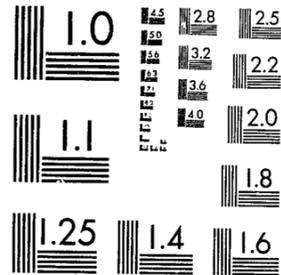


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Federal Probation

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DECEMBER 1982

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All phases of preventive and correctional activities in delinquency and crime come within the fields of interest of FEDERAL PROBATION. The Quarterly wishes to share with its readers all constructively worthwhile points of view and welcomes the contributions of those engaged in the study of juvenile and adult offenders. Federal, state, and local organizations, institutions, and agencies—both public and private—are invited to submit any significant experience and findings related to the prevention and control of delinquency and crime.

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This Issue in Brief

Shadows of Substance: Organized Crime Reconsidered.—Authors Martens and Longfellow discuss contemporary perceptions of organized crime and how they affect public policy. Arguing that organized crime is neither parasitic nor exclusively functional to the maintenance of the social order, they suggest that organized crime must be perceived as a process. At historical times, organized crime is functional and at other times it is exploitive. The authors assert that contemporary research is empirically weak, ethnically biased, and inappropriately focused by a poor data collection methodology.

Organized Crime, RICO, and the Media: What We Think We Know.—RICO was legislated to combat Mafia-style organized crime. Authors Wynn and Anderson maintain, however, that the precise Congressional target is unclear. RICO provides a formal notion of organized crime whose key is the proof of a "pattern of racketeering activity." But this means only the commission of two predicate offenses within a 10-year period. One result is a body of cases whose only common denominator is unfettered prosecutorial discretion. In addition, Federal jurisdiction and surveillance powers are greatly increased.

Adolphe Quetelet: At the Beginning.—Professor Sawyer F. Sylvester of Bates College reveals that an empirical approach to the study of crime can be found in the history of criminology as early as 1831 in the writings of the Belgian statistician, Adolphe Quetelet. In his work, *Research on the Propensity for Crime at Different Ages*, Quetelet makes use of government statistics of crime to determine the influence of such things as education, climate, race, sex, and age on the incidence of criminal behavior. He not only establishes relationships between these factors and crime but, in so doing, develops a methodology for the social sciences which is still largely valid.

Behavioral Objectives in Probation and Parole: A New Approach to Staff Accountability.—Many

probation and parole agencies have initiated programs of risk and needs assessments for clients in an effort to manage caseloads more effectively,

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reports Dr. Alvin Cohn of Administration of Justice Services. By taking such programming one step further, namely by developing behaviorally anchored objectives, workers can maximize available resources in directing clients toward realistic and relevant outcomes, he states. Workers can thus be held accountable in the delivery of specific services.

The Use of "Third Sector" Organizations as Vehicles for Community Service Under a Condition of Probation.—The increasing use of community service as a condition of probation has provided probation officers with improved opportunities to use such assignments as a way of teaching responsible citizenship as well as achieving community improvement. This article, by Deputy Chief Probation Officer Jack Cocks of the U.S. District Court in Los Angeles, reflects some of the recent developments in formalizing service programs in public benefit "third sector" organizations designed to carry out new strategies of networking.

Not Without the Tools: The Task of Probation in the Eighties.—Traditionally, the role of the probation officer has been viewed as dichotomous with supervision involving maintaining surveillance and helping the clientele. This dilemma is likely to remain with us in the next decade as the field of probation faces the challenge of stiffer sentencing policies. Authors Marshall and Vito outline some of the difficulties to be faced by probation officers and suggest some methods of dealing with them.

Inside Supervision: A Thematic Analysis of Interviews With Probationers.—This article by Dr. John J. Gibbs of Rutgers University contains an analysis of taperecorded and transcribed interviews with 57 probationers in two New Jersey counties. The interviews were structured to elicit the clients' perceptions of probation and to explore their concerns. Each subject was asked to describe his probation experience, and to respond to an orally administered Self-Anchoring Striving Scale, a measure of satisfaction.

