IMPACT OF RESTORATIVE JUSTICE CONFERENCING WITH JUVENILE OFFENDERS
What We Have Learned From Two Decades of Victim Offender Dialogue Through Mediation and Conferencing

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INTRODUCTION
Restorative justice practices attempt to repair the harm resulting from crime in ways which benefit the victim, the offender, and the community, restoring healthy, positive connections wherever possible. The present monograph examines the impact of restorative justice conferencing in which crime victims are involved in some type of face-to-face meeting with the offender who committed the crime. The key findings that have emerged from 27 studies are reviewed. The first of type of restorative justice conferencing, victim offender mediation (VOM), has a twenty-five year history with over 1,300 programs in North America and Europe. VOM has been widely investigated. The second, family group conferencing (FGC) emerged in the last decade and is just beginning to be a focus of rigorous study. Research on both modalities has explored a wide range of questions about the nature of the participants and the crimes, the processes of the actual meetings or conferences, the results or outcomes of the meetings, and the impact on the participants. The present monograph is focused specifically on the impact of these two forms of victim-offender conferencing on victims in cases of juvenile crime.

VICTIM OFFENDER MEDIATION
From its inauspicious beginning as the response of a concerned probation officer to a juvenile offender in Kitchner, Ontario in 1974, Victim Offender Mediation [VOM] has grown into a widespread restorative justice practice with over a thousand programs in more than twenty nations. Across its many venues, VOM is offered both pre and post disposition, for both juvenile and adult offenders, in crimes ranging from petty misdemeanors to assault and murder, and in a wide variety of formats.

History
As with most reform ideas, victim offender mediation has multiple historical roots (Umbreit, 2000). It shares ideology and purpose with some of the early neighborhood dispute resolution experiments of the late sixties and seventies which sought to mediate disputes at the local level. Many community volunteers were recruited to serve as mediators. In some of the larger neighborhood dispute resolution programs, cases were frequently handled by lawyers or paralegal staff and did not necessarily involve face-to-face encounters of the disputants.

A second direct link, and probably the strongest, to the broadly based victim offender movement is the development of Victim-Offender Reconciliation Programs, also known as VORPs (Peachey, 1989; Zehr, 1990). The
Victim-offender mediation programs. have worked closely with victim-offender mediation advocates to assure that the mediation process is conducted in a highly victim-sensitive manner. Some victim advocates have played an active leadership role in the development of new victim-offender mediation programs.

The third significant root of the victim-offender mediation is the influence of the victim rights movement that has developed over the past two decades. Initially many proponents of victim rights were skeptical and heatedly opposed to the idea of bringing victim and offender together to talk about the offense and to develop a restitution plan. They believed that such meetings would only result in further victimization of the victim, and they feared VOM might also reduce punishment for the offender. Some within the victim rights movement still hold this position. Many others, however, have worked closely with victim-offender mediation advocates to assure that the mediation process is conducted in a highly victim-sensitive manner. Some victim advocates have played an active leadership role in the development of new victim-offender mediation programs.

Victim advocates are increasingly viewing victim-offender mediation as an important option to have available for interested victims, as long as it is clearly a voluntary choice. A recent Minnesota survey of victim service providers, conducted by the state Crime Victim & Witness Advisory Council (1996), found that 91% of victim service providers throughout the state believed that VOM is a valuable program and should be available in all courts. Beginning as an early skeptic of the process, the National Organization for Victim Assistance is now an active supporter of restorative justice and victim-offender mediation. The victim advocacy movement has helped the victim-offender mediation process achieve, at least theoretically, a balance of needs and interests between offenders and victims.

Tension among these three roots can be seen still today in the VOM movement. Some contend that face-to-face mediation is unnecessary; many in the victim advocacy groups find the word “reconciliation” to be an anathema; and others wonder whether mediation will be turned into a massive victim restitution program and lose its moorings as a program also designed to help offenders change.

Scope

In the twenty-five years since VOM began, interest in bringing victims and offenders in a variety of VOM formats has continued to grow. By the year 2000, more than three hundred VOM programs were operating in the United States (Umbreit, 2000). Two-thirds of these programs were private community based or church based, while about a fourth operated under probation or corrections auspices. Mediations reported were fairly equally distributed across the justice process occurring as a diversion from court, taking place between adjudication and disposition, and being included as a post-disposition option. The majority of cases involved juvenile offenders charged with vandalism, minor assault, or theft. Program staff reported pressures to mediate more serious cases. Many programs routinely work with burglary cases and an increasing number are receiving referrals of far more violent crime. Perhaps one of the most dramatic examples of the growing acceptance of victim-offender mediation within the United States is seen in the American Bar Association’s 1994 endorsement of VOM and its recommendation that VOM should be available in courts throughout the country.

