



Office for Victims of Crime

July 2000

OVC Bulletin

Advocating for the Fair
Treatment of Crime Victims

Message From The Director

Restorative justice and mediation programs are viable options for serving victims as they try to resolve the impact of crime on their lives. This bulletin summarizes the five documents in *The Restorative Justice and Mediation Collection*, which covers a number of issues related to restorative justice. Four of the documents focus on victim-offender mediation, a major programmatic intervention that fully embraces the concepts of restorative justice.

The first of these documents, *Guidelines for Victim-Sensitive Victim-Offender Mediation: Restorative Justice Through Dialogue*, assists administrators in developing or enhancing victim-offender mediation programs. It provides practical guidance for mediators to facilitate balanced and fair mediation that ensures the safety of all participants. The *National Survey of Victim-Offender Mediation Programs in the United States* presents results from a national survey about the characteristics of victim-offender mediation programs operating nationwide and the major issues facing them in their day-to-day operations. This document describes the actual functioning of the programs, whereas the *Guidelines* sets standards for the practice of victim-offender mediation.

Next, the *Directory of Victim-Offender Mediation Programs in the United States* lists victim-offender mediation programs across the country and provides program and contact information. The *Family Group Conferencing: Implications for Crime*

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The Restorative Justice and Mediation Collection: Executive Summary

Introduction

An increasing number of crime victims are choosing to meet face-to-face with the persons who victimized them. In such meetings victims can let offenders know how the crime affected their lives, receive answers to lingering questions, and be directly involved in holding offenders accountable for the harm they caused. Today, there are victim-offender mediation (VOM) programs in more than 300 communities throughout the United States, involving thousands of cases each year. VOM is recognized as a viable alternative to the more traditional retributive response by probation, prosecution, courts, correctional facilities, and communities. As the field of victim-offender mediation has grown extensively over the past 25 years, it has become increasingly important to conduct the process in a victim-sensitive manner.

To determine how widespread this service to victims has become and to further promote victim-sensitive mediation practices, the Office for Victims of Crime (OVC) provided a grant to the Center for Restorative Justice & Peacemaking (formerly the Center for Restorative Justice & Mediation),

School of Social Work, University of Minnesota, in 1996 to conduct the most comprehensive survey yet undertaken in the growing field of victim-offender mediation. The Center documented the results of this research in the five publications currently contained in *The Restorative Justice and Mediation Collection*. All five documents identify the major issues concerning victim-offender mediation programs and the promising practices developed by programs in operation. This bulletin highlights these findings, first by providing a basic description of victim-offender mediation and second by summarizing the five publications in *The Restorative Justice and Mediation Collection*.

A Description of Victim-Offender Mediation

What Is It?

Victim-offender mediation is a process that provides interested victims (primarily those of property crimes and minor assaults) the opportunity to meet their offenders in a safe and structured setting. The goal is to hold offenders directly

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Victims document discusses a related form of restorative justice dialogue that originated in New Zealand and Australia and has been replicated in some communities in the United States. The *Multicultural Implications of Restorative Justice: Potential Pitfalls and Dangers* document explores concerns about the implementation of restorative justice programs when working with persons of cross-cultural perspectives.

The Office for Victims of Crime does not recommend that every victim participate in victim-offender mediation, family group conferencing, or other restorative justice interventions. Such participation is a personal decision that each victim must make for herself or himself. We strongly advocate, however, that all restorative justice programs be extremely sensitive to the needs and concerns of victims who would like to meet with their offenders. Victims should be granted a choice in the location, timing, and structure of the sessions and the right to end their participation at any stage in the process. These protections for victims do not mean that offenders can be treated insensitively. Both victims and offenders must be dealt with respectfully.

We sincerely hope that restorative justice programs run by probation and parole agencies, judicial agencies, religious groups, victim services organizations, community-based organizations, and other restorative justice offices study these documents and embrace the victim-sensitive guidelines that are relevant to their particular type of intervention. Restorative justice programs can only be strengthened by operating with heightened awareness of the needs of crime victims.