Writing for the Reader.—Nancy Hoffman and Glen Plutschak of the Maryland Division of Parole

and Probation discuss the pitfalls of the bureaucratic style of writing often developed by criminal justice professionals. Such writing is generally characterized by poor organization, extremely long sentences, over-used jargon and unnecessarily complex words. The results are documents which are difficult to read. The authors stress the importance of writing readable communications which are clear, concise, and to the point.

The Male Batterer: A Model Treatment Program for the Courts.—Authors Dreas, Ignatov, and Brennan examine the male batterer from the perspective of court-ordered treatment. A 30-week group treatment program is described in which various aspects of domestic violence are considered, with the ultimate goal being cessation of abusive behavior. Specific steps taken regarding program development and implementation are presented and a description of additional adjunct services is also provided.

Issues in Planning Jail Mental Health Services.—One impact of deinstitutionalization of state mental hospitals noted by many authors is an increased need for mental health services in local jails. Given current fiscal constraints and community attitudes, program development in the 3,493 jails in the United States is often very difficult. In this article, Messrs. McCarty, Steadman, and Morrissey assess the range and structure of mental health services in a national sample of 43 jails.

Victim Offender Reconciliation: An Incarceration Substitute?—Howard Zehr and Mark Umbreit describe the Victim Offender Reconciliation Program (VORP) operated by PACT in Indiana. The program allows for a face-to-face meeting between victim and offender in which facts and feelings are discussed and a restitution contract agreed upon. Trained community volunteers serve as mediators. VORP can serve as a partial or total substitute for jail or prison incarceration. Eighty-six percent of all cases represent felony offenses, with burglary and theft being the most common.

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Victim Offender Reconciliation: An Incarceration Substitute?

BY HOWARD ZEHR, Ph.D., AND MARK UMBREIT*

WE AMERICANS face a serious dilemma. On the one hand, fear of crime appears to be at a high water mark. Although there is substantial evidence that the fear of crime is out of

proportion to the reality, the fact remains that many people are frightened.¹ Relatedly, demands for punishment of offenders are intense, resulting in harsher, often mandatory, sentences in prisons which are overflowing.²

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PACT is a community corrections organization operating six programs for victims and/or offenders in 10 cities of Indiana, Illinois, and Ohio. These include a 15-bed halfway house, a 60-bed work release center, community service restitution program, victim-offender reconciliation programs, a jail services program, and a research and technical assistance program.

For those interested in more information or technical assistance, contact the PACT Institute of Justice, 106 N. Franklin, Valparaiso, Indiana 46383. The PACT Institute of Justice has recently established a national Victim Offender Reconciliation Resource Center with support from a number of sources, including the United Methodist Church, Mennonite Central Committee, and the Mary Reynolds Babcock Foundation.

At the same time, it is widely recognized that prisons do not work. Indeed, prisons often provide an unreal climate of brutality, intrigue, dependence and control which make participants not more but less able to live as law-abiding citizens in a free society, and this may contribute to rather than reduce crime. Moreover, prisons are

¹The Figgie Report on Fear of Crime (Willoughby, Ohio: Figgie International, Inc., 1981) as well as other studies have indicated a high level of fear, yet National Crime Survey statistics as well as others suggest that crime rates nationally are not as high as people perceive. Moreover, those social groups most fearful are often the least at risk. For an analysis of this phenomenon in regard to juvenile crime, see "Juvenile Crime/Juvenile Justice: The Need for a Proper Perspective," *The Justice Reporter* (2), as well as the research of Ira Schwartz, Hubert H. Humphrey, Institute of Public Affairs, University of Minnesota, Minneapolis, Minnesota 55455.
²The growth of prison population hardly needs documentation, but for recent figures see Kragick, "Annual Prison Population Survey: The Boom Resumes," *Corrections Magazine* (7) (2), 16-20.

rapidly pricing themselves out of the market. The price of constructing and maintaining more prison cells is nearly prohibitive, and there is no way that supply can keep up with current demand.³

