-violent interaction and to discuss them with the participants. A 'non-violence declaration' can be included within the written agreement;
- o the ability to critically question the behaviour of the participants during VOM and to confront them with the dynamics of violence. Advice/counselling regarding the dynamics of violence is useful.

#### **4.4. Understanding of one's role**

Facilitators work in the field of tension between two or more conflicting parties. They support the conflicting parties to develop solutions independently. Facilitators are responsible for the mediation process. They strengthen the autonomy of the parties, enable constructive communication between them and they structure and supervise the mediation process.

Facilitators acknowledge the subjective views of the conflicting parties. Their starting point for the mediation is the conflict as defined by the affected parties. The goal is exclusively to develop a consensual, sustainable and fair agreement together with the conflicting parties. Facilitators know that victim-offender mediation is only possible on a voluntary basis and with the willingness to cooperate.

Facilitators recognize the personal responsibility of the participants towards the solutions they have worked out. They see the participants as experts in looking after their own interests. Mediators assist them in getting necessary information for this. The constructive conflict resolution can be a learning field for the conflicting partners. Facilitators therefore see the conflicting parties as agents of their own human development.

These aspects are defined as follows:

- o Impartiality: The facilitator is impartial. He must, in the sum of his actions, be perceived as fair by the conflicting parties.
- o Separation of roles: There should not be an overlap of mediation and partisan support of one party.
- o Transparency: explaining the aims of the approach, the method and the understanding of the role of the mediator.
- o Recognition of human dignity: The facilitator is responsible for respectful behavior at all times and for ensuring that neither party is being treated unjustly.
- o Drawing of boundaries: The facilitator must be aware of his personal and professional boundaries.



#### 4.5. Legal framework

The criminal law contains several approaches to compensation for the consequences of a crime, most often as a conditional order for the compensation of damages. Victim-offender mediation can be distinguished from that, being a form of mediation that attempts to resolve both material and non-material consequences of the offence.

Section 46a number 1 Criminal Code<sup>17</sup> promotes, by means of victim-offender mediation, the repair of the consequences of the offence through communication between victim and the offender and a resulting agreement. This is to be taken into consideration when deciding on the legal consequences of the offence committed (BGH NStZ 1995, 492): In a first step, victim and offender make an agreement on the compensation or damages, possibly assisted by a mediation service.

On this basis the prosecution and/or court decides which sanctions to impose, in accordance with section 46a Criminal Code combined with section 153b Code of Criminal Procedure<sup>18</sup>. Depending on the appreciation of the process and the outcome of the victim-offender mediation, the consequences for sanctioning may range from discontinuance of the proceedings (according to section 153b Code of Criminal Procedure) to refraining from punishment (according to section 46a Criminal Code) or taking it into account in the sentence (according to section 49 Criminal Code especially with sanctions of over 1 year of imprisonment) as well as, in exceptional cases, not taking it into account.

In suitable cases it should be worked toward victim-offender mediation at any stage of the proceedings (according to section 155a Code of Criminal Procedure).

VOM in the youth system is furthermore carried out as part of the provisions and requirements of Social Code, Book VIII<sup>19</sup> and the Juvenile Court Law<sup>20</sup> (Social Code, Book VIII, sections 1, 52 paragraph 1 and Juvenile Court Law sections 45, 47 und 10, 7.). Facilitators work within the outlined legal context. Knowledge of and compliance with the legal framework is therefore an essential basis of their work.

Of particular importance in this context are:

- o basic knowledge regarding the age of criminal responsibility (Strafmündigkeit), legal capacity (Geschäftsfähigkeit), responsibility for civil wrongs (Deliktsfähigkeit), obligation to compensate for damage (Schadensersatzpflicht), joint and several liability (gesamtschuldnerische Haftung), dealing with consequential and long-term damages (Umgang mit Folge- und Spätschäden);

---

<sup>17</sup> Criminal Code = Strafgesetzbuch (StGB)

<sup>18</sup> Code of Criminal Procedure = Strafprozessordnung (StPO)

<sup>19</sup> 8 Social Code, Book VIII – Law on Child and Youth Welfare = Sozialgesetzbuch (SGB) – Achtes Buch (VIII) – Kinder- und Jugendhilfegesetz

<sup>20</sup> 9 Juvenile Court Law = Jugendgerichtsgesetz (JGG)

- o the transparency towards those affected: What is the facilitator a specialist for – and what not for? That particularly includes the information regarding confidentiality, data protection and the lack of a right for a mediator to refuse to give evidence;
- o the information to the participants about possibilities of legal advice and their representation by a lawyer;
- o the provision of information material to those concerned: Where and how to receive legal advice (e.g. use leaflets and folders of justice agencies);
- o if lawyers are involved: Inclusion and consultation during the whole process of victim-offender mediation, especially regarding claims and agreements;
- o clarification to what extent claims have been made by third parties or transferred to them, e.g. insurances, health insurances;
- o review of pre-printed forms for contracts etc. by lawyer;
- o ensuring legal advice, e.g. by a contract with a legal expert.

## **5. Performance requirements for Victim-Offender Mediation**

### **5.1. Referral**

The incoming referral is the first step of the victim-offender mediation procedure. On one hand it serves to organize the internal process, on the other hand, the referring party has expectations of its own which should be fulfilled in a customer-oriented way to build up trust. Therefore it is in principle advisable to customize the processes according to the individual interests of the cooperating partners/referring party and constantly check their practicability.

Referring parties can be amongst others:

- o victim or offender
- o police as part of a suggestion or recommendation
- o lawyers
- o prosecution
- o local and district courts
- o juvenile court assistance
- o probation service
- o other persons or organizations in the community

The following working steps are recommended:

- o pre-mediation sessions with self-referrals (see 'contacting')
- o registration of the case entry/statistical returns
- o compile a VOM-case file

- o study of case file and first conflict analysis
- o if required, explanation of case allocation within the team
- o response to the referring party with name of case worker, the internal case file number, as well as the processing time
- o if necessary return of original case file

Depending on the circumstances the administrative activities are documented by the mediator or administrators. The approach to referrals that are, according to the standards, not suitable for victim-offender mediation, should be agreed upon with the cooperating partner on an individual basis.

## **5.2. Contacting the parties**

Already during the first contact of the mediator to the participants, it is often decided, whether extra-judicial conflict resolution is possible.

Many aggrieved and accused persons do not know about the possibility of a victim-offender mediation or they have a wrong idea of it. The VOM service is in the position to describe the organization and to outline the offer as a voluntary option sufficiently, as well as to reduce possible barriers and facilitate an independent decision making process by supplying information (e.g. leaflet and/or reference to website).

- o First contact in written form and generally intelligible language;
- o allow time for reflection and an opportunity for questions;
- o describe the organization, its aims and the service offered;
- o emphasize that it is a voluntary offer;
- o name a contact person;
- o offer separate consultations;
- o inform legal guardian in the case of minors

The main goal when contacting is that the accused will not have the possibility to put any further pressure on the injured party and that the latter does not become subject to secondary victimization. Therefore it can often be reasonable to undertake the first contact with the injured party rather than the offender.

The deciding factor for the decision of whom to contact first should always be the circumstances of the individual case.

### 5.3. Preliminary interviews

During pre-mediation-sessions the parties in conflict should receive information about the procedure and the conditions of victim-offender mediation and its alternatives.

The injured party and the accused party shall be given a possibility to express expectations and needs, as well as fears and reservations. Opportunities and limitations of victim-offender mediation must be clarified, in order to allow an independent decision on further participation.

If necessary the participants will be advised in separate interviews regarding other offers of cooperating partners (e.g. counselling for women, men, and couples).

If required, further separate interviews can be arranged, before any joint mediation takes place with all participants.

If it appears necessary, the parties in conflict and the mediator can decide that further talks shall take place.

In relation to the interviews, the following aspects should be taken into consideration:

- o enable separate pre-mediation-sessions with victim and offender;
- o explain the VOM-procedure: process, goals and embeddedness in criminal law;
- o communicate concrete conditions for the participation in victim-offender mediation e.g. rules, termination criteria;
- o give advice regarding the lack of a right to refuse to give evidence as a mediator;
- o give information on alternatives to victim-offender mediation: Rights of those concerned and possible consequences in the framework of criminal and civil law procedures;
- o clarify the role of the mediator (impartial) as distinct from the police and the justice agencies (investigation, finding the truth, judgement);
- o enable subjective description of the offence and related emotions;
- o clarify expectations, claims, as well as reservations and fears in relation to the mediation process;
- o summarize the results and arrange binding agreements on the further process;
- o facilitate the consultation with lawyers and ensure information of already involved lawyers;
- o get approval of legal guardians in cases involving minors;
- o avoid time and appointment pressure ( if necessary, allow time for reflection and give opportunity to attend another pre-mediation-session);
- o write protocol
- o clarify, whether the victim has been traumatized.

#### **5.4. Phase of decision making**

The participants decide after the pre-mediation-sessions which route they want to take.

This process of decision making is supported by the facilitator by providing sufficient information, without seeking to influence the outcome.

Normally, the performance of the mediation dialogue is offered. If the participants refuse a face-to-face meeting, agreements may be made through indirect mediation.

#### **5.5. Mediation dialogue**

Central to victim-offender mediation is to deal with the offence and conflict settlement between the conflicting parties in a joint discussion. This gives the possibility to find a suitable and satisfying solution for the participants.

An extensive clarification of the conflict is only possible in a personal meeting of both parties.

- o create a framework in which a fair discussion is possible, e.g. seating, rules, communication, and transparency;
- o ensure voluntariness: Freedom for decision making, possibility for termination, consideration of alternatives;
- o ensure self-responsibility: Sufficient information, possibility for legal advice by lawyers, definition of content and results by conflict parties;
- o compensate imbalances in the relationship of the conflicting parties (number, power, abilities) e.g. with the help of co-mediation;
- o avoid victimization and stigmatization;
- o it is the facilitator's task to structure the mediation dialogue.