Kathryn M. Turman
Director
Office for Victims of Crime

accountable for their behavior while providing important support and assistance to victims. With the assistance of trained mediators, victims are able to express the full impact the crimes have had on their lives and to be directly involved in developing restitution plans that holds offenders financially accountable for the losses they have caused. Offenders are able to take responsibility for their behavior, learn the full impact of their actions, and develop plans for making amends to the persons they violated. Some VOM programs are called “victim-offender meetings” or “victim-offender conferences.”

The first VOM program in the United States was developed in Elkart, Indiana, in 1978 and modeled after a similar program in Kitchener, Ontario, Canada, that began in 1974. These initial programs were called Victim-Offender Reconciliation Programs (VORPs). Today, some VOM programs are identified as VORPs, although as the field has become increasingly victim-sensitive most programs have dropped any reference to “reconciliation.” The intent is to provide a safe place for dialogue, negotiation, and problem solving to foster a sense of victim empowerment and to clarify future expectations rather than place blame for past behavior. Major emphasis is placed on having the mediator conduct in-person, separate premediation sessions with the victim and offender prior to bringing them together. Thorough preparation of the parties is central to creating a safe place for dialogue.

When Are Cases Referred?

In some programs, cases are referred to VOM as a diversion from prosecution, assuming the mediation agreement is successfully completed. In other programs, cases are referred after a formal admission of guilt has been accepted by the court, with the mediation being a condition of probation (if the victim is interested). Some programs receive case referrals at both the diversion and post-adjudication levels. Most cases are referred from the juvenile justice system, although some programs also receive referrals from the adult criminal justice system. Judges, probation officers, victim advocates, prosecutors, defense attorneys, and police officers can make referrals to VOM programs. In all cases, however, victim participation should be entirely voluntary.

How Is VOM Different From Other Kinds of Mediation?

Mediation is being used in an increasing number of conflict situations, such as divorce and child custody cases, community disputes, commercial disputes, and other civil court-related conflicts. In such settings, the parties are called “disputants,” and the assumption is that both are contributing to the conflict and, therefore, need to compromise to reach a settlement. Often, mediation in these cases focuses heavily upon reaching a settlement, with less emphasis upon discussing the full impact of the conflict on the disputants’ lives.

In victim-offender mediation, the involved parties are not “disputants.” Generally, one party has clearly committed a criminal offense and has admitted doing so, whereas the other has clearly been victimized. Therefore, the issue of guilt or innocence is not mediated, nor is there an expectation that crime victims compromise or request less than what they need to manage their losses.

Although many other types of mediation are largely “settlement driven,” VOM is primarily “dialogue driven,” with emphasis upon the victim’s needs, offender accountability, and some restoration of losses. Most VOM sessions (more than 95 percent) result in a signed restitution agreement. This agreement, however, is secondary to the importance of the initial dialogue between the parties. The dialogue addresses emotional and informational needs of victims and the development of victim empathy in the offenders, which can help to prevent criminal behavior in the future. Research has consistently found that the restitution agreement is less important to crime victims than the opportunity to express their feelings about the offense directly to the offenders.

Are Crime Victims Interested?

Interest in victim-offender mediation has grown since the late 1970s, but VOM is not appropriate for all crimes. In all cases, it must be presented as a voluntary choice to the victim. Over the past 20 years and in thousands of cases throughout North America, experience has shown that

the majority of victims presented with the option of mediation chose to participate in the process. A recent statewide public opinion poll in Minnesota found that 82 percent of a random sample of citizens from throughout the State would consider participating in a victim-offender mediation program if they were victims of property crime. Interviews with 280 victims who participated in victim-offender mediation programs in 4 States found that 91 percent of victims felt their participation was totally voluntary.

How Many Programs Exist?

There are more than 300 VOM programs throughout the United States and more than 700 in Europe. The American Bar Association recently endorsed the practice of VOM and recommends its development in all courts throughout the country. A recent statewide survey of victim service providers in Minnesota found that 91 percent believed that VOM should be available in every judicial district since it represents an important opportunity for crime victims to resolve the impact of crime on their lives.

What Have We Learned From Research?