All of this has led to a renewed discussion of alternatives to incarceration in the 1980's but in a somewhat different setting than was the case in the 1960's. Two critical questions emerge in the current decade. First, can "alternatives" be made to serve as real substitutes to incarceration? The track record so far is clear and not good. Alternatives have largely been alternatives to old alternatives or alternatives to nothing at all, not alternatives to prison. As a result, they have resulted in greater intervention and more persons under the jurisdiction of the state without impacting prison populations. In doing so, they have increased, not decreased, correctional costs. Second, can alternatives be designed which are not simply pragmatic, piecemeal solutions but instead make real sense for all concerned?

The first question, that of making alternatives to incarceration serve as actual substitutes for prison, is not easily answered but has been adequately diagnosed elsewhere.⁴ The second, the search for alternatives that make sense to victims and offenders, needs to be conducted in the context of at least four issues or concerns. This article will focus upon both the identification of these issues and a description of a specific program that addresses these concerns—The Victim Offender Reconciliation Program.

The Victim Experience

That victims are largely neglected has become a familiar refrain, but what is not widely recognized is the dimension of victim suffering and need or its full relationship to the criminal justice process.⁵

The victim experience is a traumatic one, resulting in intense shock and pain that can disable. Criminal victimization is often a crisis experience similar to a natural disaster or serious illness. Moreover—and this goes contrary to the assumption of any criminal justice personnel—it is a traumatic experience not only with violent crime

but also with property crimes, and this may be true as well for offenses which are often treated as minor. Victims of car theft as well as rape often experience shock, disbelief, confusion and feelings of fear and helplessness upon discovering the offense. They may experience a difficult adjustment during which they evidence wide swings of feelings and attitudes while they attempt to understand why it happened and why they responded as they did. Attempting to explain this upset in the order of their lives, they blame themselves and/or others. They receive little help in putting their lives back together again from criminal justice officials. Indeed, officials' seeming indifference or apparent cynicism may injure even more.

But victim neglect is not simply a result of indifference, it is a logical extension of a legal system which defines crime as an offense against the state. As one judge said recently, "I don't care what the victim or offender needs or wants, this crime (an assault) was against the state, and I'll take care of it as I see fit." What this view overlooks is that the true essence of a crime is the violation of one person by another. In many crimes as in rape, the offense is a violation of the self or an extension of the self, of one's private space, and that act upsets very basic assumptions of trust, order and autonomy.

Consequently, victimization sets up a series of needs that are usually unmet. There is, of course, a basic need for restitution—to be paid back for losses. Yet that rarely happens in a satisfactory way. Even more important—and this too is contrary to many assumptions—is the need for answers. Our experience, and at least one recent study, suggest that victims rate answers to the questions that bother them to be even more important than repayment.⁶ Why me? How did this person know I was gone? What if I had been home? These questions nag at victims and are at the heart of the victim experience. It is difficult to overcome that experience without answers, yet answers rarely come. Victims also need an emotional outlet, a chance to vent the feelings generated by the offense, preferably to someone who is in some way responsible. Lacking that, they may direct these feelings toward criminal justice personnel. Finally, victims experience a need for the restoration of power and autonomy. One of the reasons that crime is so devastating is that it impresses upon us our vulnerability, undermining our sense of control over our lives. Victims need to be given a voice and listened to if they are to experience that restoration of power which is necessary for psychological wholeness.

Offender Accountability

Most persons—specialists and laypersons alike—would agree that offenders must be held accountable for illegal behavior. Yet understandings of the meaning of accountability vary. In current criminal justice practice as in popular thought, accountability usually means that the offender must experience punitive consequences, whether the rationale be deterrence or punishment. This is, however, a limited and abstract understanding of accountability. Without an intrinsic link between act and consequence, there can hardly be a true accountability structure.

It is widely believed that many offenders in our society "get off easy." While that perception is not totally without foundation, we only recently are becoming aware of how many persons we actually punish and how severely we punish. Rates of incarceration which are among the highest in the free world certainly suggest that we are not the pushovers we are sometimes thought to be.