The victim-offender mediation movement is clearly international in scope, with more than 1,000 programs in Europe and other parts of the world. The vast majority of programs are located in North America and in Europe, with additional programs in South Africa, Australia and New Zealand. In at least two countries, some form of VOM is mandated to be available in all jurisdictions. Cross-national research and dialogue continue to shape the VOM movement.

Process

Victim-offender mediation is a process which provides interested victims of primarily property crimes and minor assaults the opportunity to meet the offender, in a safe and structured setting, with the goal of holding the offender directly accountable for his or her behavior while providing important assistance and compensation to the victim. With the support of a trained mediator (most often a community volunteer), victims are able to let the offender know how the crime affected them, to receive answers to questions they may have, and to be directly involved in developing a restitution plan for the offender to be accountable for the losses they have incurred. Offenders are able to take direct responsibility for their behavior, to learn of the full impact of what they did, and to develop a plan for making amends to the person(s) they violated. In addition to “victim-offender reconciliation”, some victim-offender mediation programs are called “victim-offender meetings,” “victim-offender conferences,” or “victim-offender dialogues.”

In some programs, cases are primarily referred to victim-offender mediation as a diversion from prosecution, provided the agreement is successfully completed. In other programs, cases are referred primarily after a formal admission of guilt has been accepted by the court, with the mediation being a condition of probation (if the victim is
interested). Some programs receive case referrals at both the diversion and post-adjudication level. Most cases are
referred by officials involved in the juvenile justice system, although some programs also receive referrals from the adult
criminal justice system. Judges, probation officers, victim advocates, prosecutors, defense attorneys, or police can make
referrals to victim offender mediation programs.

Once an offender and victim have been referred to mediation, typically a trained mediator will meet with each
separately one or more times before the actual session. This is done to listen
to each individual's story, to invite their participation, and if they are interested, to share with them the process to be
expected, to help participants shape realistic expectations, and to screen out if necessary individuals who are not
appropriate for mediation.

The mediation session will include the victim, the offender, the mediator, and often family members or other
support people of the victim or offender. A recent national survey (Umbreit & Greenwood, 1999) found that in 92% of the
programs surveyed, parents or a support person were sometimes or always present. The mediator’s task is to facilitate a
discussion between victim and offender so their questions and issues may be dealt with. If a restitution plan emerges, the
mediator will often write up the details in a contract for the participants. In most jurisdictions, the mediator will return the
contract to the program and program staff will send a copy to the referral source.

Victim offender mediation is different from other types of mediation. Mediation is being used in an increasing
number of conflict situations, such as divorce and custody, community disputes, commercial disputes, and other civil
court related conflicts. In such settings, the parties are called “disputants,” with an assumption being made that they both are contributing to the conflict and therefore need to compromise in order to reach a settlement. Often, mediation in these setting is focused heavily upon reaching a
settlement, with a lesser emphasis upon a discussion of the full impact of the conflict upon their lives.

In victim offender mediation, the involved parties are not “disputants.” One has clearly committed a criminal
offense and has admitted doing so. The other has clearly been victimized. Therefore, the issue of guilt or innocence is not
mediated. Nor is there an expectation that crime victims compromise and request less than what they need to address their
losses. While many other types of mediation are largely “settlement driven,” victim offender mediation is primarily
“dialogue driven,” with the emphasis upon victim healing, offender accountability, and restoration of losses. It is based
upon a non-directive humanistic model of mediation (Umbreit, 2000) which emphasizes creating a safe place, through the
prior in-person preparation of the parties, for the opportunity for the victim and offender to talk directly to each other with
minimal intervention by the mediator. Most victim offender mediation sessions (in many programs over 95%) do in fact
result in a signed restitution agreement. This agreement, however, is usually secondary to the importance of the initial
dialogue between the parties that addresses emotional and informational needs of victims which are central to their
healing and to development of victim empathy in the offender which can lead to less criminal behavior in the future.

