

# VICTIM OFFENDER MEDIATION: AN ANALYSIS OF PROGRAMS IN FOUR STATES OF THE U.S.

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Executive Summary Report

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AN ANALYSIS OF PROGRAMS IN FOUR STATES OF THE U.S.**

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## Introduction

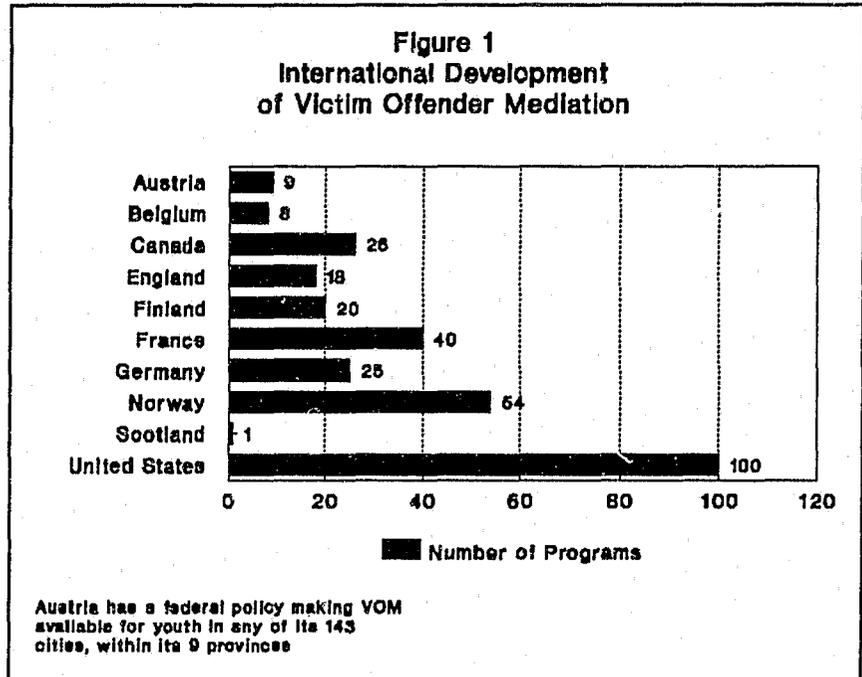
The process of allowing certain crime victims to meet face-to-face with their offender, in the presence of a trained mediator, is now being offered in a growing number of communities throughout North America and Europe. There were only a handful of victim offender mediation programs in North America in the early to mid 1970's. As noted in Figure 1, there are one-hundred (100) programs in the United States and twenty-six (26) in Canada. The field of victim offender mediation is actually growing more rapidly in Europe, where it began to develop in the mid-1980s (Umbreit, 1991).

The development of victim offender mediation in recent years has occurred within the larger context of restorative justice theory (Umbreit, 1991; Zehr, 1990). "Restorative justice" emphasizes that crime is a violation of one person by another, rather than simply against the State. Allowing victims and offenders to be directly involved in resolving the conflict, through dialogue and negotiation, is central to restorative justice. Problem solving for the future is seen as more important than establishing blame for past behavior.

Restorative justice theory views harsh punishment for the offender as less important than empowering victims in their search for closure through direct involvement in the justice process, impressing on offenders the real human impact of their behavior and compensating victims for their losses through restitution by the offender. Both victims and offenders are viewed as active players in responding to and resolving the criminal conflict.

This Executive Summary reports on the first large cross-site evaluation of victim offender mediation programs to occur in the U.S., involving multiple data sets, research questions, comparison groups and multiple quantitative and qualitative techniques of analysis. Program sites examined worked closely with juvenile courts in Albuquerque (NM), Austin

(TX), Minneapolis and St. Paul (MN), and the East Bay area of San Francisco (CA). Issues related to the mediation process and outcomes, client satisfaction,



perceptions of fairness, cost implications, restitution completion and recidivism are examined.

As the field of victim offender mediation, referred to as victim offender reconciliation by some programs, has grown over the past nearly two decades, it appears to be making an important contribution to meeting the needs of many crime victims, offenders, and court systems. Opportunities are being provided for victims of primarily property crimes to meet their offender, discuss what happened, express their concerns, and to negotiate a mutually agreeable restitution plan.

While the field of victim offender mediation and reconciliation has grown considerably, there exists only a limited amount of empirical data to evaluate its effectiveness. Several smaller studies have found that the mediation process had a positive impact upon both victims and offenders (Coates and Gehm, 1989; Davis, *et al.*, 1980; Dignan, 1990; Gehm, 1990; Umbreit, 1990, 1989, 1988). These findings were

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confirmed by a large multi-site study in England (Marshall and Merry, 1990), as well as by the preliminary findings of the current study (Umbreit and Coates, 1992; Umbreit, 1991). No study to date, however, has examined the impact of victim offender mediation upon successful completion of the offender's restitution obligation to their victim. Nor

has any study in the U.S. examined the cost implications of operating these programs or examined their impact, through the use of comparison groups, upon victims and offenders in multiple sites, representing different geographical regions of the country.

## Conclusions

A substantial amount of quantitative and qualitative data has been collected from a total of 1,153 interviews with crime victims and juvenile offenders in four states, review of program and court records, interviews with court officials and program staff, and observation of 28 mediation sessions. The conclusions that emerged from analysis of these many data sources are first identified below. While these conclusions cannot be generalized to represent all victim offender mediation programs, they do provide important insight into this growing international field of justice reform. Additional descriptive information and findings are then reported in the remainder of this Executive Summary.

1. Victim offender mediation results in very high levels of client satisfaction (victims, 79%; offenders, 87%) and perceptions of fairness (victims, 83%; offenders, 89%) with the mediation process for both victims and offenders. This is consistent with a number of previous studies (Coates & Gehm, 1989; Digman, 1990; Marshall & Merry, 1990; Umbreit, 1991, 1990, 1988).
2. The importance among victims and offenders of meeting each other and interacting through the mediation process is documented quantitatively in this study, whereas prior research (Coates & Gehm, 1989) provided qualitative data related to this issue.
3. Participants experience mediation as having a strong effect in humanizing the justice system response to crime, for both victims and juvenile offenders. This is consistent with the findings of prior studies (Coates & Gehm, 1989; Marshall & Merry, 1990; Umbreit, 1991).
4. The process of victim offender mediation has a more significant positive effect upon crime victims (when examining comparison groups), even though both victims and offenders indicate very high levels of satisfaction and perceptions of fairness with mediation.
5. Victim offender mediation makes a significant contribution to reducing fear and anxiety among crime victims. Prior to mediation, nearly 25% of victims were afraid of being victimized again by the same offender. After mediation, only 10% were afraid of being revictimized.
6. Juvenile offenders do not perceive victim offender mediation to be a significantly less demanding response to their criminal behavior than other options available to the court. The use of mediation is consistent with the concern to hold young offenders accountable for their criminal behavior.
7. Victim offender mediation can be effective in working with juvenile offenders with prior convictions, rather than simply with "first-time" offenders.
8. The mediation process can be effective in working with more serious crimes such as burglary, robbery, and assault.
9. The specific location and sponsorship of the program had no major impact upon the high

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degree of client satisfaction with the outcome of mediation or their perception of fairness with the mediation process, for either victims or offenders.