Neither response—imprisonment or nothing—gets at real accountability. To commit offenses and live with their behavior, offenders, like the rest of us, often construct elaborate rationalizations about their actions and employ stereotypes about the persons involved.⁷ Nothing in our criminal process ever challenges those rationalizations and stereotypes. Offenders are rarely made to see the real human costs of what they have done. What is it like to have one's home burglarized, to wonder who did it and why, to live in fear that the offender might return? What kind of person is the victim? Real accountability includes an opportunity to understand the human consequence of one's acts.

Real accountability also includes taking responsibility for the results of one's behavior. Repayment can be one part of that process, but offenders should also be encouraged to help decide what will happen, to take ownership in the outcome. One reason for poor repayment rates in some restitution programs may simply be that offenders have not been encouraged to participate in the decision-making process, thus viewing restitution as simply

Left unmet, these needs leave victims with feelings of fear, distrust, guilt shame, anger and vulnerability. Stereotypes about the type of person who committed this offense are built up, contributing to fear and hostility. Worst of all, victims find it difficult to put closure on the experience, to put it behind them and look forward to the future.

Criminal justice alternatives do not make sense and cannot be successful politically or otherwise unless victims are part of the equation.

Restitution*

Restitution to victims has a long tradition in western civilization—much longer, in fact, than imprisonment—and the concept of making things right to the person wronged has considerable inherent appeal. Nevertheless, during the past several centuries, restitution as a criminal sanction has come to play an insignificant role in criminal justice.⁷

While experiencing something of a revival in the past decade, its record has been spotty.⁸ Restitution programs vary significantly from community to community. Even within a single jurisdiction, restitution is often employed in a highly unsystematic manner at the discretion and initiative of individual actors. Although many of these programs give lip service to victim needs along with a list of other goals, most restitution programs, in fact, have been operated at best as a means of making offenders accountable and, at worst, as one more way of instituting punitive sanctions for offenders. Real victim concerns are rarely taken seriously in either the structuring or operation of restitution programs and actual restitution to victims usually takes second place to goals such as punishment and rehabilitation. Victims may be consulted to help determine financial losses, but rarely are allowed to participate further.

Nor do offenders participate in most programs beyond receiving a restitution sanction and making payments through an impersonal agency. Consequently, restitution is experienced by offenders as a punitive sanction rather than a restoration of losses. The concept of restitution is on the right track—it recognizes that crime is a wrong done to a victim—but to fully implement the concept, restitution must involve victim and offender and address needs of both.

*Restitution is here defined as repayment of some sort to the actual persons or organizations victimized by the offender. It is distinguished from various types of symbolic restitution to the community such as community service restitution.

³Gail Funke, "Who's Buried in Grant's Tomb?, Economics and Corrections for the 80's and Beyond," Alexandria, Virginia: Institute for Economics and Policy Studies, Inc.; *American Prisons and Jails*, Volume One: Summary and Policy Implications, Washington, D.C.: ABT Associates, 1981.

⁴Excellent surveys of issues are provided by James Austin and Berry Krisberg, "Wider, Stronger and Different Nets: The Dialectics of Criminal Justice Reform," *Journal of Research in Crime and Delinquency*, 18 (1), 165-196, and by Eugene Doleschel, "The Dangers of Criminal Justice Reform," *Criminal Justice Abstracts*, 14 (1), 133-162, although Doleschel's final conclusion seemed fairly dubious.

⁵Excellent material on the victim's perspective is provided by Morton Bard and Dawn Sangrey, *The Crime Victim's Book* (New York: Basic Books, 1979) and in the various articles included in *Evaluation and Change*, Special Issue 1980. See also Burt Gallaway and Joe Hudson, eds., *Perspectives on Crime Victims*, St. Louis: c.v. Moby, 1981.

⁶Recent study by Professor Mike McGuire, Center for Criminological Research, Oxford University, England.