Conflict settlement runs through several phases. The following structure is helpful:

1. clarify the premises of the conversation,
2. outline the subjective viewpoints,
3. confrontation with the offence and working through the emotions associated with it,
4. collect and debate negotiate options for possible solutions,
5. write down results (agreement).

In conclusion, a response is given to the referral authority in form of a written final report.

## 5.6. Agreement

The mediation usually finishes with a written agreement, which describes the concrete points of arrangement.

- o offer feedback talk;
- o make concrete decisions and formulate unambiguously;
- o clarify separation between disputed and undisputed contents (partial agreement, pending claims of third party);
- o consider further demands, e.g. unforeseeable consequential damages;
- o in cases of high financial damages, as well as foreseeable consequential damages, the participants should always be directed to get legal advice, record written contract.
- o make legally sound written forms of contracts, choose agreement in writing;
- o specify payment mode;
- o ensure practicability, e.g. appropriate instalments, use of victim compensation fund;
- o get approval of legal guardians in cases involving minors;
- o allow time for reflection;
- o do not approve agreements that are contrary to human rights or morality;
- o monitor agreement and inform about consequences in case of non-compliance;
- o clearance by instalments or through completion of community service.

## 5.7. Closure

A written report is to be sent to the prosecution once the case is closed and to the referring party if this was not the prosecutor.

This report must fulfil all legal regulations, especially in terms of data protection.

Files must also be destroyed in accordance with the relevant regulations of data protection.

## REFERENCE LIST, AND ADDITIONAL LITERATURE

### Hans-Jürgen Kerner (Collecting and Editing)

- Aertsen, Ivo; Van Garsse, Leo (1996): Tussen dader en slachtoffer: bemiddeling in de praktijk: onderzoeksrapport herstelbemiddeling: *periode 1/11/1994-31/12/1995*. Brussel: Ministerie van Justitie.
- Aertsen, Ivo (2004): Slachtoffer-daderbemiddeling. Een onderzoek naar de ontwikkeling van een herstelgerichte strafrechtsbedeling. Leuven: Universitaire Pers Leuven.
- Aertsen, Ivo; Mackay, Robert; Pelikan, Christa; Willemsens, Joliene; Wright, Martin (2004): *Rebuilding Community Connections – Mediation and Restorative Justice in Europe*. Strasbourg: Council of Europe Publishing.
- Aertsen, Ivo; Parmentier, Stephan; Vanfraechem, Inge; Walgrave, Lode; Zinsstag, Estelle (2013): An Adventure is Taking Off. Why Restorative Justice: An International Journal? In: *Restorative Justice* 1, 1, Pp. 1-14.
- Aertsen, Ivo; Vanfraechem, Inge; Parmentier, Stephan; Walgrave, Lode; Zinsstag, Estelle (2013): It Takes Two to Tango: Practitioners and Researchers on the Floor of Restorative Justice. In: *Restorative Justice* 1, 3, Pp. 305-310.
- Aertsen, Ivo: Belgium [Country Report] (2015). In: Dünkel, Frieder; Grzywa-Holten, Joanna; Horsfield, Philip (Eds.): *Restorative Justice and Mediation in Penal Matters in Europe. A Stock-Taking of Legal Issues, Implementation Strategies and Outcomes in 36 European Countries*. Mönchengladbach: Forum Verlag Godesberg, Pp. 45-88.
- Aertsen, Ivo; Vanfraechem, Inge; Bolívar Fernández, Daniela (2015): *Victims and Restorative Justice*. Hoboken: Taylor and Francis.
- Arrigo, Bruce A. (2004). Rethinking Restorative and Community Justice: A Postmodern Inquiry. *Contemporary Justice Review: Issues in criminal, social and restorative justice* 7, 1, Pp. 91-100.
- Barabás, Andrea Tünde; Fellegi, Borbála; Windt, Szandra (Eds.) (2012): *Responsibility-taking, Relationship-building and Restoration in Prisons*. Final Publication of the MEREPS Project. OKRI: Budapest: Available here: [http://www.foresee.hu/uploads/tx\\_abdownloads/files/MEREPS\\_FinalPublication\\_EN.pdf](http://www.foresee.hu/uploads/tx_abdownloads/files/MEREPS_FinalPublication_EN.pdf).
- Barabás, A. Tünde (2015): *Áldozatok és igazságszolgáltatás*. [English Title and Summary: The Victim and the Justice System]. Budapest: National Institute of Criminology.
- Barabás, A. Tünde (2015): Restorative Justice in Hungary: a Rapidly Growing Field of Practice. In: *Restorative Justice* 3, 3, Pp. 387-395.
- Bauman, Zygmunt (2000): *Liquid modernity*. Cambridge: Polity Press.
- Bazemore, Gordon; Umbreit, Mark (2001): A Comparison of Four Restorative Conferencing Models. *Juvenile Justice Bulletin*, February.
- Bazemore, Gordon; Schiff, Mara (2015): *Restorative Community Justice: Repairing Harm and Transforming Communities*. Hoboken: Taylor and Francis.
- Belknap, Joanne; McDonald, Courtney (2010): Judges' Attitudes about and Experiences with Sentencing Circles in Intimate-Partner Abuse Cases. *Canadian Journal of Criminology and Criminal Justice* 52, 4, pp. 369-395.
- Berg, Bruce L. (2007): *Qualitative research methods for the social sciences (sixth edition)*. Boston: Pearson.
- Biffi, Emanuela; Laxminarayan, Malini (2014): *Accessibility and Initiation of Restorative Justice: A Practical Guide*. Leuven: European Forum for Restorative Justice.
- Bock, Stefanie (2015): Entgrenzte Opferrechte? – Eine kritische Würdigung der aktuellen europäischen Vorgaben zu TOA, Opferschutz und Opferhilfe. In: DBH-Fachverband

- für Soziale Arbeit, Strafrecht und Kriminalpolitik (Hrsg.): Europäische Vorgaben zum Opferschutz. Unterstützung oder Hemmschuh für Restorative Justice? Köln: DBH Eigenverlag, S. 27-45. (DBH-Materialien, Nr. 73).
- Bohlig, Lena (2015): Mit den Augen des Opfers: Theoretische und praktische Überlegungen zum Täter-Opfer-Ausgleich als Chance für Geschädigte im Jugendstrafrecht. Saarbrücken: AV Akademikerverlag (Elektronische Ressource oder auch Print on Demand).
- Bolivar, Daniela (2012): Community of care from a victim-perspective: a qualitative study. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice* 15, 1, Pp. 17-37.
- Boyes-Watson, Carolyn (2005): Seeds of change: using peacemaking circles to build a village for every child. *Child Welfare* 84, 2, Pp. 191-208.
- Boyes-Watson, Carolyn (2008): *Peacemaking Circles & Urban Youth*, St. Paul: Living Justice Press.
- Braithwaite, John (1989): *Crime, Shame and Reintegration*. Cambridge: Cambridge University Press.
- Braithwaite, John (1998): Restorative Justice. In: Tonry, Michael H. (Ed.): *The Handbook of Crime and Punishment*: Oxford University Press.
- Braithwaite, John (2015): Paralegals Changing Lenses. In: *Restorative Justice* 3, 3, Pp. 311-324.
- Buettner, Patrick (2015): *Das Jugendgerichtsgesetz. Entwicklung, Erziehungsgedanke und Sanktionen*. München: GRIN Verlag (Elektronische Ressource oder Print on Demand).
- Buntinx, Christel: Belgium (2015): A Murder Case [Case Study]. In: Lummer, Ricarda; Hagemann, Otmar; Reis, Sónja (Eds.): *Restorative Justice at Post-Sentencing Level in Europe*. Kiel, Pp. 106-108.
- Carrington-Dye, Louise; Emerson, Geoff; Grammer, Diane; Hagemann, Otmar; Hagenmaier, Martin; Hallam, Mary; Knežević, Mladen; Lüth, Mirka; Lummer, Ricarda; Nahrwold, Mario; Reis, Sónja; Santos, Artur; Šoher, Renata (2015): *Victims in Restorative Justice at Post-Sentencing Level. A Manual*. Kiel, 52 Pages. (Schriftenreihe Soziale Strafrechtspflege; Band 4).
- Centre for Justice and Reconciliation: *Restorative Justice: s. Prison Fellowship International*.
- Chapman, Tim (Author) and Gellin, Maija; Aertsen, Ivo; Anderson, Monique (Co-authors) (2015): *Protecting Rights, Restoring Respect and Strengthening Relationships: A European Model for Restorative Justice with Children and Young People*. Brussels: International Juvenile Justice Observatory (European Research on Restorative Juvenile Justice, Vol. II, 120 Pp.).
- Chapman, Tim (Author) and Gellin, Maija; Anderson, Monique (Co-authors) (2015): *Toolkit for Professionals: Implementing a European Model for Restorative Justice with Children and Young People*. Brussels: International Juvenile Justice Observatory (European Research in Restorative Juvenile Justice, Vol. III, 72 Pp.).
- Christie, Nils (1977): Conflicts as property. *British Journal of Criminology* 17, 1, Pp. 1-15.
- Christie, Nils (2014): Restoration after Atrocities. In: Coester, Mark; Marks, Erich (Eds.): *International Perspectives of Crime Prevention* 6. Mönchengladbach: Forum Verlag Godesberg, Pp. 47-54 (Contributions from the 7<sup>th</sup> Annual International Forum 2013 within the German Congress on Crime Prevention).
- Clear, Todd R.; Hamilton, John R. Jr.; Cadora, Eric (2011): *Community Justice. Second Edition*. Abingdon, Oxon: Routledge.
- Coates, Robert; Umbreit, Mark; Vos, Betty (2003): Restorative Justice in Circles: An Exploratory Study. *Contemporary Justice Review* 6, 3, Pp. 265-278.