10. Victim offender mediation has strong support from court officials, both judges and probation staff, and is increasingly becoming institutionalized into the juvenile court system.
11. The vast majority of offenders indicate they voluntarily chose to participate in victim offender mediation. Programs in this study appear to have done a better job of presenting VOM as a voluntary choice to the offender (81% of offenders) than indicated in prior research (Coates & Gehm, 1989).
12. Mediation is perceived to be voluntary by the vast majority of victims who participated in it. Although 91% of victims felt they voluntarily chose to participate in mediation, a small number of victims (9%) felt that they were coerced into participating in the victim offender mediation program. Whether this perception of coercion was a function of the program staff, mediators, court related officials or even parents (of juvenile victims) is unclear.
13. Considerably fewer and less serious additional crimes were committed within a one year period by juvenile offenders in

victim offender mediation programs, when compared to similar offenders who did not participate in mediation. Consistent with two recent English studies (Marshall & Merry, 1990; Digman, 1990), this important finding, however, is not statistically significant.

14. Victim offender mediation has a significant impact on the likelihood of offenders successfully completing their restitution obligation (81%) to the victim, when compared to similar offenders who completed their restitution (58%) in a court administered program without mediation.
15. There is some basis for concern that the mediation process can become so routinized as to suggest an impersonal atmosphere, potentially leading to a dehumanizing experience for participants. The spontaneity, vitality and creativity of the mediation process must be preserved by training and monitoring.
16. As the field of victim offender mediation expands and becomes more institutionalized, a danger exists that VOM will alter its model to accommodate the dominant system of retributive justice, rather than influencing the present system to alter its model to incorporate a more restorative vision of justice upon which victim offender mediation is based.

## Implications

A number of implications for both justice policy and direct practice are offered, based upon the conclusions that emerged from this extensive two and one half year multi-site study of victim offender mediation in the United States.

### Policy Implications

- Wider public policy consideration should be given to increasing the availability of victim

offender mediation services, perhaps even as a basic right for those victims of crime who would find it helpful, assuming the offender agrees to such a meeting and a credible victim offender mediation program is available to both parties.

- Victim offender mediation should be more consistently integrated into the large national network of court sponsored restitution

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programs. There is strong evidence that victims of crime are more likely to actually be compensated if the restitution plan is negotiated by the offender and victim.

- Mediating conflict between interested crime victims and their offenders should receive far more attention from the large network of victim advocacy groups throughout the U.S. There is strong evidence that a victim's sense of vulnerability and anxiety can be reduced following a direct mediation session with their offender.

### Program Implications

- Training of mediators should be enhanced to insure that an appropriate non-directive style of mediation is used. This style includes the ability to make use of silence during mediation sessions and to avoid missing opportunities to encourage either victim or offender to address issues that are important to them. Emphasis should be placed on demonstrated skill competency rather than simply completing a set number of hours of mediation training.
- New written and video training resources should be developed to highlight the importance of a non-directive style of mediation. Specific examples of how to avoid "missing opportunities" for greater emotional closure for the victim and offender should be provided.
- Additional attention should be given to insuring that participation in mediation is voluntary for both parties. This should include training of case developers and mediators to inform both parties of all available options prior to their choice of mediation.
- Programs should routinely have victims and offenders sign a "consent to participate in

mediation" form, prior to the actual mediation session, which clearly explains mediation, states the voluntary nature of mediation and identifies other options that are available to the parties.

- The appropriate role of parents in the mediation process involving juvenile offenders needs additional clarification. Rather than either a policy of including or not including parents in the actual mediation session, programs should develop policies that identify for whom and under what specific circumstances parents should be allowed in the entire mediation session.
- New written and video training resources should be developed to provide program staff and mediators assistance in identifying which cases and under what circumstances parental involvement in the mediation is desirable. The manner in which parents are allowed to be in the mediation session, including additional ground rules, should be incorporated into mediator training.
- Case referral criteria in victim offender mediation programs should include both offenders with prior convictions and cases involving more serious offenses, such as residential burglary, robbery, aggravated assaults, and negligent homicide.
- Programs should develop an on-going system for collecting client satisfaction and other related data that is helpful for maintaining high quality control. This should include collecting data related to the participants' perception of voluntary participation and the role and effectiveness of the mediator. A program evaluation kit made available through this study could be helpful with such an effort.

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## Program Sites

The study is based primarily upon a thorough examination of three victim offender mediation programs located in Albuquerque (NM), Minneapolis (MN), and Oakland (CA). A fourth program, in Austin (TX), was added much later in the study and received a more limited range of analysis.

The three primary programs reflected in this study are operated by private non-profit community based organizations working closely with the juvenile court. Nearly all of the mediation cases were referred by the local juvenile court and probation staff. A relatively small number of cases were referred by the prosecuting attorney or police.

Several factors were considered in selecting these program sites for study. Private non-profit organizations sponsor the majority of victim offender mediation programs throughout the country. Most programs in the U.S. focus primarily upon juvenile offenders (Hughes and Schneider, 1989; Umbreit, 1988). The three primary programs offered both regional diversity and program development diversity. Each victim offender mediation program employed a very similar case management process with juvenile offenders and their victims, with a few notable exceptions.

### Albuquerque

The Victim Offender Mediation Program in Albuquerque (NM) was initiated in early 1988 as a component of the New Mexico Center for Dispute Resolution. It is co-sponsored by the local juvenile probation department of the state Youth Authority. In addition to victim offender mediation, the New Mexico Center for Dispute Resolution operates a parent-child mediation program, a school mediation program, and a mediation program for youth in correctional facilities. During 1990 and 1991, it had a caseload of 591. The program serves a jurisdiction with a population of about 450,000, including large Hispanic and Native American communities.

### Minneapolis

The Center for Victim Offender Mediation in Minneapolis (MN) was initiated by the Minnesota Citizens Council on Crime and Justice in 1985. The

Center is a program of the Citizens Council Mediation Services. Operating within a jurisdiction of approximately two million in the metro area of Minneapolis and St. Paul, it was one of the first such programs in a large urban jurisdiction. The Center for Victim Offender Mediation has the highest volume of case referrals of the three primary sites, with a total of 903 case referrals during calendar year 1990 and 1991. In addition to the Center, the Citizens Council Mediation Services also has a parent-child mediation program, a school mediation program, and a mediation training program in juvenile correctional institutions. Staff are increasingly providing technical assistance and training for other mediation programs in the state.