It is becoming increasingly clear that the victim-offender mediation process can serve to humanize the criminal justice experience for both victim and offender. Research shows that:

- Victims of crime who meet with their offenders are far more likely to be satisfied with the justice system response to their cases than victims of similar crimes

who go through the traditional court process (Umbreit, 1994a and 1994b).

- After meeting with offenders, victims are significantly less fearful of being revictimized (Umbreit and Coates, 1993; and Umbreit, 1994a and 1994b).
- Offenders who meet with their victims are far more likely to be held directly accountable for their behavior and to successfully complete their restitution obligations (Umbreit, 1994a and 1994b).
- Considerably fewer and less serious crimes are subsequently committed by offenders who met with their victims (Nugent and Paddock, 1995; Schneider, 1986; and Umbreit, 1994a and 1994b).

Multisite studies in Canada (Umbreit, 1995a and 1995c), England (Marshall and Merry, 1990; and Umbreit and Roberts, 1996), and the United States (Coates and Gehm, 1998; and Umbreit 1994a and 1994b) have confirmed the above findings.

An Overview of The Restorative Justice and Mediation Collection

The remainder of this bulletin provides a brief summary of each of the documents that constitute *The Restorative Justice and Mediation Collection*. Information presented includes a brief discussion of each topic, the current research and findings on that topic, implications for the future, and how each restorative justice program improves victim services.

National Survey of Victim-Offender Mediation Programs in the United States

A national survey of VOM programs was conducted in 1996–1997 by the Center for Restorative Justice & Peacemaking at the University of Minnesota School of Social Work in St. Paul. This survey was made possible by a grant from the Office for Victims of Crime.

A total of 289 victim-offender mediation programs were identified through this survey—both large, well-established programs that had been in operation for many years and brand new programs that had yet to receive their first case referral. Of the total, 35 programs were new and had not yet developed enough of a “track record” to provide program data. Extensive phone surveys were conducted with 116 of the established programs. The following themes emerged from the survey findings.

Program Development

- Victim-offender mediation programs, once primarily developed within nonpublic agencies such as community- or religion-based organizations, by 1996 and 1997 had also been developed in probation departments, victim services agencies, prosecuting attorneys’ offices, and correctional facilities.
- Victim-offender mediation programs most frequently identified their primary source of funding as either State or Federal agencies.
- The primary referral sources to victim-offender mediation

programs were probation officers, judges, and prosecutors.

- The four most common offenses referred to victim-offender mediation programs, in order of frequency, were vandalism, minor assaults, theft, and burglary. Some VOM programs occasionally handled cases of more severe violence: assault with a deadly weapon, assault resulting in bodily harm, sexual assault, domestic violence, negligent homicide, attempted murder, and murder.
- The most frequent point in the justice process at which the victim-offender mediation session occurred was identified (in 56 percent of programs surveyed) as post-adjudication (either pre-disposition or post-disposition). The mediation occurred at a diversion level (prior to any formal finding of guilt) in 34 percent of the programs surveyed.
- The most frequently identified locations for VOM sessions were program offices, neighborhood/community centers, conference rooms in libraries, and places of worship.

Mediators

- Throughout the 20-year development of VOM in the United States, considerable emphasis has been put on preparing the parties for the mediation. This has usually involved separate in-person meetings between victim and mediator and between offender and mediator prior to bringing the parties together. The mediator’s role at a premediation

meeting is to listen to the victim or offender tell his or her story about the crime that occurred and how it affected him or her, explain to both parties what the mediation program is about, and invite the participation of each party. In nearly all of the programs surveyed, the victim and offender were called prior to the mediation session.

- The three most important tasks of the mediator were, in order of frequency, facilitating dialogue between the victim and the offender, making the parties feel comfortable and safe, and assisting the parties in negotiating a mutually acceptable plan for restitution for the victim.
- Participants in the survey identified many benefits of comediation, which is widely used in the field of victim-offender mediation. Benefits include greater opportunity for involvement of community volunteers, quality control, responding to issues unique to a specific case, more thorough case processing and debriefing, increased safety, and teamwork.
- Victim-offender mediation programs frequently trained volunteers from the community to serve as mediators.
- When asked if victim-offender mediators should be required to complete a legislatively mandated number of hours of VOM training, a majority of respondents to the survey (61 percent) indicated no.