- Coates, Robert; Umbreit, Mark; Vos, Betty (2013): *Restorative Justice in Circles in South Saint Paul, Minnesota* [26.06.2013] University of Minnesota: [http://www.cehd.umn.edu/ssw/rjp/resources/Research/Ex\\_Sum%20S\\_St\\_Paul\\_Circles.pdf](http://www.cehd.umn.edu/ssw/rjp/resources/Research/Ex_Sum%20S_St_Paul_Circles.pdf)
- Community Accountability Programs Information Package (s.d.), unpublished.
- Cosemans, Zoë; Parmentier, Stephan (2014): Changing Lenses to Restorative Justice: New Directions for Europe and Beyond. Summary Report of the World Crime Forum, Leuven, 24 May 2013. In: *Restorative Justice* 2, 2, Pp. 232-241.
- Crawford, Adam (2002): The state, community and restorative justice: heresy, nostalgia and butterfly collecting. In: Walgrave, Lode (Ed.): *Restorative justice and the law*. Colompton: Willan.
- Crawford, Adam; Clear, Todd (2001): Community justice: transforming communities through restorative justice? In: Schiff, Mara; Bazemore, Gordon (Eds.): *Restorative community justice. Repairing harm and restoring communities*. Cincinnati: Anderson Publishing Co.
- Csúri, András (2015): Hungary [Country Report]. In: Dünkel, Frieder; Grzywa-Holten, Joanna; Horsfield, Philip (Eds.): *Restorative Justice and Mediation in Penal Matters in Europe. A Stock-Taking of Legal Issues, Implementation Strategies and Outcomes in 36 European Countries*. Mönchengladbach: Forum Verlag Godesberg, Pp. 359-378.
- Decker, Catharina; Burchard, Ansgar; Kersten, Joachim (2014): Restorative Justice – The German Perspective. In: Kersten, Joachim; Burchard, Ansgar; Decker, Catharina (Eds.): *Policing Minority Communities. Restorative Justice Approaches and its Embeddedness in Austria, Hungary and Germany*. Münster: Deutsche Hochschule der Polizei, Pp. 93-108.
- Deckers, A. (2013): *Een uitdaging bij de implementatie van peacemaking circles: het betrekken van de West-Europese gemeenschap [Master thesis]*. Leuven: KU Leuven.
- Dethloff, Nina et al. (2013): *Freiwilligkeit, Zwang und Gerechtigkeit im Kontext der Mediation. Europäische und deutsche Perspektiven*. Frankfurt am Main: Wolfgang Metzner Verlag.
- Dickson-Gilmore, Jane; La Prairie, Carol (2005): *Will the circle be unbroken? Aboriginal communities, restorative justice, and the challenges of conflict and change*. Toronto: University of Toronto Press.
- Dölling, Dieter u. a. (1998): *Täter-Opfer-Ausgleich in Deutschland. Bestandsaufnahme und Perspektiven*. Bonn: Forum Verlag Godesberg, XII und 575 Seiten. Mit einem Geleitwort von Bundesminister der Justiz Prof. Dr. Eberhard Schmidt-Jortzig. Hrsg. Bundesministerium der Justiz (Schriftenreihe „recht“).
- Dünkel, Frieder (2015): Restorative Justice – Aktuelle Entwicklungen einer wiedergutmachenden Strafrechtspflege in Europa. In: Bannenberg, Britta u.a. (Hrsg.): *Über allem: Menschlichkeit. Festschrift für Dieter Rössner*. Baden-Baden: Nomos, S. 499-515.
- Dünkel, Frieder; Grzywa-Holten, Joanna; Horsfield, Philip (Eds.) (2015): *Restorative Justice and Mediation in Penal Matters in Europe. A Stock-Taking of Legal Issues, Implementation Strategies and Outcomes in 36 European Countries*. Mönchengladbach: Forum Verlag Godesberg, 1076 Pp. (Studies on Prisons, Juvenile Justice and Criminology, Vol. 50/1-2).
- Dünkel, Frieder; Grzywa-Holten, Joanna; Horsfield, Philip (2015): Comparative Overview. In: Dünkel, Frieder; Grzywa-Holten, Joanna; Horsfield, Philip (Eds.): *Restorative Justice and Mediation in Penal Matters in Europe. A Stock-Taking of Legal Issues, Implementation Strategies and Outcomes in 36 European Countries*. Mönchengladbach: Forum Verlag Godesberg, Pp. 977-1075.

- Dünkel, Frieder; Păroşanu, Andrea: Germany [Country Report] (2015). In: Dünkel, Frieder; Grzywa-Holten, Joanna; Horsfield, Philip (Eds.): *Restorative Justice and Mediation in Penal Matters in Europe. A Stock-Taking of Legal Issues, Implementation Strategies and Outcomes in 36 European Countries*. Mönchengladbach: Forum Verlag Godesberg, Pp. 291-322.
- Dünkel, Frieder; Horsfield, Philip; Păroşanu, Andrea (Eds.) (2015): *Research and Selection of the Most Effective Juvenile Restorative Justice Practices in Europe: Snapshots from 28 EU Member States*. Brussels: International Juvenile Justice Observatory (European Research on Restorative Juvenile Justice, Vol. I, 206 Pp.).
- Duhaime, Luc (22.12.2010): *The good and the bad: Judge Stuart's R. v. Moses legacy*. [5.12.2011, Duhaime: <http://www.duhaime.org/LawMag/LawArticle-1252/The-Good-and-the-Bad-Judge-Stuarts-R-v-Moses-Legacy.aspx>].
- Dwyer, Clare; Maruna, Shadd (2011): The role of self-help efforts in the reintegration of 'politically motivated' former prisoners: Implications from the Northern Irish experience. *Crime, Law and Social Change* 55, 4, pp. 293-309.
- Endenburg, Gerard (1998): *Sociocracy: The organization of decision-making*. Eburon.
- Ehret, Beate (2016): *Peacemaking Circles, their Restorative and Crime Prevention Capacities for Women and Children: Insights from a European Pilot Study*. In: Kury, Helmut et al. (Eds.): *Woman and Children as Victims and Offenders: Background, Prevention, Reintegration*. New York et al: Springer International Publishing.
- Fellegi, Borbála; Edit Törzs; Edit Velez (2009): *Restorative justice and victim-offender mediation in Hungary*. In: Aertsen, Ivo; Miers, David (Eds.): *A comparative study of restorative justice legislation in Europe*, Frankfurt am Main, Germany: Verlag für Polizeiwissenschaft.
- Fellegi, Borbála (2009): *'Cooperation between courts, prosecutors and mediators'* Presentation at a Mediation Conference, Warsaw, December 7-8, 2009.
- Fellegi, Borbála (2013): „Retribution and/or restoration? The purpose of our justice system through the lens of judges and prosecutors.” In: Blad, John; Cornwell, David; Wright, Martin (Eds.): *Civilising Criminal Justice: An International Restorative Agenda for Penal Reform*. Hook/Hampshire: Waterside Press.
- Fellegi, Borbála; Szegő, Dóra (2013): *Handbook for Facilitating Peacemaking Circles*. Budapest: Foresee Research Group  
[http://euforumrj.org/assets/upload/peacemaking\\_circle\\_handbook.pdf](http://euforumrj.org/assets/upload/peacemaking_circle_handbook.pdf)
- Fellegi, Borbála (2014): *Practising Restorative Encounters in Community Conflicts*. In: Kersten, Joachim; Burchard, Ansgar; Decker, Catharina (Eds.): *Policing Minority Communities. Restorative Justice Approaches and its Embeddedness in Austria, Hungary and Germany*. Münster: Deutsche Hochschule der Polizei 2014.
- Fellegi, Borbála; Szegő, Dóra (2015): *Prison System: What Does the Implementation of RJ Mean Within the Current System? The Face behind the Fence*. In: Lummer, Ricarda; Hagemann, Otmar; Reis, Sónja (Eds.): *Restorative Justice at Post-Sentencing Level in Europe*. Kiel, Pp. 46-59.
- Fitzgerald, John (2008): *Does Circle Sentencing Reduce Aboriginal Offending?* *Crime and Justice Bulletin*, 115.
- Früchtel, Frank; Halibrand, Anna-Maria (2015): *Restorative Justice: Theorie und Methode für die Soziale Arbeit*. Berlin: Springer Verlag.
- Gaarder, Emily (2015): *Lessons from a Restorative Circles Initiative for Intimate Partner Violence*. In: *Restorative Justice* 3, 3, 2015, Pp. 342-367.
- Gavrielidis, Theo (Ed.) (2015): *The Psychology of Restorative Justice: Managing the Power Within*. Farnham, Surrey: Ashgate Publishing.