### Oakland

The Victim Offender Reconciliation Program in Oakland (CA) serves the East Bay area of San Francisco. It was initiated in 1987 by the Office for Prisoner and Community Justice of Catholic Charities/Oakland Diocese. Both Alameda and Contra Costa counties are served by the program, representing a large urban multi-cultural jurisdiction with a population of nearly two million, adjacent to San Francisco. During 1990 and 1991, the program had a total of 541 case referrals. The Office of Prisoner and Community Justice of Catholic Charities has worked in the criminal justice field for many years, offering a range of services and advocacy for prisoners, ex-offenders and crime victims. The program in Oakland has more recently branched out to provide technical assistance to other newly developing victim offender, as well as school based, mediation programs.

### Austin

A fourth site in Austin (TX) was added quite late in the study. This program is operated by the Travis County Juvenile Court Department, in conjunction with the local Dispute Resolution Center. The Austin program offered a unique addition to the original design of the study, by allowing for analysis of any possible effects of a public versus private victim offender mediation program upon client satisfaction and perceptions of fairness. During 1990 - 1991, the program in Austin had a total of 1,107 case referrals.

## Methodology

This study is based upon analysis of both quantitative and qualitative data, involving multiple data sets, research questions, and comparison groups. A total of 1,153 interviews were conducted with 948 crime victims and juvenile offenders, representing 304 pre-mediation interviews, 432 post-mediation

interviews, and 417 interviews with two different comparison groups.

Table I identifies the research questions, data sources, data instruments and type of analysis.

TABLE I  
Research Plan for Cross-Site Analysis of Victim Offender Mediation

<i>Research Questions</i>	<i>Data Collected</i>	<i>Data Sources</i>	<i>Data Instruments</i>	<i>Analysis</i>
1. Who participates in the victim offender mediation process and why?	Client demographics Reasons for participation	Mediation clients Program records	Participant log sheets Coding schedule for record data Interview schedule	Quantitative Qualitative
2. How does the process work and what is the role and function of mediator?	Project plans & accomplishments Project activities	Program records Mediators	Coding schedule for record data Interview schedule Observation protocols	Qualitative
3. How do participants in the mediation process evaluate it?	Expression of client satisfaction or dissatisfaction	Mediation clients	Likert scales Interview schedule	Quantitative Qualitative
4. What do court officials think about mediation?	Expression of satisfaction or dissatisfaction	Court officials	Interview schedule	Quantitative Qualitative
5. What were the immediate outcomes of the victim offender mediation process?	No. mediation sessions No. restitution agreements Amount/type of restitution	Mediation clients Program records Program staff	Interview schedule Coding schedule for record data Interview schedule	Quantitative Qualitative
6. What is the impact of mediation on restitution completion rates?	Amount of restitution Impact on victim/offender attitudes & perceptions Case closed-out information	Program records Court records	Coding schedule for record data	Quantitative
7. What is the impact of mediation on recidivism?	Criminal offenses committed within a one year period	Court records	Coding schedule for record data	Quantitative
8. What are the cost implications?	Unit cost of processing referrals Unit cost of mediation	Program records	Coding schedule for record data	Quantitative
9. What is the meaning of <i>fairness</i> to victims and offenders in mediation?	Attitudes and perceptions of victims and offenders	Mediation clients	Interview Schedule	Qualitative

Attitudes of victims and offenders related to a number of important issues in the mediation process were examined through the use of pre- and post-mediation interviews. Client satisfaction and perceptions of fairness were examined through use of post-mediation interviews and two comparison groups: (1) victims and offenders who were referred to the mediation program but did not participate in mediation ("referred/no mediation"); and, (2) victims and offenders from the same jurisdiction who had been matched (with the mediation sample) along the offender variables of age, race, sex, and offense but who were never referred to the mediation program ("non-referral").

Pre-mediation interviews were conducted over the phone within a week of the mediation. Post-mediation interviews were conducted in person approximately 2 months after the mediation.

Comparison group interviews occurred over the phone approximately 2 months after the case disposition date.

Restitution completion by offenders in victim offender mediation programs, along with recidivism was analyzed through use of a comparison group (non-referral) from the same jurisdiction that was matched along the variables of age, race, sex, offense and restitution amount. Offenders in this matched sample were ordered to pay restitution through the existing restitution program in the probation office.

All victims and offenders referred to the mediation programs during 1990-91 were given the opportunity to participate in the study. The sub-samples for the mediation group and the two comparison groups consisted of the following:

TABLE II  
Samples of Individuals Interviewed  
(During Calendar Years 1990-91)

Program Site	- Referred to Mediation -		Not Referred To Mediation (Comparison Group #2)	Total
	Participating	Non-participating (Comparison Group #1)		
ALBUQUERQUE - victims	73	33	25	131
- offenders	65	36	28	129
MINNEAPOLIS - victims	96	51	72	219
- offenders	81	40	71	192
OAKLAND - victims	61	19	10	90
- offenders	56	19	12	87
AUSTIN - victims	50			50
- offenders	50			50
TOTAL	532	198	218	948

Note: Many of the victims and offenders who participated in mediation were interviewed before and after the mediation, resulting in a total of 1,153 interviews.

## Findings

### 1. Mediation Referrals

- A total of 2,659 juvenile offenders were referred to the four programs during 1990-1991.
- A total of 2,799 crime victims were referred to the four programs during 1990-1991.

There were a total of 5,458 victims and offenders who were referred by the juvenile court to the four victim offender mediation program sites during calendar years 1990 and 1991. This represented 2,799 individual victims and 2,659 individual offenders. Eighty-three percent (83%) of these referrals involved a property crime, such as vandalism, theft or burglary, and 17% involved a crime of violence, primarily minor assaults.

The vast majority of offenders referred to the mediation programs had no prior criminal convictions. A small minority of referrals, however, did have prior convictions, ranging from two to six offenses.

The following chart indicates the characteristics of offenders at the four program sites.

TABLE III  
Offender Characteristics  
(Two Year Period, 1990-91)

Variable	Albuquerque N = 604	Austin N = 1,087	Minneapolis N = 658	Oakland N = 310	Total N = 2,659
1. Average offender age	15	15	15	15	15
2. Offender age range	10-19	10-17	10-18	7-18	7-18
3. Offender gender					
a. Male	90%	87%	85%	82%	86%
b. Female	10%	13%	15%	18%	14%
4. Offender race					
a. Caucasian	30%	31%	70%	64%	54%
b. Black	2%	25%	23%	15%	14%
c. Hispanic	65%	42%	2%	15%	27%
d. Other Minorities	3%	2%	5%	6%	5%

Taken together, 85% of the cases referred to the four programs occurred prior to formal adjudication, as a diversion effort. As Table IV indicates, the remaining cases (15%) were referred following formal adjudication by the juvenile court.