⁷For short stories of restitution, see Charles W. Colson and Daniel H. Benson, "Restitution as an Alternative to Imprisonment," *Detroit College Law Review*, Summer, 1980, 523-538; and Richard Hofrichter, *The Practice of Victim Restitution: A Victim Perspective*, Washington, D.C.: Criminal Justice and the Elderly Program National Council of Senior Citizens; and *Restitution to Victims of Personal and Household Crimes*, U.S. Dept. of Justice, Bureau of Justice Statistics, Analytic Report VAD-9, p. 2.

⁸Brief comments on restitution's recent record may be found in Hofrichter, *The Practice of Restitution*, p. 3-5, and in Burt Gallaway and Joe Hudson, "Restitution as a Program in the United States," *Evaluation and Change*, pp. 116-119. For an overview of restitution programs in the United States, see Anne Newton, "Sentencing Community Service and Restitution," *Criminal Justice Abstracts*, 11 (3), 435-468.

⁹For interesting discussions of stereotypes and rationalizations employed, see Willard B. Howard, "Dealing With the Violent Criminal: What to Do and Say," *Federal Probation*, 34 (1), 13-18.

one more sanction instead of a logical attempt to right a wrong and fulfill an obligation to another person.

Real accountability does not avoid consequences, but does involve the acceptance of responsibility for what happens to oneself and for what must be done to make things right. To maintain both program integrity and political practicality, alternatives must include genuine accountability.

Mediation

In his Annual Report on the State of the Judiciary at the American Bar Association in January 1982, Chief Justice Warren E. Burger called for increased consideration of mediation and other nonadversarial conflict resolution techniques.¹⁰ He noted, as many have, that the "litigation explosion" is rapidly overburdening courts and that the availability of other conflict resolution mechanisms, while not displacing courts, could allow for more satisfactory settlements in many cases.

The Chief Justice's concern reflects a growing interest in mediation techniques. The past decade has experienced a blossoming of such programs in communities throughout the country. The American Bar Association's Special Committee on Alternative Means of Dispute Resolution published a directory in 1981 listing some 141 dispute resolution programs, and there are many other types of programs which utilize aspects of mediation as well.¹¹

In the criminal process, the adversarial model has predominated. Nevertheless, a variety of experiments such as the Neighborhood Justice Centers have suggested that mediation has wide applicability to the criminal process.¹² Negotiation and confrontation between victim and offender offer real possibilities for meeting victim needs, facilitating restitution, encouraging offender accountability, and easing workloads for probation departments and courts.

While neighborhood dispute settlement and mediation programs are growing in popularity for minor disputes, the mediation model needs to be considered in designing alternatives to incarceration for at least some offenders.

VORP

The Victim Offender Reconciliation Program (VORP), which originated in Canada and has been

¹⁰The text that is provided in *Criminal Justice Newsletter*, 18 (3), 2-5.
¹¹*Dispute Resolution Program Director*, 1981, Larry Ray, ed.
¹²An introduction to Dispute Resolution is provided by James Garofalo and Kevin J. Connelly, "Dispute Resolution Centers," *Criminal Justice Abstract*, 12 (3-4).

pioneered in the United States through the joint efforts of PACT (Prisoners and Community Together), Inc., and the Mennonite Church, provides one sentencing alternative which attempts to confront these issues directly. The concept has attracted considerable media attention, as well as community and criminal justice system interest, throughout the United States and Europe during recent months, and is now being replicated in a number of communities.

VORP is a simple process which combines conflict resolution techniques with the concept of restitution. Upon court referral, victims and offenders who agree to participate are brought together in a face-to-face encounter. In this meeting, facts and feelings are explored and restitution agreements are worked out. A trained volunteer facilitator serves as a neutral third party, arranging and chairing the encounter and assisting participants in finding a settlement.