Program Features

- Forty-five percent of the programs surveyed worked exclusively with juvenile offenders and their victims, 9 percent worked exclusively with adult offenders and their victims, and 46 percent worked with both juvenile and adult offenders and their victims.
- Of cases that were mediated, 87 percent per program resulted in a written restitution agreement and 99 percent of these agreements were successfully completed.
- All programs in the survey indicated that victim participation in the mediation program was voluntary, and 99 percent indicated that victims can back out of the program at any time. Offender participation in mediation was voluntary in 79 percent of programs, and mandatory in 21 percent of programs.
- In 65 percent of the programs surveyed, offenders were required to admit their guilt to the offense that led to their referral to the victim-offender mediation program.
- In 94 percent of the programs surveyed, the victim and offender sit across from each other during the mediation session, allowing for direct eye contact.
- Following a brief opening statement by the mediators, typical victim-offender mediation sessions begin with the parties each telling their stories—describing what happened and the impact of the crime on their lives.

- In more than half of the programs surveyed, victims told their story first.
- In more than half of the programs surveyed, the mediator determined which party should begin the storytelling phase of the mediation; in other programs this decision was made by the program staff, the victim, or the victim and the offender.
- Only a small percentage (8 percent) of victim-offender mediation programs never had parents of juvenile offenders present during the mediation session. More than half of the programs surveyed always had the parents present.

The findings that emerged from this national survey of victim-offender mediation programs contributed to the development of guidelines for victim-sensitive mediation practices that are documented in the OVC publication *Guidelines for Victim-Sensitive Victim-Offender Mediation* within *The Restorative Justice and Mediation Collection*.

Guidelines for Victim-Sensitive Victim-Offender Mediation: Restorative Justice Through Dialogue

Based on the experiences of VOM practitioners in the field of restorative justice over the past 20 years and the results of the national survey of VOM programs, it is becoming increasingly clear that victim-offender mediation can humanize the criminal justice experience for both the victim and the offender. VOM holds offenders

directly accountable to the people they have victimized, allows for more active involvement of crime victims and community members (as volunteer mediators and support persons) in the justice process, and may reduce further criminal behavior by offenders. Victim-offender mediation and dialogue is intended to provide a restorative conflict resolution process that actively involves victims and offenders in repairing (to the degree possible) the emotional and material harm caused by crime. This process also provides opportunities for both victims and offenders to discuss offenses and express their feelings, for victims to get answers to their questions, and for victims and offenders to develop mutually acceptable restitution plans that address the harm caused by crime.

This publication lists the underlying principles of VOM and provides fundamental guidelines to follow when conducting a mediation session between victim and offender and suggestions to strengthen victim-offender mediation programs. The following is a list of the guidelines designed to help the mediator ensure the success of a mediation session:

- Ensure victim safety.
- Screen cases for suitability for the mediation process.
- Verify that the offender wants to participate in mediation before contacting the victim, to avoid possible revictimization of the victim.
- Allow the offender to choose whether to participate in the mediation process.