While the proportion of post-adjudication referrals at individual sites varied from 2% in Austin to 28% in Minneapolis, the vast majority of cases at all sites represented pre-adjudication/diversion referrals.

TABLE IV  
Referral Characteristics  
(Two Year Period, 1990-91)

Variable	Albuquerque	Austin	Minneapolis	Oakland	Total
1. Cases referred	591	1,107	903	541	3,142
2. Pre-Adjudication	76%	98%	72%	91%	85%
3. Post-Adjudication	24%	2%	28%	9%	15%
4. Individual victims	654	1,058	633	454	2,799
5. Individual offenders	604	1,087	658	310	2,659
6. Types of offenses					
a. Against property	73%	81%	89%	87%	83%
b. Against people	27%	19%	11%	13%	17%
7. Most frequent property off.	burglary	burglary	vandalism	vandalism	burglary
8. Most frequent violent off.	assault	assault	assault	assault	assault

## 2. Client Expectations for Mediation

- *Victim's primary expectation was to both recover their loss and to help the offender.*
- *Offender's primary expectation was to "make things right."*

Victims and offenders who participated in mediation had varied expectations. Victims were most likely to indicate that recovering their loss and helping the offender were equally their most important expectation. These were followed in frequency by the opportunity to tell the offender the effect of the crime and, finally, by getting answers to questions they had about the crime.

While only one (1) in four (4) victims indicated they were nervous about the pending mediation session with their offender, nine (9) out of ten (10) victims believed that the mediation session would probably be helpful.

Offenders were most likely to indicate that "making things right" was their primary expectation or hope.

This was followed in frequency by having the opportunity to apologize to the victim and, finally, by being able "to be done with it." Only one (1) out of ten (10) offenders indicated that they expected the face-to-face mediation session with their victim to be less punishment than they would have otherwise received. Nearly half of the offenders, from the combined sites, stated that they were nervous about the pending mediation session with their victim. Six (6) out of ten (10) offenders indicated that they cared about what the victim thought of them and, similar to their victims, nine (9) out of ten (10) offenders believed that the mediation session would be helpful.

### 3. Voluntary Participation in Mediation

- 91% of victims indicated voluntary participation.
- 81% of offenders indicated voluntary participation.

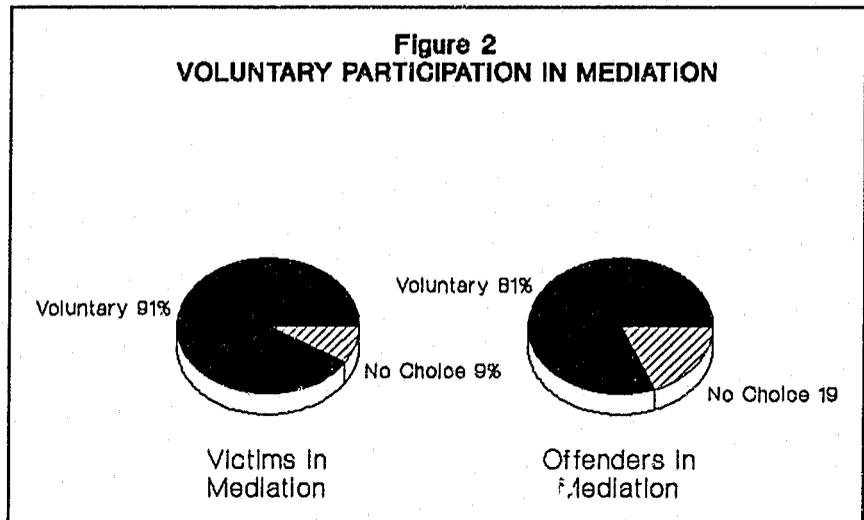
The question of whether or not victims and offenders actually participate voluntarily in mediation is crucial to the integrity of the victim offender mediation process. From the perspective of the young offender, it is important that they have ownership in the mediation process and outcome. Moreover, if they were coerced into mediation against their will, this anger could be reflected in their behavior in the meeting with their victim.

A major concern of the victim rights movement is the issue of choice, allowing victims various options to regain a sense of power and control in their lives. If the victim offender mediation process was imposed upon victims of crime, in a coercive manner, that experience itself could be victimizing.

While a very high proportion of both victims (91%) and offenders (81%) clearly felt that their participation in mediation was voluntary, victims of crime were even more likely to indicate their belief that they were not coerced into mediation. For victims, there were no significant differences between the three program sites.

An earlier study by Coates and Gehm (1989) found that many offenders did not experience their

involvement in mediation as voluntary. Particularly because of the highly coercive nature of any justice system's interaction with the offender, one would expect that many offenders in mediation would feel



coerced into it. Yet, eight (8) out of ten (10) offenders from the combined sites experienced their involvement in mediation as voluntary. There was, however, a significant difference found between program sites. The Minneapolis program site had the highest rating of voluntary participation for offenders (90%), while the Albuquerque program site had the lowest rating (71%).

### 4. The Mediation Process

The three primary victim offender mediation programs in the study employ a relatively similar process consisting of four phases: intake, preparation for mediation, mediation and follow-up. During the intake phase, case information is logged in and the case is assigned to a mediator. The preparation for mediation phase involves a considerable amount of work. The mediator will call and then later meet separately with the victim and the offender. This

process of caucusing with individuals prior to the joint mediation session is believed to be essential in building trust and rapport with both parties, as well as collecting information that can contribute to later conflict resolution.

The mediation phase consists of the joint face-to-face victim offender meeting. The agenda focuses first upon the facts and feelings related to the crime that

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was committed. The second part of the mediation session addresses the issue of losses experienced by the victim and the potential for negotiating a mutually satisfying restitution agreement. Mediation sessions tend to be about one hour in length. The follow-up phase consists of monitoring completion of the restitution agreement, intervening if additional conflict develops, and scheduling a follow-up victim offender meeting when appropriate.

During the meeting, offenders are put in the often uncomfortable position of having to face the person they violated. They are given the opportunity to become known as a person and even to express remorse in a very personal fashion. Through open discussion of their feelings, both victim and offender have the opportunity to deal with each other as people, often times from the same neighborhood, rather than as stereotypes.

The three program sites accept referrals of juvenile offenders from probation officials, at both a pre-adjudication (diversion) and post-adjudication level. Both staff and community volunteers serve as mediators. Each mediator receives approximately 20-25 hours of initial training in mediation skills and program procedures.