- Gerkin, Patrick M. (2012): Who owns this conflict? The challenge of community involvement in restorative justice. *Contemporary Justice Review: Issues in Criminal, Social, and Restorative Justice* 15, 3, pp. 277-296.
- Gibbs, Jennifer C. (2016): The Importance of Discussing Crime Victimization in Criminal Justice Courses: An Empirical Assessment of a New Curriculum to Enhance Student Learning. In: *Journal of Criminal Justice Education* 27, 1, March 2016, Pp. 35-52.
- Gottschall, Shannon; Greiner, Leigh; Brown, Shelley; Serin, Ralph (2015): Value, Challenges, and Solutions in Incorporating Victim Impact Awareness in Offender Rehabilitation: The Results of Qualitative Interviews with Stakeholders. In: *Victims & Offenders. An International Journal of Evidence-based Research, Policy and Practice* 10, 3, Pp. 293-317.
- Granovetter, Mark (1983): The strength of weak ties: A Network Theory Revisited. *Sociological Theory* 1, pp. 201–233.
- Haft, Fritjof; Gräfin von Schlieffen, Katharina (Hrsg.) (2015): *Handbuch Mediation. Methoden und Technik, Rechtsgrundlagen, Einsatzgebiete*. 3. völlig neu bearbeitete Auflage. München: C.H. Beck 2015. XXV und 1487 Seiten.
- Hagemann, Otmar (2014): Conferencing as a Means of Restorative Justice – The Police Perspective. In: Kersten, Joachim; Burchard, Ansgar; Decker, Catharina (Eds.): *Policing Minority Communities. Restorative Justice Approaches and its Embeddedness in Austria, Hungary and Germany*. Münster: Deutsche Hochschule der Polizei, 109-130.
- Hagemann, Otmar (2014): Exploring and Understanding Victim Empathy. In: Schäfer, Peter; Weitekamp, Elmar (Eds.): *Establishing Victimology. Festschrift for Prof. Dr. Gerd Ferdinand Kirchhoff. 30<sup>th</sup> Anniversary of Dubrovnik Victimology Course*. Mönchengladbach, S. 223-248 (Schriften des Fachbereiches Sozialwesen der Hochschule Niederrhein, Band 59).
- Hagemann, Otmar (2014): Restorative Justice: Der Weg zu Heilung und sozialem Frieden. In: *Evangelische Stimmen: Forum für kirchliche Zeitfragen in Norddeutschland*, Heft 4, S. 40-45.
- Hallam, Mary (2015): Victim Initiated Restorative Justice. Restoring the Balance. An Evaluation of the Project Conducted Through Interviews with Victims, Offenders and those Making Referrals to the Service. London (Final Report of the UK Pilot Project. Restorative Justice at the Post-Sentencing Level Supporting and Protecting Victims). Available at: <http://rjustice.eu/images/pdf/restoring2015.pdf>
- Harris, Mark (2006): *A sentencing conversation evaluation of the Koori Courts Pilot Program October 2002 – October 2004*. Melbourne: Victorian Department of Justice.
- Hartmann, Arthur; Haas, Marie (2014): The Victims´ Directive and Restorative Justice in Germany. In: Gavrielidis, Theo (Ed.): *A Victim-Led Criminal Justice System: Addressing the Paradox*. London: IARS Publications, Pp. 119-141.
- Hartmann, Arthur; Haas, Marie; Eikens, Anke; Kerner, Hans-Jürgen (2014): Täter-Opfer-Ausgleich in Deutschland. Auswertung der bundesweiten Täter-Opfer-Ausgleichs-Statistik für die Jahrgänge 2011 und 2012. Bericht für das Bundesministerium der Justiz und für Verbraucherschutz. Mönchengladbach: Forum Verlag Godesberg, IX und 194 Seiten. Online-Ausgabe unter: [http://www.bmju.de/DE/Themen/OpferschutzUndGewaltpraevention/TaeterOpferAusgleich/TaeterOpferAusgleich\\_node.html](http://www.bmju.de/DE/Themen/OpferschutzUndGewaltpraevention/TaeterOpferAusgleich/TaeterOpferAusgleich_node.html)
- Hayes, Hennessey (2005): Assessing reoffending in restorative justice conferences. *Australian and New Zealand Journal of Criminology* 38, 1, pp. 77-101.
- Hayes, Hennessey (2007): Reoffending and restorative justice. In: Johnstone, Gerry; Van Ness, Daniel W. (Eds.): *Handbook of Restorative Justice*. Devon, UK: Willan Publishing, pp. 426-444.
- Höffler, Katrin; Gernbeck, Ursula (2015): Täter-Opfer-Ausgleich – Sinnvolles Instrument der Resozialisierung oder erneute Traumatisierung der Opfer? In: Bannenberg, Britta u.a.

- (Hrsg.): Über allem: Menschlichkeit. Festschrift für Dieter Rössner. Baden-Baden: Nomos, S. 516-533.
- Hopkins, Belinda (Ed.) (2015): *Restorative Theory and Practice. Ways of Understanding How Restorative Practice Works*. London. Jessica Kingsley Publishers 2015.
- Horrer, Kathrin (2014): *Restorative Justice im Strafrecht: Eine vergleichende Analyse von Konzeptionen des Konfliktausgleichs und deren Verwirklichung in Deutschland, Österreich, den Vereinigten Staaten von Amerika, Australien und Belgien*. Tübingen: TOBIAS-lib. Tübinger Schriften und Materialien zur Kriminologie, Band 26. (Elektronische Ressource).
- Huizinga, David; Schumann, Karl F. (2001): *Gang membership in Bremen and Denver: Comparative longitudinal data*. In: Klein, Malcolm W.; Kerner, Hans-Jürgen; Maxson, Cheryl L., Weitekamp, Elmar G. M. (Eds): *The Eurogang paradox: Street gangs and youth groups in the U.S. and Europe*. Dordrecht: Kluwer Academic Publishers.
- Jodlauk, Jasmin (2015): *Täter-Opfer-Ausgleich oder Jugendstrafe? Alternativen im Jugendgerichtsverfahren*. Hamburg: Bachelor + Master Publishing (Elektronische Ressource oder Print on Demand).
- Johnson, I.D. (s.d.): *Restorative justice circles as a method for addressing the impacts of crime on victims, communities and offenders*. [25.02.2013, Learning Ace: [http://www.learningace.com/doc/555559/eb2fd2e96370b04a2d3c30442ddfd71d/ingrid\\_johnson\\_uaf\\_honors\\_thesis/](http://www.learningace.com/doc/555559/eb2fd2e96370b04a2d3c30442ddfd71d/ingrid_johnson_uaf_honors_thesis/)].
- Johnstone, Gerry (2015): *Twenty-five Years of Changing Lenses—a Symposium*. In: *Restorative Justice* 3, 3, 2015, Pp. 419-424.
- Karp, David R. (2004): *Birds of a feather: a response to the McCold critique of community justice*. *Contemporary Justice Review: Issues in criminal, social and restorative justice* 7, 1, pp. 59-67.
- Kaspar, Johannes; Weiler, Eva; Schlickum, Gunter (2014): *Der Täter-Opfer-Ausgleich: Recht – Methodik - Falldokumentation*. München: C. H. Beck, 247 Seiten.
- Kaspar, Johannes (2015): *Mediation und konsensuale Konfliktlösungen im Strafrecht*. In: *Neue Juristische Wochenschrift* 68, 23, S. 1642-1646.
- Kaspar, Johannes; Mayer, Stefanie (2015): *Täter-Opfer-Ausgleich im Strafvollzug: Grundlagen und praktische Erfahrungen aus Modellprojekten*. In: *Forum Strafvollzug, Zeitschrift für Strafvollzug und Straffälligenhilfe* 64, 4, S. 261-266.
- Kelley, Vernon C.; Thorsborne, Margaret (Eds.) (2014): *The Psychology of Emotion in Restorative Practice. How Affect Script Psychology Explains How and Why Restorative Practice Works*. London. Jessica Kingsley Publishers.
- Kerner, Hans-Jürgen; Eikens, Anke; Hartmann, Arthur; Bundesministerium der Justiz (2012): *Täter-Opfer-Ausgleich in Deutschland Auswertung der bundesweiten Täter-Opfer-Ausgleichs-Statistik für den Jahrgang 2010*. Bericht für das Bundesministerium der Justiz. Mönchengladbach: Forum-Verlag Godesberg.
- Kerner, Hans-Jürgen (2015): *Bibliographie Kriminalitätsoffer. Veröffentlichungen zu Fragen des Umgangs von Staat und Gesellschaft mit Viktimisierung und den davon betroffenen Menschen*. Tübingen: TOBIAS-lib. 152 Seiten. (Tübinger Schriften und Materialien zur Kriminologie, Band 33).
- Kerner, Hans-Jürgen (2015): *Mediation beim Täter-Opfer-Ausgleich. § 47*. In: Fritjof Haft; Katharina Gräfin von Schlieffen (Hrsg.): *Handbuch Mediation. Methoden und Technik, Rechtsgrundlagen, Einsatzgebiete*. 3. völlig neu bearbeitete Auflage. München: C.H. Beck, S. 1097-1119.
- Kersten, Joachim; Burchard, Ansgar; Decker, Catharina (Eds.) (2014): *Policing Minority Communities. Restorative Justice Approaches and its Embeddedness in Austria, Hungary and Germany*. Münster: Deutsche Hochschule der Polizei.

- Kilchling, Michael (2015): Die Europäische Opferrechtsrichtlinie: Unterstützung oder Hemmschuh für die Entwicklung der Restorative Justice? In: DBH-Fachverband für Soziale Arbeit, Strafrecht und Kriminalpolitik (Hrsg.): Europäische Vorgaben zum Opferschutz. Unterstützung oder Hemmschuh für Restorative Justice? Köln: DBH Eigenverlag, S. 46-56. (DBH-Materialien, Nr. 73).
- Kozáry, Andrea (2014): Restorative Justice – the Hungarian Perspective. In: Kersten, Joachim; Burchard, Ansgar; Decker, Catharina (Eds.): Policing Minority Communities. Restorative Justice Approaches and its Embeddedness in Austria, Hungary and Germany. Münster: Deutsche Hochschule der Polizei, Pp. 71-84.
- Kury, Helmut (Ed.) (2015): Punitivity and Punishment – Results from Different Countries. Bochum: Universitätsverlag Dr. N. Brockmeyer (Crime and Crime Policy, Vol. 10).
- Kury, Helmut; Strémy, Tomáš (2015): Restorative Justice and Alternative Punishments – New Results. In: Kury, Helmut (Ed.): Punitivity and Punishment – Results from Different Countries. Bochum: Universitätsverlag Brockmeyer, Pp. 77-98. (Crime and Crime Policy, Vol. 10).
- Latimer, Jeff; Dowden, Craig; Muise, Danielle (2005): The effectiveness of restorative justice practices: A meta-analysis. *The prison journal* 85, 2, pp. 127-144.
- Lauwaert, Katrien (2009): *Herstelrecht en procedurele waarborgen*. Antwerpen: Maklu.
- Lauwaert, Katrien; Aertsen, Ivo (Eds.) (2015): Desistance and Restorative Justice. Mechanisms for Desisting from Crime Within Restorative Justice Practices. Brussels: European Forum for Restorative Justice V.Z.W., 190 Pp.
- Laxminarayan, Malini, in Cooperation with Ivo Aertsen et al. (2014): Accessibility and Initiation of Restorative Justice. Leuven: LINC.
- Lilles, Heino (2001): Yukon Sentencing Circles and Elder Panels. *Criminology Aotearoa/New Zealand. A newsletter from the Institute of Criminology*, 16.
- Lilles, Heino (2002): *Circle sentencing: Part of the restorative justice continuum*. [27.11.2012, International Institute for Restorative Practices Canada: [http://www.iirp.edu/article\\_detail.php?article\\_id=NDQ3](http://www.iirp.edu/article_detail.php?article_id=NDQ3)].
- Ludwiczak, Franck; Humbert, Sylvie (Dir.) (2015): *Juste Victime dans le Procès Pénal*. Paris: L'Harmattan, 259 Pp.
- Lummer, Ricarda; Hagemann, Otmar; Reis, Sónja (Eds.) (2015): Restorative Justice at Post-Sentencing Level in Europe. Kiel, 134 Pp. (Schriftenreihe Soziale Strafrechtspflege, Band 3).
- Lummer, Ricarda; Friederike Reinhardt (2015): Arbeitskreis 4: Restorative Justice nach Verurteilung: Opfer schützen und unterstützen. In: DBH-Fachverband für Soziale Arbeit, Strafrecht und Kriminalpolitik (Hrsg.): Europäische Vorgaben zum Opferschutz. Unterstützung oder Hemmschuh für Restorative Justice? Köln: DBH Eigenverlag, S. 94-107. (DBH-Materialien, Nr. 73).
- Marshall, Tony E. (1999): *Restorative Justice: An Overview*. London: Home Office, Research, Development and Statistics Directorate.
- Matthews, Stephen A.; Larkin, Gayle (1999): Guide to Community-based Alternative for Low Risk Juvenile Offenders. Topeka, KS, Koch Crime Institute.
- McCold, Paul (31.03.1995): *Restorative Justice: The role of the community*. [26.06.2013] International institute for restorative practices: [http://www.iirp.edu/article\\_detail.php?article\\_id=NTA1](http://www.iirp.edu/article_detail.php?article_id=NTA1)
- McCold, Paul (2004): What is the role of community in restorative justice theory and practice? In: Zehr, Howard; Toews, Barb (Eds.): *Critical issues in Restorative Justice*, Cul-lompton: Willan Publishing.
- McCold, Paul (2004): Paradigm muddle: the threat to restorative justice posed by its merger with community justice. *Contemporary Justice Review: Issues in criminal, social and restorative justice* 7, 1, pp. 13-35.