- Conduct an in-person preconference session with the victim.
 - Listen carefully to the victim.
 - Provide information and answer questions about the VOM program.
 - Discuss risks and benefits of mediation and assist the victim in making an informed decision about whether to participate.
- Conduct careful, extensive victim preparation.
 - Ensure that the victim's expectations are realistic.
 - Assess the victim's losses and needs.
 - Estimate restitution possibilities.
- Allow the victim to—
 - Choose whether to participate in the mediation process.
 - Select a friend or relative as a support person at the session.
 - Schedule the mediation session at a convenient time.
 - Select the mediation site.
 - Arrange the seating.
 - Decide who speaks first.
 - Terminate the session at any time.
 - Determine the type of restitution.
- Conduct an in-person preconference session with the offender.
 - Make sure the offender understands the mediation process and its relationship to the judicial system.
 - Provide information about the offender's rights.
 - Help the offender decide whether to participate.
 - Encourage the offender to carefully reflect on the crime, prepare what he or she wishes to say about it, and reflect on the victim's experience with the crime.
- Conduct careful, extensive offender preparation.
 - Ensure that the offender's expectations are realistic—that he or she knows an apology is not enough to repair the harm caused by the crime.
 - Assess the offender's ability to fulfill restitution agreements.
- Allow the offender to select a friend or relative to be a support person at the VOM session.
- Use victim-sensitive language that avoids implying judgment or pressuring the victim in any way.
- Use a humanistic, dialogue-driven model of mediation.
 - Convey a nonjudgmental, sensitive approach.
 - Establish a relaxed, positive atmosphere.
 - Focus on the dialogue between the victim and the offender.
 - Discuss participant guidelines.
 - Encourage and be attentive to feedback from participants.
 - Provide the option of a followup session.
- Follow up after the mediation session.
 - Monitor the agreement until completion.
 - Notify the victim of agreement alteration or completion.
 - Schedule additional sessions if needed.
 - Maintain telephone contact with both parties.
 - Evaluate all mediations and survey participants for satisfaction with the process and its outcome.
- Train mediators in victim sensitivity.

The above guidelines are grounded in a humanistic approach to mediation that places more emphasis on dialogue than a written settlement. The humanistic approach demands that the mediator create a safe place to foster dialogue between the parties about the emotional and material impact of the crime; written restitution agreements often occur but are secondary to the importance of dialogue between participants. Multisite studies over the years have consistently highlighted the prime importance of direct dialogue that focuses on peacemaking rather than problem solving and resolution. Humanistic mediation has been applied in many settings including community mediation, victim-offender mediation, workplace mediation, family mediation, and peer mediation in schools.

Recommendations

The *Guidelines* makes the following program development recommendations to strengthen VOM programs and encourage evaluation and collaboration:

- Create an advisory board.
- Ensure quality control through program evaluation.
 - Collect responses from participants.
 - Have the mediator provide a self-evaluation.
 - Gather feedback from probation officers or victim services personnel who work with the parties involved in mediation.
- Develop and maintain an extensive and effective network with stakeholders in the community.
- Maintain high-quality standards for mediators.
 - Screen applicants seeking training as mediators.
 - Use mediation training sessions as an additional opportunity to screen mediators.
 - Maintain quality control through meaningful relationships between program staff and mediators.
 - Establish regular continuing education to strengthen skills.
- Explore opportunities for broadening the scope of program services.
 - Develop a skills-training course for juvenile offenders and their parents.
 - Improve mediators' ability to serve victims and offenders.
 - Coordinate with the community to allow offenders to perform community service.

- Provide offender rehabilitation opportunities.
- Help offenders develop empathy for victims.
- Use mediation to foster positive family relationships when offenders leave corrections.

The *Guidelines* also makes the following recommendations for mediation training to promote high standards for mediators:

- Maximize experiential learning by enhancing role playing.
 - Demonstrate a realistically performed role play.
 - Arrange the role-play schedule so that each trainee experiences each role.
 - Coach trainees on how to play the roles so that they do not overdramatize.
 - Guide trainees in debriefing the role play so that they can evaluate what worked or did not work and why.
 - Use experienced mediators to coach role players.
 - Videotape role plays involving trainees.
 - Design role plays to address specific problems.
 - Use input from victims and offenders to create role plays.
 - Use current cases as the basis for role plays.
 - Role play atypical parts of the mediation process.
- Use a multidimensional format to enhance learning.

- Incorporate into training the personal experiences, perspectives, and knowledge of trainees.
- Consider onsite observations by trainees.
- Make training as realistic as possible.
- Vary the training format.
- Vary the pace of training.
- Incorporate experiential learning whenever possible.
- Make the training manual user friendly.
- Be current and creative; be fresh and interesting; be engaging.
- Assist trainees in enhancing the potential of the preparation phase.
 - Encourage trainees to consider the use of outside support persons to help prepare participants for mediation.
 - Develop materials that victims and offenders can use when preparing for mediation.
 - Explore with trainees methods for increasing victim and offender participation and interaction.
 - Guide trainees in how to help victims and offenders determine their goals.