The Austin (TX) program has a slightly revised case management process. Employees of the Travis County Probation Office, called Mediation Case Developers, handle all of the tasks of the preparation for mediation phase, including separate contact with the victim and offender prior to mediation. The actual mediation session is conducted by volunteer

mediators from the local Dispute Resolution Center in Austin, who have had no prior contact with either the victim or offender prior to the evening of the mediation. The Mediation Case Developer from the probation staff briefs the mediators just prior to when the mediation occurs on pre-set evenings at the juvenile probation office.

From the twenty-eight (28) observations of mediation sessions that were conducted at the three primary sites, it was found that the type of process described above was usually applied, although not always in such a clear sequence (opening statement, telling of stories, transition to restitution discussion and agreement). Also, there were a number of notable examples in which the mediation process appeared to be applied in a very routinized fashion, with unclear leadership and guidance by the mediator, including missed opportunities for facilitating the mediation in such a way that both victim and offender received the maximum possible emotional benefit.

The specific tasks of the mediator were examined in regard to how important they were to the parties in mediation. Victims ranked the most important task of the mediator to be leadership. This was followed by: made us feel comfortable; helped us with restitution plan; and, allowed us to talk. Offenders had a slightly different ranking of the most important mediator tasks, beginning with the ability of the mediator to make them feel comfortable. This was followed by: allowed us to talk; helped us with the restitution plan; and, the mediator was a good listener.

## 5. Immediate Outcomes

- *Total of 1,131 mediations held at the four programs during 1990-1991.*
- *95% rate of successfully negotiating restitution agreements.*

The most obvious immediate outcome for those victims and offenders who chose to participate in mediation is the highly probable successful negotiation of a restitution agreement, ranging from 91% in Oakland to 99% in Albuquerque. These agreements consisted of a variety of elements. Most focus upon payment of financial restitution by the offender to the victim, however, it is not unusual for

agreements to include personal service for the victim or community service, both of which are likely to result from conversion of a specific dollar amount of loss into hours of work, usually at an approximate minimum wage rate. Some restitution agreements simply require an apology by the offender to their victim.

TABLE V  
**Immediate Outcomes**  
**(Two Year Period, 1990-91)**

<i>Variable</i>	<i>Albuquerque</i>	<i>Austin</i>	<i>Minneapolis</i>	<i>Oakland</i>	<i>Total</i>
1. Number of Mediations	158	300	468	205	1,131
2. Successfully negotiated restitution agreements	99%	98%	93%	91%	95%
3. Agreements with:					
a. Financial restitution	82	171	239	111	603
b. Personal service	57	21	31	36	145
c. Community service	29	130	107	39	305
4. Total financial restitution	\$23,542	\$41,536	\$32,301	\$23,227	\$120,606
5. Aver. financial restitution	\$287	\$243	\$135	\$209	\$200
6. Total personal service	1,028 hrs.	439 hrs.	508 hrs.	585 hrs.	2,560 hrs.
7. Aver. personal service	18 hrs.	21 hrs.	16 hrs.	16 hrs.	18 hrs.
8. Total community service	1,073 hrs.	4,064 hrs.	1,937 hrs.	588 hrs.	7,662 hrs.
9. Aver. community service	37 hrs.	31 hrs.	18 hrs.	15 hrs.	25 hrs.

Restitution contracts are not the only immediate outcome of the mediation program. Participants, after going through mediation, often indicate other more important outcomes. Table VI depicts two outcomes which underscore the importance of a face-to-face mediation. Crime victims from across the combined sites were significantly less upset about the crime and less fearful of being re-victimized by the

same offender after they were able to meet their offender in mediation. A common theme expressed by victims is captured in the statement, "It minimized the fear I would have as a victim because I got to see that the offender was human, too." These findings held true at individual sites, with the exception of Albuquerque (feeling upset about the crime) and Oakland (afraid of being revictimized).

TABLE VI  
**Emotional Impact of Mediation on Victims**

<i>Combined Sites</i>	<i>Pre-Mediation</i> % <i>N</i>	<i>Post-Mediation</i> % <i>N</i>	
Upset about crime	67% (155)	49% (162)	p = .0001*
Afraid of being revictimized by offender	23% (154)	10% (166)	p = .003*

\* Finding of significant difference

## 6. Client Satisfaction With Mediation

- *Mediation had a significant impact on increasing victim satisfaction with juvenile justice system.*
- *90% of victims were satisfied with mediation outcome.*
- *91% of offenders satisfied with mediation outcome.*

Nearly eight (8) out of ten (10) offenders in all three groups (Tables VII and VIII) indicated that they were satisfied with how the system handled their case. While 87% of offenders in mediation indicated they were satisfied, compared with 80% of the "referred but no mediation" offender group and 78% of the

"non-referral to mediation" offender group, these differences are not statistically significant. For offenders, therefore, participation in mediation appears to not have significantly increased their satisfaction with how the juvenile justice system handled their case.

TABLE VII  
Client Satisfaction with Case Processing by System:  
Mediation Sample Compared with Referral/No-Mediation Sample

<i>Combined Sites</i>	<i>Victims</i>		<i>Offenders</i>	
	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>
Mediation Sample (experimental group)	79%	(204)	87%	(181)
Referred/No-Mediation Sample (comparison group #1)	57%	(95)	80%	(95)
Probability of chance	p = .0001*		p = .15	

\* Finding of significant difference

TABLE VIII  
Client Satisfaction with Case Processing by System  
Mediation Sample Compared with Non-Referred to Mediation Sample

<i>Combined Sites</i>	<i>Victims</i>		<i>Offenders</i>	
	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>
Mediation Sample (experimental group)	79%	(204)	87%	(181)
Non-referral Sample (comparison group #2)	57%	(104)	78%	(110)
Probability of chance	p = .0001*		p = .055	

\* Finding of significant difference

A significant difference is found, however, for victims. While 79% of victims in the mediation group indicated satisfaction, 57% in the "referred but no mediation" group as well as 57% of victims in the

"non-referral to mediation" group indicated satisfaction. These findings are significant at the .05 level. The mediation process had a significant impact on increasing victim satisfaction with how the

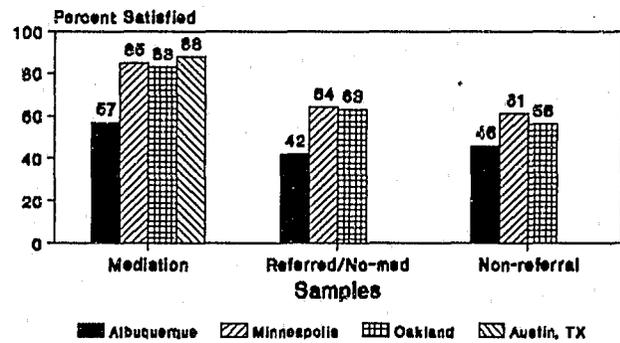
juvenile justice system handled their case, as compared to those victims who were referred to mediation but did not participate (comparison group #1) or to similar victims who were never referred to mediation in the first place (comparison group #2). This greater sense of satisfaction is reflected in statements by victims such as "it gave us a chance to see each other face-to-face and to resolve what happened" or "it reduced my fear as a victim because I was able to see that they were young people" or "I feel good about it because it worked out well, because I think the kid finally realized the impact of what happened and that's not what he wants to do with himself."