- McCold, Paul; Wachtel, Ted (06.07.1997): *Community is not a place: a new look at community justice initiatives*. [26.06.2013, International institute for restorative practices: [http://www.iirp.edu/article\\_detail.php?article\\_id=NDC1](http://www.iirp.edu/article_detail.php?article_id=NDC1)].
- McNamara, Luke (2000): The locus of decision-making authority in circle sentencing: the significance of criteria and guidelines. *Windsor Yearbook of Access to Justice* 18, pp. 60-114.
- Meier, Bernd-Dieter (2015): Täter-Opfer-Ausgleich und Schadenswiedergutmachung im Strafrecht: Bestandsaufnahme zwanzig Jahre nach der Einführung des § 46a StGB. In: *Juristenzeitung* 70, 10, S. 488-494.
- Mercer, Vince; Madsen, Karin Sten (2015): *Doing Restorative Justice in Cases of Sexual Violence: A Practical Guide*. Edited by Marie Keenan and Estelle Zinsstag. Leuven: LINC.
- Miers, David; Aertsen, Ivo (Eds.) (2012): *Regulating restorative justice. A comparative study of legislative provision in European countries*. Frankfurt am Main: Verlag für Polizeiwissenschaft.
- Pamman, Nicholas (2015): *Community Reparation for Young Offenders: Perceptions, Policy and Practice*. Basingstoke: Palgrave Macmillan UK, 128 Pp.
- Parker, Lynette (February 2002): *Minnesota State Supreme Court Upholds Use of Sentencing Circles*. [03.07.2013] Restorative Justice Online: <http://www.restorativejustice.org/editions/2002/Feb02/mnstatesupremecourtup>
- Pavlich, George (2001): The force of community. In: Strang, Heather, Braithwaite, John (Eds.): *Restorative Justice and Civil Society*. Cambridge: Cambridge University Press.
- Pavlich, George (2004): What are the dangers as well as the promises of community involvement? In: Zehr, Howard; Toews, Barb (Eds.): *Critical issues in Restorative Justice*. Cullompton: Willan Publishing.
- Pavlich, George (2005): *Governing Paradoxes of Restorative Justice*. London: Glasshouse Press.
- Peters, Tony; Aertsen, Ivo (1995): Restorative justice: In search of new avenues in judicial dealings with crime. The presentation of a project of mediation for reparation. In: Fijnaut, Cyrille; Goethals, Johan; Peters, Tony; Walgrave, Lode (Eds.): *Changes in society, crime and criminal justice in Europe, vol. 1*. Antwerp: Kluwer Rechtswetenschappen België.
- Posick, Chad; Zimmermann, Gregory M. (2015): Person-in-Context: Insights on Contextual Variation in the Victim-Offender-Overlap Across Schools. In: *Journal of Interpersonal Violence* 30, 8, Pp. 1432-1455.
- Potas, Ivan, Smart, Jane, Brignell, Georgia, Thomas, Brendan, Lawrie, Rowena (2003). *Circle sentencing in New South Wales: a review and evaluation*. NSW Judicial Commission Monograph 22. Sydney: Judicial Commission of New South Wales.
- Pranis, Kay (1998): *Conferencing and community*. [29.10.2012, International institute for Restorative Practices: [http://www.iirp.edu/article\\_detail.php?article\\_id=NDC4](http://www.iirp.edu/article_detail.php?article_id=NDC4)].
- Pranis, Kay (2005): *The little book of circle processes. A new/old way approach to peacemaking*. Intercourse: Good books.
- Pranis, Kay; Stuart, Barry; Wedge, Mark (2003): *Peacemaking circles: from crime to community*. St. Paul: Living Justice Press.
- Prass, Maria (2016): *Der Täter-Opfer-Ausgleich*. München: GRIEN Verlag (Elektronische Ressource oder Print on Demand).
- Prison Fellowship International – Centre for Justice and Reconciliation: Restorative Justice: <http://restorativejustice.org/restorative-justice/>

- Projekt Handschlag (2015): Jahresbericht 2014. Reutlingen: Eigenverlag Verein Hilfe zur Selbsthilfe, 35 Seiten. (Täter-Opfer-Ausgleich Jugendstrafrecht, Konfliktausgleich, Schadenswiedergutmachung).
- Randall, Melanie (2010): Sexual Assault Law: Credibility and “Ideal Victim’s” Consent, Resistance, and Victim Blaming. In: Canadian Journal of Woman and the Law 22, 2, Pp. 397-435.
- Restorative Justice Programs in Minnesota (s.d.) [27.06.2013]: Knowledgeplex: [http://content.knowledgeplex.org/kp2/kp/text\\_document\\_summary/case\\_study/refiles/enterprise/enterprise\\_justice.pdf](http://content.knowledgeplex.org/kp2/kp/text_document_summary/case_study/refiles/enterprise/enterprise_justice.pdf).
- Rieger, Lisa (2001): Circle peacemaking. *Alaska Justice forum* 17, 4, pp. 1, 6-7.
- Schiff, Mara 2007: Satisfying the needs and interests of stakeholders. In: Johnstone, Gerry; Van Ness, Daniel W. (Eds.): *Handbook of Restorative Justice*. Cullompton, Devon: Willan publishing.
- Sampson, Robert J.; Laub, John H. (1995): *Crime in the Making: Pathways and Turning Points Through Life*. Harvard University Press.
- Schiff, Mara; Bazemore, Gordon (2001): Dangers and opportunities of restorative community justice: a response to critics. In: Schiff, Mara; Bazemore, Gordon. (Eds.): *Restorative community justice. Repairing harm and restoring communities*. Cincinnati: Anderson Publishing Co.
- Schöch, Heinz (2015): Restorative Justice in Deutschland und Europa. In: Scripta Amicitiae, Freundschaftsgabe für Albin Eser zum 80. Geburtstag. Berlin: Duncker & Humblot, S. 185-201.
- Shapland, Joanna; Robinson, Gwen; Sorsby, Angela. (2011): *Restorative justice in practice. Evaluating what works for victims and offenders*. Willan, Routledge.
- Strang, Heather (2003): Repair or Revenge: Victims and Restorative Justice. Oxford: Oxford University Press.
- Strang, Heather; Sherman, Lawrence W. (2004): Effects of face-to-face restorative justice for personal victim crimes: Submitted to the Campbell Crime and Justice Group, Campbell Collaboration.
- Strang, Heather; Sherman, Lawrence W. (2007): Restorative justice: the evidence. The Smith Institute.
- Stuart, Barry (1992): *R. vs. Moses*. [5.12.2011] University of Saskatchewan: <http://www.usask.ca/nativelaw/factums/view.php?id=124>.
- Stuart, Barry (1996a): Circle sentencing – Turning Swords into Ploughshares. In: Galaway, Burt; Hudson, Joe (Eds.): *Restorative Justice: International Perspectives*. Monsey, NY: Criminal Justice Press.
- Stuart, Barry (1996b): Circle sentencing in Yukon Territory, Canada: A partnership of the community and the criminal justice system. *International journal of comparative and applied criminal justice* 20, 1 & 2, pp. 291-309.
- Stuart, Barry (2001): Guiding principles for peacemaking circles. In: Bazemore, Gordon; Schiff, Mara (Eds.): *Restorative Community Justice. Repairing harm and transforming communities*. Cincinnati: Anderson Publishing Co.
- Sullivan, David; Tifft, Larry L. (Eds.) (2008): *Handbook of Restorative Justice: A Global Perspective*. Second Edition. London, New York: Routledge.
- Törzs, Edit (2009): ‘Victim-offender mediation (VOM) in case of adult offenders in Hungary.’ Presentation at “European Best Practices of Restorative Justices in the Criminal Procedure” Conference, Budapest, 27-29 April 2009.
- Trenczek, Thomas (2015): Restorative Justice: New Paradigm, Sensitising Theory or Even Practice? In: *Restorative Justice* 3, 3, Pp. 453-459.
- Umbreit, Mark; Coates, Robert; Vos, Betty (2004): Restorative Justice versus Community Justice: Clarifying a Muddle or Generating Confusion? *Contemporary Justice Review*:

- Issues in Criminal, Social and Restorative Justice* 7, 1, pp. 81-89.
- Umbreit, Mark; Coates, Robert; Vos, Betty (2006): *Restorative Justice Dialogue: Evidence-Based Practice*. Center for Restorative Justice & Peacemaking, University [January 12, 2011] University of Minnesota, School of Social Work: [http://www.cehd.umn.edu/ssw/RJP/PDFs/RJ\\_Dialogue\\_Evidence-based\\_Practice\\_1-06.pdf](http://www.cehd.umn.edu/ssw/RJP/PDFs/RJ_Dialogue_Evidence-based_Practice_1-06.pdf) ]
- United Nations Office on Drugs and Crime (Ed.) (2006): *Handbook on Restorative Justice Programs*. Vienna: UNITED NATIONS PUBLISHING.
- Van Camp, Tinneke; de Souter, V. (2012): *Restorative justice in Belgium*. In: Miers, David; Aertsen, Ivo. (Eds.): *Regulating Restorative Justice. A comparative study of legislative provision in European countries*. Frankfurt am Main: Verlag für Polizeiwissenschaft, 2012.
- Van Camp, Tinneke (2014): *Victims of Violence and Restorative Practices: Finding a Voice*. London et al.: Routledge 2014.
- Van Doosselaere, Denis; Vanfraechem, Inge (2010): *Research, practice and policy partnerships. Empirical research on restorative justice in Belgium*. In: Vanfraechem, Inge; Aertsen, Ivo; Willemsens, Jolien (Eds.): *Restorative Justice Realities. Empirical research in a European context*. Den Haag: Eleven International Publishing.
- Van Ness, Daniel W.; Heetderks-Strong, Karen (2014): *Restoring justice: An Introduction to Restorative Justice*. 5th Edition. Cincinnati: Anderson.
- Varfi, Tzeni; Parmentier, Stephan; Aertsen, Ivo (Eds.) (2014): *Developing Judicial Training for Restorative Justice: Towards a European Approach*. Final Research Report. Leuven: European Forum for Restorative Justice, December.
- Wachtel, Ted (2014): *Restorative Justice Reform: The System Versus the Lifeworld*. In: *Restorative Justice* 2, 3, Pp. 361-366.
- Walgrave, Lode; Vettenburg, Nicole (Eds.) (2007): *Herstelgericht Groepsoverleg. Nieuwe wegen in de aanpak van jeugddelinquentie en tuchtproblemen*. Leuven: Lannoo Uitgeverij.
- Walgrave, Lode; Aertsen, Ivo; Parmentier, Stephan; Vanfraechem, Inge; Zinsstag, Estelle (2013): *Why Restorative Justice Matters for Criminology*. In: *Restorative Justice* 1, 2, Pp. 159-167.
- Walker, Loren; Greening, Rebecca (2010): *Huikahi Restorative Circles: A Public Health Approach for Re-entry Planning*. In: *Federal Probation* 74, 1, p. 1-6.
- Weitekamp, Elmar G. M. (1993): *Reparative justice: Towards a victim oriented system*. *European Journal On Criminal Policy and Research* 1, 1, 70-93.
- Weitekamp, Elmar G. M. (1998): *The History of Restorative Justice*. In: Walgrave, Lode; Bazemore, Gordon (Eds.): *Restoring Juvenile Justice*. Monsey, N.Y.: Criminal Justice Press.
- Weitekamp, Elmar G. M.; Parmentier, Stephan (2012): *On the road to reconciliation: the attempt to develop a theoretical model which applies restorative justice mechanisms in post-conflict societies*. In: Plywaczewski, Emil (Hrsg.): *Aktuelle Probleme des Strafrechts und der Kriminologie*. Band 5. Warszawa: LEX (Wolters Kluwer Polska) S. 795-804.
- Weitekamp, Elmar G. M. (2014): *Restorative Justice and Police: Complementary, Contradictory and/or What Are the Chances of Joining Forces*. In: Kersten, Joachim; Burchard, Ansgar; Decker, Catharina (Eds.): *Policing Minority Communities. Restorative Justice Approaches and its Embeddedness in Austria, Hungary and Germany*. Münster: Deutsche Hochschule der Polizei, Pp. 159-188.
- Weitekamp, Elmar G. M. (2015): *„Just Health“ meets „Restorative Justice“: Ein Blick auf die historischen Wurzeln der Restorative Justice*. In: Bannenberg, Britta u.a.(Hrsg.): *Über allem: Menschlichkeit. Festschrift für Dieter Rössner*. Baden-Baden: Nomos 2015, S. 564-570.



- Willemsens, Jolien (2008): *Restorative Justice: An agenda for Europe. The role of the European Union in the further development of restorative justice*. Leuven: European Forum for Restorative Justice.
- Wilson, Robin J.; Picheca, Janice E.; Prinzo, Michelle (2007): Evaluating the effectiveness of professionally-facilitated volunteerism in the community-based management of high risk sexual offenders PART TWO—A comparison of recidivism rates. *Howard Journal of Criminal Justice*, 46, p. 327-337.
- Wilson, Robin J.; Cortoni, Franca; McWhinnie, Andrew J. (2009): Circles of Support & Accountability: A Canadian national replication of outcome findings. *Sexual Abuse: A Journal of Research & Treatment*, 21, p. 412-430.
- Zehr, Howard (1990): *Changing lenses. A new focus for crime and justice*. Scottsdale: Herald Press.
- Zehr, Howard; Mika, Harry (2003): Fundamental Concepts of Restorative Justice. In: McLaughlin, Eugene; Fergusson, Ross; Hughes, Gordon; Westmarland, Louise. *Restorative Justice. Critical issues* (pp. 40-43). London: Sage Publications.
- Zehr, Howard (2015): Reflections on Lenses. In: *Restorative Justice*, 3, 3, Pp. 460-467.
- Zehr, Howard; MacRae, Allan; Pranis, Kay; Stutzman-Amstutz, Lorraine (2015): *The Big Book of Restorative Justice: Four Classic Justice & Peacebuilding Books in One Volume (Justice and Peacebuilding)*. Harrisonburg, VA: CJP Edition, 368 Pp.
- Zinsstag, Estelle (2012): Conferencing. A developing practice of restorative justice. In: Zinsstag, Estelle; Vanfraechem, Inge (Eds.): *Conferencing and restorative justice. International practices and perspectives* (pp. 11-32). Oxford: Oxford University Press.
- Zinsstag, Estelle; Vanfraechem, Inge (Eds.) (2012): *Conferencing and restorative justice. International practices and perspectives*. Oxford: Oxford University Press.
- Zöller, Mark A. (2015): Opferschutz im Strafverfahren – Zwischenbilanz eines Widerspruchs. In: Stuckenberg, Carl-Friedrich; Gärtitz, Klaus Ferdinand (Hrsg.): *Strafe und Prozess im freiheitlichen Rechtsstaat. Festschrift für Hans-Ulrich Paeffgen zum 70. Geburtstag am 2. Juli 2015*. Berlin: Duncker & Humblot, S. 719-736.

## Issues of Law, Law-Making and Implementation Legal Settings and Related Documents or Publications

### Belgium

*Gas-bemiddeling. Een leidraad* [Brochure]. (s.d.). [13.12.2011, Vereniging Vlaamse Jeugdendiensten: <http://www.vvj.be/node/3423/file>].

European Justice Portal: Mediation in Member States- Belgium. Electronic Resource with Hyperlinks: [https://e-justice.europa.eu/content\\_mediation\\_in\\_member\\_states-64-be-en.do?member=1](https://e-justice.europa.eu/content_mediation_in_member_states-64-be-en.do?member=1)

Federale Overheidsdienst Justitie, Ministerie van Justitie: Wat moet u doen als Slachtoffer [http://justitie.belgium.be/nl/wat\\_moet\\_u\\_doen\\_als\\_slachtoffer](http://justitie.belgium.be/nl/wat_moet_u_doen_als_slachtoffer)

Suggnomè: Bemiddeling <http://www.suggnome.be/bemiddeling.php>

Suggnomè vzw (27.04.2004). *Gecoördineerde statuten*. [03.07.2013, Suggnomè vzw: <http://www.suggnome.be/pdf/statuten.pdf>]

Suggnomè vzw (2005). *Waarom? Slachtoffer-daderbemiddeling in Vlaanderen*. Antwerpen: Garant.

Suggnomè vzw (s.d.). *Historiek*. [14.05.2013, Suggnomè vzw: [http://www.suggnome.be/vzw\\_historiek.php](http://www.suggnome.be/vzw_historiek.php)]

Suggnomè vzw & HCA-services (s.d.). *Ethical code*. [23.04.2013, Suggnomè vzw: <http://suggnome.be/pdf/Deontologische%20code.pdf>]

*Vandelanotte wordt koninklijk bemiddelaar* (21.10.2010). [8.10.2012, De Standaard: [http://www.standaard.be/artikel/detail.aspx?artikelid=DMF20101021\\_100](http://www.standaard.be/artikel/detail.aspx?artikelid=DMF20101021_100)].

Wet van 8 december 1992 tot bescherming van de persoonlijke levenssfeer ten opzichte van de verwerking van persoonsgegevens.

Wet 10 februari 1994 betreffende de regeling van de procedure van bemiddeling in strafzaken.

Wet 22 juni 2005 tot invoering van bepalingen inzake bemiddeling in de Voorafgaande Titel van het Wetboek van Strafvordering en in het Wetboek van Strafvordering, B.S., 27 juli 2005.

Ministerieel besluit 10 maart 2006 houdende de erkenning als bemiddelingsdienst bedoeld in artikel 554, §1 van het Wetboek van Strafvordering, B.S., 24 maart 2006.