Research Foundation

Over the course of the last twenty-five years, more than forty studies have investigated various aspects of VOM
program characteristics, processes and outcomes (Umbreit & Coates, 2000a). The present monograph examines the
impact of VOM on the victims of crimes perpetrated by juvenile offenders. A total of twenty-seven empirical studies
examining various aspects of victim impact were reviewed. Of these, fourteen studies specifically addressed VOM
programs working only with juvenile offenders (Bradshaw & Umbreit, 1998; Carr, 1998; Collins, 1984; Evje & Cushman,
2000; Fercello & Umbreit, 1999; Flaten, 1996; Galaway, 1989; Niemeyer & Shichor, 1996; Roberts, 1998; Stodde, 1997;
Umbreit, 1988; Umbreit, 1989a; Umbreit, 1991; Umbreit, 1994	extsuperscript{1}). Thirteen studies examined VOM programs working
with both adults and juveniles (Coates & Gehm, 1989	extsuperscript{2}; Gehm, 1990; Marshall & Merry, 1990; Perry, Lajeunesse &
Woods, 1987; Umbreit, 1995; Umbreit & Bradshaw, 1997; Umbreit & Bradshaw, 2000a; Umbreit & Bradshaw, 2000b;
Because of the importance victims frequently place upon rehabilitating offenders or reducing further criminal behavior, an
additional six studies which assessed the impact of VOM on recidivism rates among juvenile offenders were also
reviewed (Nugent & Paddock, 1995; Nugent, Umbreit, Wiinamaki & Paddock, 2000; Roy, 1993; Schneider, 1986; Stone,
Helms & Edgeworth, 1998; Wiinamaki, 1997). The monograph also makes use of additional studies shedding light more
generally on VOM program characteristics, victim interest in VOM, and VOM in crimes of violence.

FAMILY GROUP CONFERENCING

	extsuperscript{1}Originally reported in Umbreit & Coates, 1992, and Umbreit & Coates, 1993

	extsuperscript{2}Originally reported in Coates & Gehm, 1985
Family group conferencing (FGC), also sometimes referred to as restorative justice conferencing, is a more recent development than VOM and comes from somewhat different roots, though there are many similarities. Barely a decade old, it is far less widespread than VOM. In some jurisdictions it has been mandated by legislative action requiring its use, while in others it is smaller in scope and more optional.

**History and Scope**

Family group conferencing developed initially in New Zealand as an outgrowth of the Maori culture and the mandate of the New Zealand Children, Young Persons and Their Families Act passed in 1989. Four major philosophical strands were identified as underlying this sweeping change: increasing family involvement and responsibility, supporting children’s rights, recognizing New Zealand’s cultural diversity, and promoting partnership among the family, the community and the state (Hassall, 1996). The combined emphases on family empowerment and incorporation of cultural diversity led to recognition of the inherent strengths of indigenous problem solving practices among New Zealand’s Maori people. Elements of these practices were adapted into the legislation in what came to be called Family Group Conferences, a practice of convening family and extended family members as well as relevant community members and support persons to make decisions regarding children. Family group conferencing in New Zealand seeks to assist the family and community together to develop an appropriate plan for the continued care of both youthful offenders and children in need of protective services.

Within the New Zealand justice arena, the primary functions of FGC are to reach a decision as to whether or not the offender should be prosecuted, decide about custody arrangements for the offender, and make whatever other decisions or recommendations are deemed appropriate to deal with the offense (Hassal, 1996). All youth not waived at the arrest level are referred to conferencing unless the nature of the crime mandates that a judge must hear the case. In some instances the judge may also refer such cases back to conferencing to work out additional details. For cases which come directly to conferencing, an initial component of the conference is to have the circumstances and charges from the police report read and then for the youth to state whether or not he or she is guilty. If the youth denies guilt at this point, the conference is ended and the matter is referred on to court for disposition.

As FGC has expanded into other jurisdictions, additional underlying philosophies have been incorporated and practices have begun to vary somewhat. Working in Australia, programs developed which attempted to incorporate the reintegrative shaming approach identified by Braithwaite (1989). A primary aim of these programs, located in Canberra and Wagga Wagga, is to strengthen the moral bonds between the offender and the community (Sherman & Strang, 1997). These programs work with offenders who have confessed, both young property offenders and adult drink drivers. Programs based broadly on this philosophy have subsequently been developed in the US in both Pennsylvania and Indiana, working with juveniles who admit to the crime and who are willing to participate in conferencing.