As Figure 3 indicates, mediation had a considerable impact upon increasing victim satisfaction with the justice system. This impact was found to be statistically significant for both comparison groups at the Minneapolis site, although only for comparison group #1 (referred but no mediation) at the Oakland site.

Offenders were quite satisfied with the mediation process, however, no individual site indicated that mediation had a significant impact upon increasing their satisfaction with the justice system (Figure 4).

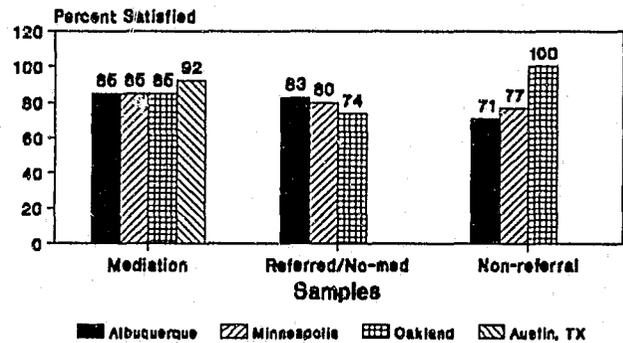
In regard to the actual outcome of the mediation session, which was nearly always a written restitution agreement, nine (9) out of ten (10) victims and offenders at all of the sites combined were satisfied. A frequent theme among offenders is expressed by the statement "it was helpful to see the victim as a person and to have a chance to talk with them and make up for what I did." As Figure 5 indicates, there were slight differences found between individual sites, with the most notable difference seen in a lower rate of satisfaction with the mediation outcome at the Albuquerque program site.

Figure 3  
Victim Satisfaction by Program Site  
(Case Processing by Justice System)



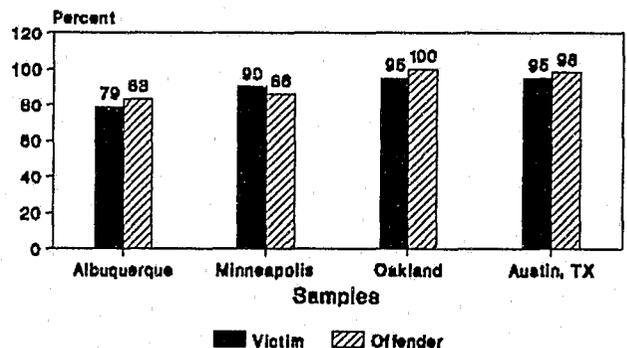
Mediation N=204  
Ref/No Med N=95  
Non/Referral N=104

Figure 4  
Offender Satisfaction by Program Site  
(Case Processing by Justice System)



Mediation N=161  
Ref/No Med N=95  
Non/Referral N=110

Figure 5  
Satisfaction With Mediation Outcome  
(By Program Site)



## 7. Client Perceptions of Fairness

- *Victims who participate in a mediation session with their offender are significantly more likely to have experienced fairness in the justice system, than similar victims who were not in mediation.*
- *83% of victims in mediation experienced fairness in the manner in which their case was handled by the justice system.*
- *89% of offenders in mediation experienced fairness in the manner in which their case was handled by the justice system.*

The data that emerged from this analysis, based on aggregated data from all three sites, indicates that the mediation process was significantly more likely to result in a perception by victims that cases were handled fairly by the juvenile justice system. As Tables IX and X indicate, 83% of victims in the mediation group stated they experienced fairness in the processing of their case, compared to only 53% in the "referred but no mediation" group and 62% in the "non-referral to mediation" group.

When compared to similar offenders who were never referred to the mediation program, juveniles who met

their victim in mediation were also significantly more likely to indicate that they experienced fairness in the processing of their case by the juvenile justice system. Table X indicates that for offenders in mediation, 89% indicated they experienced fairness, compared to 78% in the "non-referral to mediation" group. When compared to other juveniles who were referred to the mediation program but who did not participate (Table IX), however, no statistically significant difference was found in their experience of fairness in the processing of their case by the system.

TABLE IX  
**Perceptions of Fairness with Case Processing by System**  
 - Percent Indicating They Experienced Fairness -  
**Mediation Sample Compared with Referred/No-Mediation Sample**

<i>Combined Sites</i>	<i>Victims</i>		<i>Offenders</i>	
	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>
Mediation Sample (experimental group)	83%	(204)	89%	(178)
Referred/No-Mediation Sample (comparison group #1)	53%	(95)	82%	(92)
Probability of chance	p = .0001*		p = .10	

\* Finding of significant difference

TABLE X  
**Perceptions of Fairness with Case Processing by System**  
**- Percent Indicating They Experienced Fairness -**  
**Mediation Sample Compared with Non-referral to Mediation Sample**

<i>Combined Sites</i>	<i>Victims</i>		<i>Offenders</i>	
	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>
Mediation Sample (experimental group)	83%	(204)	89%	(178)
Non-referral Sample (comparison group #2)	62%	(98)	78%	(109)
Probability of chance	p = .0001*		p = .02*	

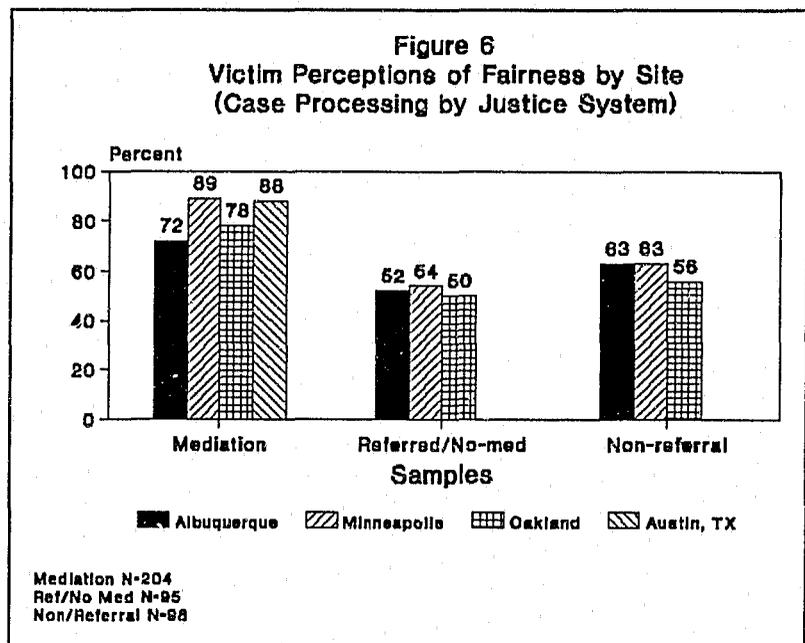
\* Finding of significant difference

When crime victims who participated in mediation were asked to rank their most important concerns related to fairness in the justice system, they identified "help for the offender" as the primary concern, consistent with a prior study (Umbreit, 1988). This was followed by "pay back the victim for their losses" and "receive an apology from the offender."