### Council of Europe (Strasbourg, France)

Council of Europe: European convention of Human Rights: <http://www.echr.coe.int/pages/home.aspx?p=basictexts>

Council of Europe: Recommendation R(99)19 Concerning Mediation in Penal Matters. <https://wcd.coe.int/ViewDoc.jsp?id=420059&Site=DC>

Council of Europe – Human Rights and Rule of Law: Crime Victims: <http://www.coe.int/t/DGHL/StandardSetting/Victims/>

European Forum for Restorative Justice (Leuven, Belgium): Homepage <http://www.euforumrj.org/>

## European Union (Brussels, Belgium)

- European Commission, DG Justice (Brussels): **Directive 2012/29/EU** establishing minimum standards on the rights, support and protection of victims of crime. Homepage Victims: [http://ec.europa.eu/justice/criminal/victims/index\\_en.htm](http://ec.europa.eu/justice/criminal/victims/index_en.htm)
- European Commission for the efficiency of Justice, *Guidelines for a better implementation of the existing recommendation concerning mediation in penal matters*, Strasbourg, 7 december 2007:  
<https://wcd.coe.int/ViewDoc.jsp?Ref=CEPEJ%282007%2913&Language=lanEnglish&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>
- European Council (Brussels): Council Framework decision of 15 march 2001 on the standing of victims in criminal proceedings.  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001F0220:EN:NOT>
- European Justice Portal: Victims of Crime:  
[https://e-justice.europa.eu/content\\_victims\\_of\\_crime-65-en.do](https://e-justice.europa.eu/content_victims_of_crime-65-en.do)
- European Justice Portal: Victims of Crime in Criminal Proceeding:  
[https://e-justice.europa.eu/content\\_victims\\_of\\_crime-65-en.do](https://e-justice.europa.eu/content_victims_of_crime-65-en.do)
- European Justice Portal: Rights of Victims in Criminal Proceedings:  
[https://e-justice.europa.eu/content\\_rights\\_of\\_victims\\_of\\_crime\\_in\\_criminal\\_proceedings-171-en.do](https://e-justice.europa.eu/content_rights_of_victims_of_crime_in_criminal_proceedings-171-en.do)
- European Justice Portal: Compensation of Victims:  
[https://e-justice.europa.eu/content\\_compensation-67-en.do](https://e-justice.europa.eu/content_compensation-67-en.do)
- European Justice Portal: Victims of Crime in Criminal Proceedings. **Directive 2012**  
[https://e-justice.europa.eu/content\\_victims\\_of\\_crime\\_in\\_criminal\\_proceedings-66-en.do?clang=en](https://e-justice.europa.eu/content_victims_of_crime_in_criminal_proceedings-66-en.do?clang=en)

## Germany

- Bundesgerichtshof Gesetz zur Stärkung der Opferrechte im Strafverfahren (3. Opferrechtsreformgesetz) vom 21.12.2015, BGBl I S. 2525 (Documentation: [http://www.bundesgerichtshof.de/DE/Bibliothek/GesMat/WP18/O/opferschutzrefG\\_3.html](http://www.bundesgerichtshof.de/DE/Bibliothek/GesMat/WP18/O/opferschutzrefG_3.html)) Legal Gazette: [BGBl I S. 2525 \(PDF, 78 KB, Datei ist nicht barrierefrei\)](#)
- Bundesministerium der Justiz und für Verbraucherschutz: Opferschutz und Gewaltprävention  
[http://www.bmjv.de/DE/Themen/OpferschutzUndGewaltpraevention/OpferschutzStrafverfahren/OpferschutzStrafverfahren\\_node.html](http://www.bmjv.de/DE/Themen/OpferschutzUndGewaltpraevention/OpferschutzStrafverfahren/OpferschutzStrafverfahren_node.html)
- Deutscher Bundestag: Gesetz zur Stärkung der Opferrechte im Strafverfahren (3. Opferrechtsreformgesetz) Documentation of the Legislative Development:  
<http://dipbt.bundestag.de/extrakt/ba/WP18/651/65145.html>
- Deutscher Juristinnenbund e.V. (djb): Stellungnahme zum Entwurf eines Gesetzes zur Stärkung der Opferrechte im Strafverfahren (3. Opferrechtsreformgesetz, Umsetzung der Richtlinie 2012/29/EU). Berlin, 12.12.2014 (auch als Internet-Ressource).
- Doering-Striening, Gudrun (Hrsg.): Opferechte. Handbuch für den Opferanwalt. Baden-Baden: Nomos Verlag 2013.
- Eisenberg, Ulrich: Jugendgerichtsgesetz. Kommentar. 18. Auflage 2015. München: C.H. Beck Verlag.
- Esser, Robert: Drittes Opferrechtsreformgesetz: Gerät der Strafprozess in eine Schiefelage? In: Legal Tribune Online vom 14.12.2015 (Internet-Ressource).

- European Justice Portal: Mediation in Member States- Belgium. Electronic Resource with Hyperlinks: [https://e-justice.europa.eu/content\\_mediation\\_in\\_member\\_states-64-de-en.do?member=1](https://e-justice.europa.eu/content_mediation_in_member_states-64-de-en.do?member=1)
- Juris GmbH: Gesetze im Internet: German Code of Criminal Procedure. English Translation: [https://www.gesetze-im-internet.de/englisch\\_stpo/](https://www.gesetze-im-internet.de/englisch_stpo/)
- Juris GmbH: Gesetze im Internet: German Criminal Code, English Translation: [https://www.gesetze-im-internet.de/englisch\\_stgb/](https://www.gesetze-im-internet.de/englisch_stgb/)
- Juris GmbH: Gesetze im Internet: Youth Courts Law. English Translation: [https://www.gesetze-im-internet.de/englisch\\_igg/](https://www.gesetze-im-internet.de/englisch_igg/)
- KOK – Bundesweiter Koordinierungskreis gegen Menschenhandel e.V.: Kurzstellungnahme des KOK zum Entwurf eines Gesetzes zur Stärkung der Opferrechte im Strafverfahren (3. Opferrechtsreformgesetz). Berlin, 31.2.2015 (auch als Internet-Ressource).
- KOK – Bundesweiter Koordinierungskreis gegen Menschenhandel e.V.: Stellungnahme zum Entwurf eines Gesetzes zur Stärkung der Opferrechte im Strafverfahren (3. Opferrechtsreformgesetz); Referentenentwurf des BMJV 2014 (Bearbeitungsstand 10.09.2014). Berlin, 9.12.2014 (auch als Internet-Ressource).
- Landtag Nordrhein-Westfalen: Antrag der Fraktion der CDU: Opfern von Straftaten den Gang in den Zeugenstand erleichtern: Psychosoziale Prozessbegleitung stärken! Drucksache 16/10064 vom 27.10.2015.
- Löffelmann, Markus: Drittes Opferrechtsreformgesetz. Recht und Politik, unabhängiges Forum für gute Rechtspolitik, Ausgabe 11/2014 vom 24.11.2014 (Internet-Ressource).
- Loheide, Maria (Vorstand Sozialpolitik): Stellungnahme der Diakonie Deutschland – Evangelischer Bundesverband zum Referentenentwurf eines Gesetzes zur Stärkung der Opferrechte im Strafverfahren (3. Opferrechtsreformgesetz) des Bundesministeriums für Justiz und für Verbraucherschutz. Berlin: 9.12.2014 (auch als Internet-Ressource).
- Meyer-Goßner, Lutz / Schmitt, Bertram: Strafprozessordnung mit GVG und Nebengesetzen. 58. Auflage 2015. München: C.H. Beck Verlag.
- Peter, Frank K.: Das 1x1 des Opferanwalts. Bonn: Deutscher Anwaltverlag 2010.
- Weiner, Bernhard: Opfer- und Verletztenrechte. Baden-Baden: Nomos Verlag 2005.
- Scharfenberg, Annette: Verlorene Unschuld(svermutung). Zum 3. Opferrechtsreformgesetz, In: Freispruch, Heft 7, September 2015, S. 6-8.
- Schönke-Schröder: Strafgesetzbuch. Kommentar. 29. Auflage 2014. München: C.H. Beck-Verlag (Bearbeitet von Albin Eser u.a.).
- Servicebureau for Victim-Offender Mediation and Conflict Settlement & National Association for Victim-Offender Mediation (Eds.): Standards for Victim-Offender Mediation. Cologne (Germany): 6<sup>th</sup> Edition 2012 [Translated from the Original German Version by Ricarda Lummer].

## Hungary

- European Justice Portal: Mediation in Member States- Hungary. Electronic Resource with Hyperlinks: [https://e-justice.europa.eu/content\\_mediation\\_in\\_member\\_states-64-hu-en.do?member=1](https://e-justice.europa.eu/content_mediation_in_member_states-64-hu-en.do?member=1)
- Hatvani, Erzsébet (2007): 'Victim-offender mediation in Hungary'. [http://www.iirp.edu/article\\_detail.php?article\\_id=NTkw](http://www.iirp.edu/article_detail.php?article_id=NTkw)
- Hungarian Act CXXIII of 2006 on Mediation in Criminal Cases Scope, [http://www.foresee.hu/uploads/tx\\_abdownloads/files/REDICT\\_brochure.pdf](http://www.foresee.hu/uploads/tx_abdownloads/files/REDICT_brochure.pdf)

## United Nations Organization (New York and Vienna)

Ecosoc (2002). *Resolution 2002.12 of the Economic and social council of the United Nations. Basic principles on the use of restorative justice programmes in criminal matters.* [01.07.2013] United Nations New York:

<http://www.un.org/en/ecosoc/docs/2002/resolution%202002-12.pdf>

United Nations Human Rights Committee (27.10.2004). *International covenant on civil and political rights. Fifth periodic report. Canada.* [26.06.2013, The Office of the United Nations High Commissioner for Human Rights,

<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>].

United Nations Office on Drugs and Crime (Ed.) (2006): *Handbook on Restorative Justice Programs.* Vienna: UNITED NATIONS PUBLISHING.