**Process**

Family group conferences are a process of bringing together an offender, the offender’s immediate and extended family members and support persons, justice system representatives, and victims of the crime (possibly also including their support persons) to make decisions about how best to respond. Typically the details of the event will be shared, both the offender and the victim will have an opportunity to describe their experience and feelings, and the participants will develop and agree to a plan for handling the situation. Agreements usually entail some form of reparation to the victim, often including an apology, and may in addition involve community work and other restitution components. In New Zealand, the conference also makes any necessary decisions regarding custody of the youth involved.

**Research Foundations**

A total of nine reports of implementation and preliminary research on the use of FGC with juvenile and adult offenders were reviewed for the present monograph (Fercello & Umbreit, 1998; Longclaws, Galaway & Barkwell, 1996; Maxwell & Morris, 1993\(^3\), 1996; McCold & Wachtel, 1998; McGarrell et al., 2000; Moore & Forsythe, 1995; Strang & Sherman, 1997; Umbreit & Fercello, 1998; Wundersitz & Hetzel, 1996). Only three of these studies utilized control groups, randomly assigning eligible offenders to either FGC or standard processing. Two compared FGC to routine court handling of cases (McCold & Wachtel, 1998; Strang & Sherman, 1997). The remaining control group study, conducted in Indianapolis, compared FGC to the wide range of other diversion programs to which youth were typically referred, including VOM (McGarrell, et al., 2000).

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\(^3\) Also reported in Maxwell & Morris, 1994, and Maxwell & Morris, 1996.
Seven of the nine programs described in these reports implemented FGC as an alternative to court referral. The Indianapolis program which differed has already been described. In addition, a pilot project in a Canadian probation department utilized FGC during the fact-finding phase between apprehension and court appearance, and the resulting agreements were presented to the judge at the court dispositional hearing (Longclaws et al., 1996).

Eight of the nine programs handle only juvenile offenders. The RISE project in Canberra, Australia, works with “young offenders” up to age 29, and in addition also handles adult “drink drivers” (Strang & Sherman, 1997).

The New Zealand program is nation-wide; it is administered by the Department of Social Welfare, and the conference conveners are staff members of the Children and Young Person Service office, having responsibility for both child protection and youth justice cases. The remaining programs are conducted under various justice system auspices: five police departments, one probation department, one county superior court, and one county corrections department. In most instances the conference conveners are staff members of the relevant justice system institution, typically police officers or probation officers. The Indianapolis program utilizes the broadest variety of conveners, including police officers, sheriff’s deputies, school police, neighborhood prosecutors, county restorative justice coordinators, and civilian volunteers (McGarrell et al., 2000).

**VICTIM IMPACT OF VICTIM OFFENDER CONFERENCING**

The thirty-six victim impact studies reviewed here cover programs across the U.S., Canada, England, Scotland, New Zealand and Australia. All the studies explore victim satisfaction with victim offender conferencing. No single study addresses all the questions under discussion in the present monograph. Moreover, differences in how researchers frame particular questions complicate cross-study comparisons. For most of the questions of interest in understanding victim impact, we will report the number of studies addressing the question and the range of responses reported by the relevant studies. These sketchy quantitative data will be fleshed out through the use of representative comments taken from the qualitative components of many of the studies.

*Are Crime Victims Interested in Meeting Offenders?*

The desire of victims for meeting with the person who violated their space or person surprises if not shocks many observers of the justice system. Yet, repeatedly victims of crime volunteer to meet the offender who has done them wrong. Some become quite aggressive in their interactions with the justice system in seeking such a meeting.

A statewide representative survey conducted in Minnesota included a few questions to assess the public's sentiment toward handling criminal offenders (Pranis & Umbreit, 1992). Participants were asked to place themselves in a hypothetical situation in which they were a victim of a non-violent property crime. In such a circumstance, how likely would they be to participate in a program that allowed them to meet with the person who committed the crime? More than four out of five Minnesotans indicated interest in meeting with the offender.

In a British Crime Survey, victims during a previous twelve-month period were asked if they would be willing to meet with their offender so "the offender could make a repayment for what he had done." Forty-nine percent indicated a willingness. Less than one third of victims of violent offenses and approximately 60% of those experiencing property offenses were willing to participate (Reeves, 1989).