Juvenile offenders in mediation indicated that to "pay back the victim for their losses" was their most important concern related to fairness in the justice system. This was followed by "personally make things right" and "apologize to the victim."

When the data on perceptions of fairness is examined within program sites, rather than aggregated data across the sites, no significant differences are found among offenders. As noted in Figure 6, however, victims in mediation were considerably more likely to have experienced fairness at each of the three primary sites.

Significant differences were found at the Albuquerque site (between mediation sample and referred/no mediation samples) and the Minneapolis site (between mediation sample and both comparison groups).



## 8. Victim/Offender Attitudes About Mediation

- *The opportunity for the victim to tell the offender the effect of the crime, to get answers and to negotiate restitution were the most important issues to victims.*
- *Actually receiving restitution was the least important issue to victims of juvenile crime.*
- *For offenders, telling the victim what happened, apologizing, negotiating and paying restitution were equally important issues.*

Both victims and offenders identified a number of important issues related to the process of talking about the crime and negotiating restitution. Negotiating restitution was important to nearly nine (9) out of ten (10) victims at both a pre- and post-mediation level. Actually receiving restitution, however, was important to only seven (7) out of ten (10) victims. The opportunity to directly participate in an interpersonal problem solving process to establish a fair restitution plan was more important to victims than actually receiving the agreed upon restitution.

related to informational and emotional needs of the victim, as well as the process of negotiating restitution. Specifically, for victims to receive answers from the offender about what happened, and to tell the offender how the crime affected them were both significantly more important after, rather than before, the actual mediation session. This was also true with negotiating restitution with the offender during the mediation session, even though actually receiving restitution was less important.

As indicated in Table XI, significant differences were found between pre- and post-mediation group samples

TABLE XI  
Victim Attitudes About Important Issues  
(Percent Indicating It Was Important)

<i>Combined Sites</i>	<i>Pre-Mediation</i>		<i>Post-Mediation</i>		<i>P Value</i>
	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	
Negotiating Restitution	85%	(153)	93%	(161)	.02*
Receiving Restitution	66%	(155)	71%	(161)	.34
Receiving Answers/Information	79%	(157)	90%	(167)	.007*
Telling Offender Effect	79%	(157)	91%	(166)	.003*
Receiving Apology	70%	(157)	78%	(166)	.12

\* Finding of significant difference

For offenders, there were no significant differences between the pre-and post-mediation samples. Negotiating restitution, paying restitution, telling the victim

what happened, and apologizing to the victim were important to nine (9) out of ten (10) offenders in both samples.

TABLE XII  
**Offender Attitudes About Important Issues**  
**(Percent Indicating It Was Important)**

<i>Combined Sites</i>	<i>Pre-Mediation</i>		<i>Post-Mediation</i>		<i>P Value</i>
	<i>%</i>	<i>N</i>	<i>%</i>	<i>N</i>	
Negotiating Restitution	94 %	(138)	90 %	(130)	.30
Paying Restitution	84 %	(139)	90 %	(128)	.20
Telling Victim What Happened	93 %	(140)	90 %	(137)	.40
Apologizing to Victim	88 %	(144)	89 %	(134)	.50

\* Finding of significant difference

Table XII does not, however, fully capture the impact that mediation had on the attitude of the offenders. Being held personally accountable for their criminal behavior, through a face-to-face meeting with their victim, can trigger a significant change in the attitude of many juvenile offenders. This change is expressed in the following statements. "After meeting the victim I now realize that I hurt them a lot . . . to understand how the victim feels makes me different." Through mediation "I was able to understand a lot

about what I did...I realized that the victim really got hurt and that made me feel really bad."

The importance of this change in the attitude of many offenders is reflected in a statement by a judge in the Oakland area. He states that the main impact of victim offender mediation on young offenders is "a major learning experience for kids about the rights of others, with implications far beyond just the delinquent act."

### 9. Juvenile Court Attitudes About Mediation

- *Victim offender mediation has strong support from court officials at all sites.*
- *Programs are increasingly becoming institutionalized into the juvenile court system.*

Juvenile court officials at the three primary research sites were uniformly in support of the victim offender mediation program in their jurisdiction. While there were some skeptics of the mediation concept during the early development of the program, most notably at the Minnesota site, judges and probation staff are now strong supporters and have played an important role in helping move toward institutionalizing these programs.

Judges at all three sites recognized that the emotional benefits of the program were even more important than simply the payment of restitution. A Judge in Albuquerque stated "mediation helps these kids realize that victims are not just targets, they are real people." In Minnesota, a Judge stated that "victim offender mediation humanizes the process . . .

victims gain a sense of control and power . . . offenders learn the real human impact of what they have done." The importance of young offenders taking responsibility for their criminal behavior, by compensating the victim, was highlighted by a judge in the Oakland area: "Victim offender mediation teaches kids that 'what I did affected real people' . . . paying restitution as a consequence for their behavior is part of growing up."

These sentiments were echoed by probation directors and line staff at the three sites. Probation staff were also often quick to add that the mediation programs were of considerable assistance in relieving the pressure of their high caseloads, particularly in cases involving more complex issues of restitution determination and payment.

## 10. Impact of Mediation on Restitution Completion

- *Victims are significantly more likely to actually receive restitution if they participate in a mediation session with their offender.*
- *Juvenile offenders are held more accountable for successful completion of their restitution obligation through victim offender mediation programs.*

Restitution is increasingly being required of juvenile offenders in many courts throughout the U.S. The more important issue, however, is whether or not restitution is actually completed by the offender. For victims to have their expectations raised by court ordered restitution, yet to later never receive compensation by the offender, could lead to a "second victimization" experience.

At the Minneapolis and Albuquerque program sites, court data related to actual completion of restitution was analyzed. The comparison groups for this analysis represented a sample of similar offenders from the same jurisdiction who were matched on the variables of age, race, sex, offense and amount of restitution. As Table XIII indicates, offenders who

negotiated restitution agreements with their victims through a process of mediation were significantly more likely to actually complete their restitution obligation than similar offenders who were ordered by the court to pay a set amount of restitution.