Guidelines for Victim-Sensitive Victim-Offender Mediation is meant to provide a flexible outline that can be adjusted to fit the cultural context of each community and the specific needs of the participating victims,

offenders, and support people. The ultimate goal of VOM is to offer a safe place for dialogue between victims and offenders that can offer an opportunity to resolve the impact of crime on their lives.

Multicultural Implications of Restorative Justice: Potential Pitfalls and Dangers

The key to progress toward adaptation of restorative justice frameworks is increased sensitivity to cross-cultural issues and dynamics that affect restorative justice programs and the administration of justice itself. Often the cultural backgrounds of victim, offender, and program staff member are different from one another, sometimes leading to miscommunication, feelings of being misunderstood, or even revictimization.

A great danger when speaking of cross-cultural issues is overgeneralization. There are as many differences within cultures as between cultures. For example, significant customs, communication styles, and shared values distinguish the rural Caucasian from the urban Caucasian, the upper-class African-American from the lower-class African-American, the Mexican Latino from the Puerto Rican Latino, the reservation American Indian from the non-reservation American Indian.

Differences between persons raised or living in unlike cultures are often reflected in communication styles. Those differences are typically as evident in the way points of view are communicated as they are in the

message being relayed. Differences can be found in the proximity between conversants—some are more comfortable speaking with less distance between them and others. Body movements such as posture and restlessness can vary from culture to culture. Paralanguage, or vocal cues such as volume of voice, silence, and inflections, can cause miscommunication between persons of different cultural backgrounds. Variations in density of language, such as terse, direct language versus poetic, indirect language, can cause tension and misunderstandings. Victim-offender mediation is more successful when persons working with victims and offenders understand how differences in communication styles can lead to miscommunication, which defeats the restorative justice process.

Cultural differences also exist within larger cultures. Racial identity, socioeconomic status, ethnicity, gender, religion, sexual orientation, rural or urban environment, and many other defining characteristics shape how individuals view the world and their place and chances in that world and affect individuals' propensity to blame the offender, the victim, or the community for crime. Cultural factors also help determine whether participants come to a restorative justice program seeking revenge or repair, desiring to act or to be acted upon, or expecting success or defeat.

Multicultural Implications of Restorative Justice also makes recommendations to prepare restorative justice practitioners to be more effective. Recommended steps include the following:

- Understand one's own behaviors, communication styles, and "cultural baggage."
- Refrain from making quick assumptions about others.
- Perceive the participants as individuals within the context of culture. Note how they see their world.
- Nurture relationships with individuals in an unfamiliar culture or community.
- Prepare VOM participants by helping them understand the viewpoints and different communication styles of other participants.

Multicultural Implications of Restorative Justice emphasizes increasing awareness of and sensitivity to other cultural values or communication styles as an integral part of achieving success in the restorative justice process. Recommendations are made not to change behaviors but to reduce the tension and potential conflict that might surface without understanding the differences in world view among the participants.

Family Group Conferencing: Implications for Crime Victims

Family group conferencing (FGC) provides an opportunity for the community of people most affected by a crime—the victim and the offender and the family, friends, and key supporters of both—to talk about the impact of the crime and decide how the offender should be held accountable for the harm he or she caused to the victim. The facilitator contacts the victim and offender to explain the

process and invites them to the conference; the facilitator also asks them to identify key members of their support systems who will be invited to participate as well. Participation by all involved is voluntary. The offender must admit to the offense to participate. The parties are brought together by a trained facilitator to discuss how they and others have been harmed by the offense and how that harm might be repaired.

Background

FGC originated in New Zealand as a way to address the failures of traditional juvenile justice and incorporate indigenous Maori values that emphasize the roles of family and community in addressing wrongdoing. Institutionalized into law in 1989, FGC is now the standard way to process juvenile cases in New Zealand. Australia subsequently adopted the concept and has implemented a number of FGC models in various communities. Representatives from both countries have lectured and provided training workshops throughout the United States and Canada. Audiences have ranged from VOM and other restorative justice practitioners to law enforcement officers, school officials, and a growing number of victim advocates.