From the hypothetical we can move to look at programs which keep statistics on the characteristics of victims who are referred to victim offender mediation programs and compare those who choose to participate with those who do not. A study of five hundred and fifty five cases from six VOM programs serving both juveniles and adults in Indiana, Oregon and Wisconsin (Gehm, 1990) found that 53% of possible cases referred failed to meet because of victim refusal to participate.

Applying regression analysis to the case records available, it was discovered that victims were more likely to meet if the offender was white, if the offense was a misdemeanor, and if the victim represented an institution or organization rather than him or herself as in a house burglary.

Some of these finding were supported by research in a large Orange County, California VOM program serving both juveniles and adults (Wyrick & Costanzo, 1999). Records were examined for an eight-year period including some 2,428 cases. These were divided into those cases that reached mediation and those that did not. A logistic regression analysis was conducted to determine factors differentiating the two groups. It should be noted that the key dependent variable in this study is defined somewhat differently than in the Gehm (1990) study. The former study compared those victims who chose not to participate with those who choose to participate. The Wyrick & Costanzo (1999) study compares those cases which were mediated with those which were not, regardless of the reason the case did not come to mediation. In addition to refusal of the victim, such reasons can also include refusal of the offender or resolving differences without mediation.

In the Wyrick & Costanzo (1999) study, property offense cases were more likely to reach mediation than personal
offense cases. And like the Gehm (1990) study, victims representing organizations or institutions were more likely to be in cases reaching mediation than individual victims of crime. White offenders, however, were no more likely to reach mediation than Hispanic offenders, but more likely than other minorities. An interesting question for further pursuit here is whether victims are more likely to agree to mediation if the offender is of similar ethnic background. The same question could be asked of victim and mediator ethnic similarity.

A final significant finding from the Wyrick & Costanzo (1999) study has considerable implications for practice. That is, the longer the time lapse between the crime and the referral to VOM the less likely victims of property offense are to reach mediation. In contrast, the reverse is true for victims of personal crimes. The longer the lapse time between the crime and referral the more likely the case reaches mediation.

While these correlation studies of large numbers of cases provide useful data helpful for understanding victim participation, they do not tell us why victims make the decisions they do. To begin to develop such a picture we must turn to smaller studies which included interviews with participants and non-participants. In a 1984 study of VOMS (then referred to as “VORPs”) serving both juveniles and adults in Indiana and Ohio (Coates & Gehm, 1989), victims reported desiring to participate in descending order to recover restitution for loss, to help the offender, to participate usefully in the criminal justice process, to ask questions of and express feelings toward offender, or to punish the offender more effectively than through the traditional process. Many indicated that they wanted to "teach the offender a lesson." A small sub-sample of victims refusing to participate were also interviewed. Their reasons for choosing not to participate were 1) the perceived hassle of involvement was not merited by the loss; 2) they feared meeting the offender/meeting at the victim's home; 3) they had already worked out settlement; and 4) there was too much time delay from point of crime.

Similarly, in a four state study of juvenile VOM programs, victims indicated that getting repaid for their loss and helping the offender were of nearly equal importance for participating (Umbreit, 1994). Likewise those choosing not to participate indicated that "the loss was small...it just was not worth the effort." Or, "I didn't want to see him because I would get mad" (Umbreit & Coates, 1992). An Orange County, CA study which included interviews with victims of juvenile offenders found that 35% of victims choosing not to participate did so because the case was not important enough to merit participation (Niemeyer & Shichor, 1996).

In English VOM studies, corporate victims appear less willing to meet than individual victims (Marsh & Merry, 1990) and those who choose to participate primarily express curiosity about the offender and why the crime was done. There are two important differences between mediation in England and in the U.S. First, British comprehensive health coverage and victim compensation laws provide considerably more financial assistance to crime victims than is common in the U.S., making financial restitution a more secondary concern of victims. Second, the VOM practice as it has evolved in England includes two formats: face to face meetings, and an indirect mediation in which the mediator carries information back and forth in working out a settlement without conducting a face to face meeting. Most cases in VOM programs in England involve indirect mediation (Umbreit & Roberts, 1996).

Only one study of the victim impact of VOM in juvenile crime focused on serious or violent crimes (Flaten, 1996). The results of this Anchorage, Alaska qualitative study of seven juvenile cases concur with what is being learned from VOM participants in cases of adult violent crime. Victims who choose to meet with violent offenders are largely interested in getting facts from the offender about the why and the how of the crime, telling the offender their own feelings and pain, and, in capital cases, teaching the offender about the person whose life was taken (Flaten, 1996; Umbreit, 1989b; Umbreit, Bradshaw & Coates, 1999; Umbreit & Brown, 1999; Umbreit & Vos, 1999). Restitution is relegated often to a secondary concern.