Representing the first study to examine the impact of face-to-face mediation on successful completion of restitution, this finding is critical. At a time when concern for serving the needs of crime victims continues to grow, the fact that victim offender mediation can significantly increase the likelihood of victims being compensated, in some form, for their losses has very important implications for juvenile justice policy makers.

TABLE XIII  
Restitution Completion by Offenders  
(Percent of Restitution Completed)

<i>Sample</i>	<i>Minneapolis</i> % <i>N</i>	<i>Albuquerque</i> % <i>N</i>	<i>Total</i>
Mediation Sample (experimental group)	77% (125)	93% (42)	81% (167)
Non-referral Matched Sample (comparison group)	55% (179)	69% (42)	58% (221)
Probability of chance	p = .0001*	p = .005*	p = .0001*

\* Finding of significant difference

Note: The Minneapolis sample consisted of post-adjudication cases in Hennepin County. It was based upon total restitution agreements, after offenders were matched.

## 11. Impact of Mediation on Recidivism

- *Juvenile offenders in victim offender mediation programs committed considerably fewer crimes than a matched sample of similar offenders not in mediation.*
- *This finding of lower recidivism, however, was not statistically significant.*

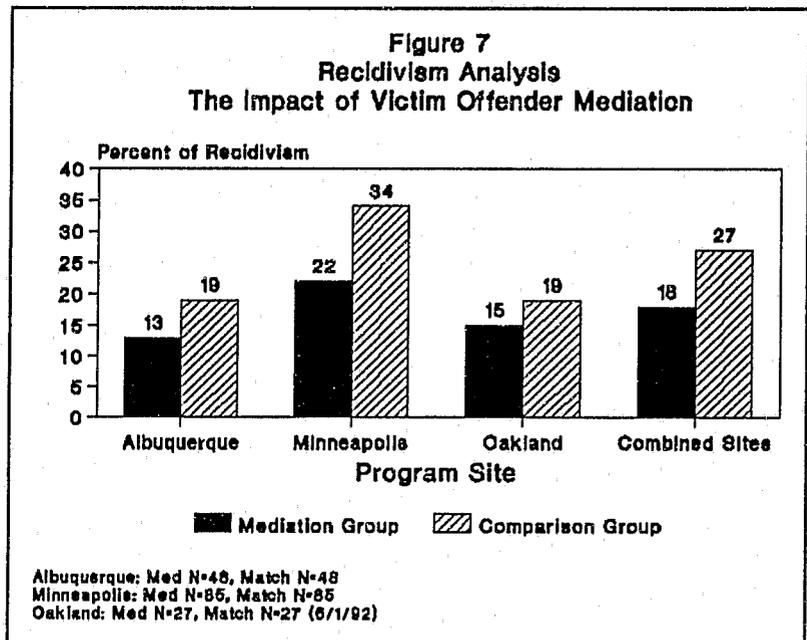
The issue of whether or not the victim offender mediation process has an impact upon reducing further criminal behavior (recidivism) by those offenders participating in mediation was examined at each of the three initial sites. The comparison group at each site consisted of similar offenders from the same jurisdiction who were matched with offenders in mediation, along the variables of age, sex, race, offense and restitution amount.

As Figure 7 indicates, juvenile offenders in the three mediation programs committed considerably fewer additional crimes, within a one year period following the mediation, than similar offenders in the court administered restitution program. They also tended to commit crimes that were less serious than the offense of referral to the mediation program. The largest reduction in recidivism occurred at the Minneapolis program site (post-adjudication cases in Hennepin County), with a recidivism rate of 22 % for the mediation sample and a rate of 34 % for the comparison group sample.

While it is important to know that the victim offender mediation process appears to have had an effect on suppressing further criminal behavior, the finding is not, however, statistically significant. The possibility that this apparent effect of mediation upon reducing recidivism occurred by chance cannot be ruled out. This marginal but non-significant reduction of recidivism is consistent with two English studies of victim offender mediation (Dignan, 1990; Marshall and Merry, 1990). Only one study in the U.S. is known (Schneider, 1986) to have found a significant impact of mediation upon offender recidivism. The program in that study, however, did not employ the same type of procedures

used by the programs described in this cross-site analysis of victim offender mediation.

For some, a finding of a marginal but non-significant impact of the mediation process upon reducing offender recidivism may come as a disappointment. For others, including the authors, it comes as no surprise. Rather, such a finding is consistent with recidivism studies related to other community justice alternative programs. It could be argued that it is



rather naive to think that a time-limited intervention such as mediation by itself (perhaps 4-8 hours per case) would be likely to have a dramatic effect on altering criminal and delinquent behavior in which many other factors related to family life, education, chemical abuse and available opportunities for treatment and growth are known to be major contributing factors.

## 12. Cost Implications of Victim Offender Mediation

- Average unit cost of a case referral was \$233.
- Average unit cost of a mediation case was \$678.

The annual cost of operating the three primary programs examined in this study ranged from \$31,530 in Albuquerque to \$127,176 in Oakland. By far the largest single cost item was that of personnel, representing a range of 69% of the budget in Albuquerque to 72% in Minnesota and Oakland. The average amount of staff at these programs was 2.8 FTE.

The unit cost of a referral to these programs ranged from \$81 in Albuquerque to \$346 in Oakland. For those cases referred to the program which later participated in a mediation session, the unit cost of a mediation ranged from \$292 in Albuquerque to \$986 in Oakland.

Each of these three programs operated as a unit within a larger private non-profit agency which provided many different types of support and financial assistance. This relationship appeared to be crucial both during the initial development of each program and during subsequent years when there were period gaps in the flow of revenue to directly support the victim offender mediation program. As Table XIV indicates, the cost implications of operating these three programs differed considerably.

TABLE XIV  
Cost of Victim Offender Mediation Programs  
(Based on 1991 Expenses)

<i>Item</i>	<i>Albuquerque</i>	<i>Minneapolis</i>	<i>Oakland</i>	<i>Total</i>
Personnel Cost	\$21,753	\$88,493	\$91,884	\$202,130
Number of staff	1.5 FTE	3.5 FTE	3.5 FTE	8.5 FTE
Other Program Costs	\$9,777	\$34,873	\$35,322	\$79,972
Total Annual Cost	\$31,530	\$123,366	\$127,176	\$282,072
Annual Cases Referred (1991)	391	453	368	1,212
Unit Cost of Referral	\$81	\$272	\$346	\$233
Annual Cases Mediated (1991)	108	179	129	416
Unit Cost of Mediation	\$292	\$689	\$986	\$678

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