One Pennsylvania-based organization, REAL JUSTICE, is vigorously promoting a specific police- and school-based model that originated in Wagga Wagga, Australia. REAL JUSTICE has trained hundreds of police officers and school personnel and is working to replicate the Australian model in a number of sites in the country. The Minnesota

Legislature funded the development of FGC pilot projects using the REAL JUSTICE model in nine communities in Minnesota's First Judicial District.

FGC is clearly grounded in Australian criminologist Dr. John Braithwaite's theory of "reintegrative shaming" of offenders with its emphasis on changing offender behavior (Braithwaite, 1989). It is also influenced by Silvan Tomkins' affect theory (Tomkins, 1992). Practitioners in the field found that by themselves these theories were not sufficient to address the importance of engaging crime victims in the conferencing process. Restorative justice theory did not play a large part in the origin of FGC, but it was later used to help conceptualize and fine-tune the approach, resulting, for example, in a greater appreciation of the centrality of victims' roles. Now, New Zealand Judge F.W.M. McElrea calls the approach the first truly restorative system institutionalized within a Western legal system.

Similarities to and Differences From Victim-Offender Mediation

FGC seems to be a natural expansion of the dominant model of VOM currently used by most of the more than 300 programs in North America and more than 700 programs in Europe. Like VOM, FGC provides victims an opportunity to express the full impact of the crime upon their lives, receive answers to any lingering questions about the incident, and participate in holding offenders accountable for their actions. Offenders can tell their stories of why the crime occurred and how it has affected their lives.

They are given an opportunity to make things right with the victims—to the degree possible—through some form of compensation. FGC primarily works with juvenile offenders who have committed property crimes, but it has also been used with violent juvenile offenders and adult offenders. This is consistent with the development of VOM in North America over the past 20 years.

Differences between the two programs include who fills the facilitating role and the number of participants. FGC typically uses public officials (police officers, probation officers, school officials) rather than trained volunteers as facilitators. Although these public officials' roles include mediation, they are more broadly defined, combining mediation with other methods of interaction and allowing for more directed facilitation. The FGC process also casts a much wider circle of participants than VOM, although the national survey found that more than 90 percent of VOM programs frequently have parents or other support persons present at the mediation session. *Family Group Conferencing* lists the advantages and disadvantages of the VOM and FGC models and also provides guiding principles to ensure that intervention for victims, offenders, families, and communities truly reflects restorative justice values.

Family group conferencing provides victims and communities with another way to facilitate recovery from crime. Like any good idea or program, however, it may have unintended consequences. FGC may not be appropriate for every situation; in

each case it must be adapted to the specific context and needs of the individuals involved. Some cases might warrant family group conferencing instead of the smaller group involved in victim-offender mediation or vice versa. More serious cases may even require both forms of mediation. Most important, though, is that research and development in the field of restorative justice continue to pursue new ways to provide crime victims with options that effectively serve their needs.

Directory of Victim-Offender Mediation Programs in the United States

The *Directory* lists victim-offender mediation programs in the United States, alphabetized first by State, then by city, and finally by program name. If no programs are listed for a particular city or State, it means that the Center for Restorative Justice & Peacemaking, the organization that assembled the *Directory*, has no record of a victim-offender mediation program in that city or State. The *Directory* is continually updated by the Center. The most current *Directory* is available online at ssw.che.umn.edu/rjp. You also may order copies by phone at 612-624-4923 or via e-mail at rjp@tlcmail.che.umn.edu.

Conclusion

The number of VOM programs is increasing in communities throughout the country, and the principles and guidelines in *The Restorative Justice and Mediation Collection* will

contribute to the development of the highest quality victim-sensitive mediation services possible. Considerable room, however, remains for continued experimentation in this emerging field.

At least three significant trends have developed in the field. First, the number of victim-offender mediation programs working with property crime and minor assaults has steadily increased and is likely to expand further in the coming years. At the time of the national survey, more than 1,200 programs had been identified worldwide, with 300 programs in the United States and the balance developing in Europe and other parts of the world.