Across seven studies of VOM with juvenile offenders (Carr, 1998; Evje & Cushman, 2000; Niemeyer & Shichor, 1996; Roberts, 1998; Umbreit, 1989a; Umbreit, 1991; Umbreit, 1994), the percentage of cases reaching mediation ranged from 42% to 90%. Among eight studies of VOM programs working with both juveniles and adults (Coates & Gehm, 1989; Gehm, 1990; Marshall & Merry, 1990; Perry, Lajeunesse & Woods, 1987; Umbreit, 1995; Umbreit & Roberts, 1996; Warner, 1992; and Wynne, 1996) the percentage ranged from 37% to 67%. It should be noted that the Marshall and Merry (1990) study reported separate rates for its police-based juvenile programs, at 79%, and its court-based adult programs, at 51%.

Turning to studies of FGC, five of the nine studies addressed the question of participation rates. In general, participation rates have been lower for FGC than for VOM, ranging from 33% to 86%. The exploratory project in Winnipeg succeeded in eliciting the presence of only two out of the six victims, although all six were interested in participating and the remaining four took to the time to prepare victim impact statements for use in the conferences (Longclaws et al., 1996). In New Zealand, results were somewhat better, with 41% of victims present for the conferences. Researchers noted that in this early phase of that program’s development, victims were often not consulted about convenient meeting times, were frequently not given much advance notice, and in general were not actively recruited for involvement. These procedures have since been changed as a result of the research report (Maxwell & Morris, 1993).
The Bethlehem, PA FGC project did not specifically report victim refusal rates, but did keep track of the portion of referrals which actually came to conference, and noted differences between property crimes and violent crimes. Fifty percent of property crimes referred came to conference, chiefly due to refusals by offenders, while only 32% of violent crimes reached conference, chiefly due to victim refusal (McCold and Wachtel, 1998).

Institutional victims carry a special set of issues. As noted above, research in VOM has indicated that victim participation rates in general are lower when the victim is an institution rather than a person. The South Australia FGC project made a special effort to enlist the participation of institutional victims. Project staff attended the retail trade association meetings to introduce the project and its concepts, and invited retailers to designate a staff member to attend in shoplifting cases. Response was positive and most stores assigned the task to a security officer, greatly increasing victim representation in crimes against corporate entities (Wundersitz & Hetzel, 1996). In this program, between 75% and 80% of the victim-based crimes had victim representation present for the conferences.

In some instances of crimes against an institution the personal victims may go largely unnoticed. Qualitative interviews following a case of arson against a school in the Wagga Wagga project revealed that, in retrospect, the custodian who had discovered the damage and done much of the initial cleaning was perhaps the person most directly victimized by the crime. The interviewee, an administrative staff member who had represented the school at the conference, felt the custodian should have been invited to participate (Moore & Forsythe, 1995). The highest overall participation rate was reported by the program in Canberra, Australia, where cases were randomly assigned to either court or FGC. Victims participated in 86% of the conferences, as opposed to 3% of the court cases (Strang & Sherman, 1997).

**Is the Conferencing Process Voluntary for Victims?**

Ten of the VOM studies under review (Coates & Gehm, 1989; Flaten, 1996; Marshall & Merry, 1990; Perry, Lajeunesse & Woods, 1987; Roberts, 1998; Strode, 1997; Umbreit, 1994; Umbreit, 1995; Umbreit & Roberts, 1996; Warner, 1992) and one of the FGC studies (McCold & Wachtel, 1998) addressed the question of whether or not victims felt their participation in conferencing was voluntary. Between 83% and 100% of victims interviewed were reported as saying that they voluntarily chose to meet with the offender, with no appreciable difference between the juvenile samples and the mixed samples. Only in a few instances did persons feel pressured by a mediator or a family member or friend. Comments ranged from victims indicating that they felt little pressure to participate (Coates & Gehm, 1989) to researchers suggesting that victims were exposed to less pressure to participate than offenders (Marshall & Merry, 1990). Pressure to participate may be subtle as in how one sees oneself being perceived by others: "Mediation should be voluntary, i.e., offered only, and not recommended. Because if you decline, you are the bad guy" (Umbreit, 1995).