[https://www.unodc.org/pdf/criminal\\_justice/06-56290\\_Ebook.pdf](https://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf)

# TÜKRIM

## Allgemeine Hinweise

Die Reihe „Tübinger Schriften und Materialien zur Kriminologie“ (TüKrim) umfasst im Kernbereich Publikationen zur Kriminologie im Sinne einer empirischen bzw. erfahrungswissenschaftlichen Forschungsdisziplin. Darüber hinaus erstreckt sie sich auch auf einschlägige Werke aus den wesentlichsten Bezugsdisziplinen der Kriminologie (namentlich Soziologie, Rechtswissenschaft, Kriminalistik, Psychologie, Sozialpädagogik, Forensische Psychiatrie sowie Rechtsmedizin). TüKrim stellt eine selbständige wissenschaftliche Schriftenreihe auf dem Online-Publikationsserver der Universitätsbibliothek Tübingen (TOBIAS-lib) dar. Sie entspricht den Vorgaben für Elektronische Publikationen in der Wissenschaft; daher sind die aufgenommenen Schriften auch uneingeschränkt zitierfähig.

Für die Reihe TüKrim sind verschiedene Textarten, vordringlich aus der Feder von aktiven und ehemaligen Mitgliedern des Instituts, zur Aufnahme vorgesehen, namentlich:

- **Forschungsberichte** über abgeschlossene empirische, auch kooperative, Projekte;
- **Themenbezogene Bibliographien** aus der Projektarbeit oder aus KrimDok;
- **Werkstattberichte** zu laufenden, auch kooperativen, Forschungen des Instituts;
- **Themenbezogene Aufsatzsammlungen** von Einzelautoren und Autorengruppen;
- **Habilitationsschriften und Dissertationen**, namentlich wenn sie im Zusammenhang mit Institutsprojekten entstanden oder durch den Lehrstuhl für Kriminologie, Jugendstrafrecht, Strafvollzug und Strafprozessrecht betreut worden sind, sobald sie von den zuständigen Hochschulgremien zur Erstveröffentlichung in elektronischer Form zugelassen wurden;
- **Diplomarbeiten und Magisterarbeiten**, wenn sie im Zusammenhang mit Institutsprojekten oder Lehrstuhlvorhaben entstanden sind und im besonderen Fall für einen breiteren Leserkreis von Interesse sind;
- **Sammelbände** mit ausgewählten, ggf. für die Publikation neu bearbeiteten, Beiträgen zu nationalen und internationalen Tagungen, im Ausnahmefall auch zu besonders ertragreichen Workshops oder Seminaren;
- **Materialienbände**, beispielsweise mit Forschungsdaten oder aktuellen kriminalstatistischen Tabellen und Schaubildern;
- **Nachdrucke** vergriffener **Verlagspublikationen**, nach Freiwerden oder ausdrücklicher Übertragung der Verbreitungs- und Verwertungsrechte;
- **Nachdrucke** von vergriffener sog. **Grauer Literatur**, also von für die Fachöffentlichkeit bedeutsamen Materialien und Dokumentationen, die in anderer Weise als durch Verlagspublikation der (Fach-)Öffentlichkeit zugänglich waren, nach Zustimmung seitens der Autoren.

Die Bände sind im Regelfall als PDF-Dateien gespeichert. Sie können, soweit im Einzelfall nichts Gegenteiliges ausdrücklich vermerkt ist, unter folgendem Portal frei eingesehen sowie bei Bedarf auch kostenlos zur persönlichen Nutzung auf den eigenen PC herunter geladen werden: <http://w210.ub.uni-tuebingen.de/dbt/intro/>.

Jeder Band kann darüber hinaus als gedruckte Version beim Institut für Kriminologie gegen einen Unkostenbeitrag bestellt werden. Dieser deckt ausschließlich die unmittelbaren für Produktion und Versand entstehenden, konkreten Sachkosten. Aus organisatorischen Gründen erfolgt der Versand im Allgemeinen erst nach Eingang des Unkostenbeitrages auf das Konto des Instituts bei der Universitätskasse Tübingen.

## Tübinger Schriften und Materialien zur Kriminologie

Band	Autor	Titel
1	Hans-Jürgen Kerner	<b>Opfer und Täter – Eine Bibliographie –</b> 2003, 250 Seiten
2	Wolfgang Stelly Jürgen Thomas Hans-Jürgen Kerner	<b>Verlaufsmuster und Wendepunkte in der Lebensgeschichte</b> 2003, 148 Seiten
3	Elke Trapp	<b>Rechtswirklichkeit von Auflagen und Weisungen bei Strafaussetzung zur Bewährung</b> 2003, 775 Seiten
4	Hans-Jürgen Kerner Elmar G. M. Weitekamp	<b>Kriminologische Verlaufs- und Kohortenforschungen</b> – Eine Bibliographie – 2004, 478 Seiten
5	Wolfgang Stelly Jürgen Thomas	<b>Wege aus schwerer Jugendkriminalität</b> 2004, 308 Seiten
6	Frank Czerner	<b>Minderjährige hinter Schloss und Riegel?</b> 2004, 126 Seiten
7	Silvia Coenen	<b>Familiäre Sozialisation und Täter-Opfer-Erfahrung bei Jugendlichen</b> 2004, 138 Seiten
8	Stefanie Saleth	<b>Jugendliche im Spiegel der Lokalpresse</b> 2004, 192 Seiten
9	Rüdiger Gaenslen	<b>Die Behandlung rückfallgefährdeter Sexualstraftäter</b> 2005, 224 Seiten
10	Wolfgang Stelly Jürgen Thomas	<b>Kriminalität im Lebenslauf – Eine Reanalyse der Tübinger-Jungtäter-Vergleichsuntersuchung (TVJU)</b> 2005, 298 Seiten
11	Tanja Pröhl	<b>Gewalt an Schulen im Vergleich Deutschland – USA</b> Eine Sekundäranalyse 2005, 240 Seiten
12	Monika Balint	<b>Das Erziehungskonzept im Entwurf eines Gesetzes zur Regelung des Jugendstrafvollzugs von April 2004</b> 2006, 100 Seiten
13	Marc Coester Klaus Bott Hans-Jürgen Kerner	<b>Prevention of Terrorism</b> Core Challenges for Cities in Germany and Europe 2007, 42 Seiten
15	Holger Stroezel	<b>Lebensstile und Drogenkonsum – Theoretische und empirische Analysen</b> 2007, 229 Seiten
16	Miriam Wittmann Katrin Kampermann	<b>Mobile Jugendarbeit: Konzept und Verwirklichung</b> 2008, 242 Seiten

17	Gabriele Hettinger	<b>Vergleich von moralischer Urteilskompetenz und Werthaltungen bei durchschnittlich begabten und weit überdurchschnittlich/ hoch begabten Jugendlichen</b> 2009, 126 Seiten
19	Sandra Hartmann	<b>Die Jugendstrafvollzugsreform</b> Eine Untersuchung der Landesgesetze von Baden-Württemberg, Hamburg, Hessen und Niedersachsen am Maßstab verfassungsgerichtlicher und internationalrechtlicher Vorgaben 2010, 440 Seiten
20	Jasmin Löffler	<b>Die Absprache im Strafprozess</b> Eine Analyse der Rechtsprechung des Bundesgerichtshofs 2010, 204 Seiten
21	Hyunseng You	<b>Bewältigung von Selbstdiskrepanzen durch Zielgedanken bei Jugendlichen</b> Eine vergleichende Untersuchung an Jugendstrafgefangenen und Kontrollgruppen von Schülern in Deutschland und Korea 2011, 172 Seiten
22	Mungyu Hwang	<b>Transnationale Strafverfolgung</b> Eine vergleichende Studie zur Rolle und zu den Aufgaben des deutschen Bundeskriminalamts (BKA) und des Koreanischen Nationalen Polizeipräsidiums (KNP) 2011, 192 Seiten
23	Anna Beckers	<b>Bullying aus Täter-, Opfer- und Zuschauerperspektive</b> Eine Untersuchung von situationsspezifischen und habituellen Attributionsstilen, am Beispiel von Schülerinnen und Schülern allgemein bildender Gymnasien 2011, 107 Seiten
24	Carmen Mutz	<b>Der englische National Offender Management Service und die deutsche Bewährungshilfe</b> Ein struktureller und analytischer Vergleich 2012, 209 Seiten
25	Ines Hohendorf	<b>Bewältigungsstrategien von Frauen und Männern bei Partnergewalt</b> Auswertung und Analyse von Studien zu den unmittelbaren Reaktionen und den die Verhaltensweisen beeinflussenden Faktoren bei Gewalt in heterosexuellen Partnerschaften 2014, 120 Seiten
26	Kathrin Horrer	<b>Restorative Justice im Strafrecht</b> Eine vergleichende Analyse von Konzeptionen des Konfliktausgleiches und deren Verwirklichung in Deutschland, Österreich, den Vereinigten Staaten von Amerika, Australien und Belgien 2014, 228 Seiten



27	Dieter Rössner Rüdiger Wulf	<b>Wahr.Haft.Leben</b> 10 Jahre Jugendstrafvollzug in freien Formen 2014, 231 Seiten
28	Rüdiger Wulf	<b>Kriminalprävention an Orten</b> Wissenschaftliche Grundlagen und Praktische Maßnahmen 2014, 242 Seiten
29	Mounira Ammar	<b>Peacemaking Circles &amp; Young Refugees:</b> Building Resilience in Germany 2014, 74 Seiten
30	Jörg Kinzig	<b>50 Jahre Institut für Kriminologie</b> Außensicht – Innensicht – Aussicht 2014, 166 Seiten
31	Katharina Stelzel	<b>Politische Graffiti als Instrument der Sozialraumforschung in Konfliktregionen – das Beispiel Baskenland</b> 2014, 301 Seiten
32	Vanessa Chong	<b>Gewalt im Strafvollzug</b> 2014, 172 Seiten
33	Hans-Jürgen Kerner	<b>Bibliographie Kriminalitätsoffer</b> 2015, 152 Seiten
34	Elmar G. M. Weitekamp	<b>Developing Peacemaking Circles in a European Context. Main Report</b> 2015, 373 Seiten

**ISSN: 1612-4650**

**ISBN: 978-3-937368-68-9 elektronische Version**

**ISBN: 978-3-937368-69-6 Druckversion**