Second, other forms of victim-offender dialogue such as family group conferencing and peacemaking circles are emerging in various locations. Increasingly, a growing number of established VOM programs are employing a multimethod approach that offers a range of victim-offender communication options, from small one-on-one mediation sessions to large group conferences or circles involving many family members and other involved community members. In fact, one of the most illuminating findings of the national survey was that the vast majority of current victim-offender mediation programs routinely involve parents in the process, and sometimes other support persons as well. The original one-on-one mediation model that emerged in the late 1970s and early 1980s appears to be used less and less.

Finally, it is clear that an increasing number of VOM programs are

receiving referrals for cases of severely violent offenses. At least six States are developing statewide programs that offer mediation and dialogue to those victims and survivors of severe violence who have expressed a need to meet their offenders. These new initiatives are often developed through the victim services office of a State's department of corrections. The programs in Ohio and Texas are particularly well developed and are the subject of a new multiyear evaluation being conducted to assess the impact of victim-offender mediation and dialogue in such crimes as sexual assault, attempted homicide, and first-degree murder. All of these trends bode well for more extensive engagement of crime victims in the process of restorative justice.

These trends also raise a number of difficult issues and highlight numerous unanswered questions, such as the following:

- Will the pressure to develop new programs and to handle an increasing number of cases compromise the underlying principles of victim-sensitive mediation?
- In their haste to manage increasing caseloads, will programs eliminate the separate in-person premediation preparation meetings that are so integral to creating safe conditions for dialogue?
- As more family and community members participate in newer forms of victim-offender communication, will the primary interests and needs of crime victims be diminished?

- As new programs develop, will they gravitate toward the dominant settlement-driven type of mediation, rather than the dialogue-driven approach of humanistic mediation that has been found to be highly victim-sensitive?
- As more community volunteers serve as mediators, will they receive adequate training in victim-sensitive mediation practices?
- Will programs and individual mediators work with severely violent offenses without the necessary advanced training and therefore increase the probability of revictimizing the victim or victimizing the offender?
- As programs expand to work with severely violent crime cases, will mediators in such cases engage the parties in multiple in-person preparation meetings over many months or will they yield to the inevitable pressure to process cases quickly?
- How is the labor-intensive cost of providing victim-sensitive mediation in crimes of severe violence to be covered?
- Should the cost of VOM in crimes of severe violence be covered by State victim compensation laws for those victims and survivors of severely violent crime who request a meeting with their offenders?
- Are correctional officials likely to allow a meeting between a victim of severe violence and the offender (who is usually incarcerated) to occur in the prison?

Preliminary data indicate exceptionally high levels of client satisfaction with the process and outcome of VOM and dialogue in crimes of severe violence. The process is designed to hold offenders truly accountable, help victims manage the loss resulting from the crime, and help all parties move on with their lives in a positive way. The constructive potential that victim-offender mediation holds warrants continued support for additional studies.

OVC plans to publish two documents as additions to the collection in the future.

For Further Information

For further information about victim-sensitive victim-offender mediation and dialogue, including articles, monographs, videos, training materials and opportunities, and research reports, contact

Center for Restorative Justice & Peacemaking

School of Social Work
University of Minnesota
105 Peters Hall
1404 Gortner Avenue
St. Paul, MN 55108
Phone: 612-624-4923
Fax: 612-625-4288
E-mail: rjp@tlcmail.che.umn.edu
World Wide Web:
ssw.che.umn.edu/rjp

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About the Author

This bulletin was prepared by Mark S. Umbreit, Ph.D., Director of the Center for Restorative Justice & Peacemaking (formerly the Center for Restorative Justice & Mediation) at the School of Social Work, University of Minnesota. Colleagues who assisted Dr. Umbreit in writing and producing the publications described in this publication were William Bradshaw, Ph.D.; Robert B. Coates, Ph.D.; Claudia Fercello, M.S.W.; Jean Greenwood, M.Div.; Robert Schug; and Jenni Umbreit.

This document was prepared under the direction of the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice. The Office for Victims of Crime is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, Bureau of Justice Statistics, the National Institute of Justice, and the Office of Juvenile Justice and Delinquency Prevention.

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