Considerable emphasis in VORP sessions is placed upon expressing feelings and answering questions about the facts of the case. In this situation, victims are given a rare opportunity to express the intense feelings of frustration, hurt and anger directly to the person involved. Just as important, they are able to get answers to the questions which nag them: Why me? How did you get into my house? Did you have something against me personally? Have you been watching me? What could I have done to prevent this offense? What kind of person committed this offense? Once these feelings have been expressed and questions answered, the victim is able to participate in determining an acceptable form and schedule of repayment by the offender.

In short, the traumatic experience of being a victim can be processed more fully. Fears and anxieties can be dealt with. Stereotypes about offenders may be laid to rest, resulting not only in greater understanding of the offender but also reduced anxiety and suspicion for the victim. In place of the feelings of powerlessness and vulnerability which are often part of the victim experience, victims are empowered to participate in the solution to this offense. Most importantly, the experience can be brought to closure rather than left to fester.

The offender is held personally accountable through the VORP process. In a unique way, he/she is forced to confront the real consequences of his/her actions, to learn the human dimensions of a specific criminal act. Most offenders fail to realize, for example, the trauma which even a property offense can cause. Many offenders develop

elaborate rationalizations which allow them to dehumanize the victim and thus commit their offense in "good conscience." They decide that the victim deserves what happened, can afford it, or that it's really only the insurance company that they hurt anyway. The confrontation with an actual person can strip away rationalizations and stereotypes. In addition, the offender is encouraged to take responsibility for his/her own actions and the consequences thereof since they too must participate in determining restitution. Finally, offenders are given a rare opportunity to show their own humanity, to even express sorrow and ask for forgiveness if they are so inclined, and thus to bring closure to the event for them as well.

Central to the VORP concept is the use of community volunteers and an organizational base which, although working closely with the courts, is independent of them. There are several reasons for this. First, it is absolutely essential that mediators be neutrals and that they be seen as representing the community. Only a neutral can provide the atmosphere of free dialogue that is required, and the use of community volunteers is a way of empowering communities to begin addressing directly the problems they experience. Moreover, if the key goals of VORP are to be maintained—the emphasis upon healing relationships, upon meeting both victim and offender needs—we believe it can be best done by independent community-based organizations. It would be all too easy to transform VORP into a way of simply exacting punishment and increasing the likelihood of collecting restitution, at the cost of failing to address emotional needs of victims and of increased state intervention into the lives of private citizens. It should be noted that VORP was actually brought to the United States by probation officers who soon realized the need for the program to have more of a community base of support through a private-sector organization.

Current VORP programs focus primarily on property offenses, although with judicial and client willingness some violent offenses are handled as well. Many would assume that the victim offender reconciliation process would be most relevant for "light weight" cases, and misdemeanors in particular. Yet the experience of the PACT programs, working in several cities of Indiana and Ohio, indicates that it works well with both juvenile and adult felony-level offenses, such as theft and burglary, which represent the largest proportion of serious crime in most communities. The desirability of VORP in working with patterned adult offenders who have multiple prior felony convictions is certainly questionable. On the other hand, for in-

dividuals without substantial prior prison experience who are convicted on nonviolent felony offenses, who admit their guilt, and are willing to work with their victims, the VORP process has proven to be a low-cost and effective alternative sentence.

During the calendar year 1981, for example, a total of 180 cases were referred to the VORP program in Elkhart, Indiana (operated by Elkhart County PACT), with 85 percent of those being juveniles. Of the cases referred, 86 percent represented felony convictions, with theft and burglary being the most common charges. Nearly 70 percent of all cases referred resulted in an actual meeting between the victim and the offender, with restitution agreements resulting in almost all cases. While many programs throughout the country involve court-ordered restitution, the actual collection rate is rather low. With VORP, more than 75 percent of the agreed upon restitution is actually paid. This unusually high rate appears to result from a higher degree of personal accountability experienced by the offender in the VORP process.

A recent survey of eight additional VORP programs in the United States and Canada, conducted by the PACT Institute of Justice, indicated that 75 percent of these programs were administered by a private agency, with half of the local VORP programs receiving church related funds as their primary base of support. While four of the eight programs received client referrals at a postconviction level, only three received clients at both a pretrial and postconviction level. One program worked only at the pretrial stage. Half of the programs worked with both juvenile and adult offenders. Three worked with adults only and one VORP worked exclusively with juveniles. As with the Elkhart County VORP operated by PACT, the most common offenses in the eight other programs surveyed were felony offenses such as theft, breaking/entering and burglary.

None would argue that VORP is appropriate for all cases or that it always works. Moreover, while VORP has established a track record of up to 8 years in some communities, there remains significant need for further evaluation and refinement. Nevertheless, the program appears to work, and perhaps there never has been a time when such a program is more politically and economically relevant, as indicated by the large amount of public and governmental interest in the concept.

VORP has widespread common sense appeal. Because it is a nongovernmental program involving extensive use of volunteer mediators, it does

not involve a "big ticket" program budget. VORP's are being operated with budgets from as low as several thousand dollars to 40 thousand dollars. It costs only several hundred dollars to place an offender in VORP as opposed to between \$15-\$30,000 a year for offenders to be incarcerated.

Incarceration Substitute?

Since nearly all of the existing VORP programs state as their primary purpose "to serve as an alternative to incarceration," several critical organizing points need to be made. The victim offender reconciliation process has a great deal of intrinsic value for many types of offenders and victims, including minor crimes such as misdemeanors. However, the brief history of VORP in several United States and Canadian communities has shown it can be an appropriate total or partial substitute to incarceration for felony offenders at a time when our Nation is facing dangerous and costly levels of prison and jail overcrowding in nearly every state. Consequently, VORP certainly offers real potential for contributing to a larger effort to reduce inappropriate incarceration of certain offenders. Yet, if additional local VORP's become swamped with petty misdemeanor cases as so frequently occurs in new "alternatives," the program will certainly lose a good degree of its credibility as an actual substitute for incarceration of felony offenders.

The most critical issue in organizing a VORP program as an "alternative to incarceration" is found in establishing direct "linkage" between operation of the program and a measurable reduction in jail or prison incarceration of offenders referred to it. Without this linkage, so-called alternatives to incarceration, often remain, at best, abstract principles and ideals. At worst, such "alternatives" can significantly broaden the already extensive level of social control in American society by increasing both the degree and cost of punishments for offenders who would not have been incarcerated in the first place.

In establishing clear referral criteria for developing this necessary "linkage," it is very important

to view this strategy as both "program specific" and "jurisdiction specific." There can be no simple overall master strategy for implementing the linkage. In some jurisdictions, there are certain low-level felony offenders that would clearly be doing jail or prison time while in larger urban areas this might not be the case. The critical issue is in identification of appropriate jail or prison bound offenders who could be sanctioned through VORP, rather than incarceration.

An example of this is found in current efforts by PACT to replicate its Victim Offender Reconciliation Program in an additional location, in Indiana (Porter County). Through the PACT Institute of Justice, data are being collected on actual sentencing practices in Porter County courts, in order to identify appropriate offenders who are currently being incarcerated but would be good candidates for the VORP process. Once these baseline data are obtained, the program will be in a better position to define referral criteria in order to insure linkage as a substitute for incarceration.

Traditional Values

Some might argue that Victim Offender Reconciliation Programs represent too radical a departure from the traditional criminal justice process in this country. The more accurate characterization would be that VORP represents a return to fundamental western and Judeo-Christian values. Focusing upon personal accountability in response to community conflict, upon dialogue as a means of problem-solving, and emphasizing restitution, it draws upon long traditions in Western Civilization. Modern criminal law in its many legal abstractions, including the definition of crime as being against "the state" and de-emphasizing the role of victim, is a relatively young development. As such, VORP can play a critical role in challenging us to reaffirm some fundamental traditions from our own heritage and, at the same time, can offer some practical benefits to our contemporary dilemma of crime and punishment.

END

... RATHER THAN permitting the criminal act to drive members of the community further apart, correctional restitution uses the criminal act to bring them functionally together.

— ROMINE R. DEMING, PH.D.