In those programs where the emphasis is upon working with victims of serious crime, pressure from the system or the mediation program to participate is seldom mentioned. All seven of the victims in Flaten’s (1996) study reported their participation was voluntary. With such cases, there are often pressures from family members and friends not to meet the offender who has wreaked havoc and pain upon the victim and family. It should be noted that in cases of serious or violent crime, mediation is nearly always initiated by the victim or a family member of the victim. Most programs offering VOM in such cases take the position that any other process risks the danger of revictimizing. Even when offenders have expressed interest in such meetings, such information is usually simply kept on file until such time as the relevant victim seeks to arrange a meeting (Umbreit, 2000).

**Do Victims feel Adequately Prepared for Meeting the Offender?**

Across five empirical VOM studies reporting percentages (Collins, 1984; Fercello & Umbreit, 1999; Roberts, 1998; Strode, 1997; and Umbreit, 1995) the proportion of victims feeling adequately prepared to meet the offender ranged from 68% to 98%. Most working in the field of victim offender mediation contend that preparation is the key to effective mediation that leads to a true dialogue between the parties, with little intervention or speaking by the mediator. Clearly, in most programs considerable time is devoted to preparing both victim and offender for the mediation session through separate in-person meetings. Each is informed about the process, about the nature of the person they will encounter, and about realistic expectations. With victims of serious crime preparation may require months, if not years. In a study of VOM with victims of serious offenses committed by juveniles (Flaten, 1996), preparation was identified as the single most important factor contributing to the success of mediation. Preparation included telephone conversations, counseling sessions, pre-mediation meetings and self-preparation. No FGC studies asked victims to evaluate their preparation.

Regardless of the nature of the crime event, there is a need to know what to expect when considering the possibility of meeting with an offender. Not knowing, in and of itself, can generate anxiety and fear. An English victim in a VOM program reported being well prepared: "I was in no doubt as to what it [mediation scheme] constituted by the time I had agreed to take part in it." (Marshall & Merry, 1990). Some victims in the studies under review felt no more prepared than they might have been for going to court. "I was given insufficient preparation for the mediation--ill
prepared because of insufficient information," said a Canadian victim (Umbreit, 1995). Without adequate preparation, victims may experience mediation as merely another victimizing encounter.

Are Victims Satisfied with Justice System Response to Their Case?

Seven of the VOM studies reviewed for this monograph (Collins, 1984; Fercello & Umbreit, 1999; Strode, 1997; Umbreit, 1989a; Umbreit 1995; Umbreit, 1994; Umbreit & Roberts, 1996) and three of the FGC studies (Fercello & Umbreit, 1998; McCold & Wachtel, 1998; McGarrell, et al., 2000) asked directly about victim satisfaction with the criminal justice system referral of their case to mediation. The range of positive responses was 50% to 90%. The lowest figure occurred in a juvenile VOM program where participating offenders were court ordered to participate (Strode, 1997). In this program dissatisfaction with the justice system referral derived largely from the low rate of completion of the negotiated restitution agreements. The highest rate came from an FGC program in Indianapolis, where 90% of the victims were satisfied, compared to 68% of the victims whose cases had been referred to other diversion programs, including VOM (McGarrell et al., 2000).

In VOM studies with comparison groups, satisfaction levels were higher for victims referred to face-to-face mediation than for those who were not (Umbreit, 1994; Umbreit, 1995; Umbreit & Roberts, 1996). These three studies report victim satisfaction in several programs in the United States, Canada and England. In the U.S. study of juvenile VOM programs, there was a statistically significant difference in satisfaction scores between those going through mediation, 79% of whom were satisfied, and those not referred to mediation, 57% of whom were satisfied (Umbreit, 1994). The respective figures for England were 79% compared to 55% (Umbreit & Roberts, 1996), and for Canada, 78% compared to 48% (Umbreit, 1995). The English and Canadian VOM programs work with both adult and juvenile offenders.

The following are representative victim comments regarding the justice system and VOM:

A Canadian victim: "Mediation is better than court because it solves the problem" (Umbreit, 1995).
An English victim: "My viewpoint was listened to and I felt less like a crime statistic" (Umbreit & Roberts, 1996).
A U.S. victim: "It [mediation] gave us a chance to see each other face to face and to resolve what happened." (Umbreit & Coates, 1992).
A Canadian victim: "I had a sense of control. It gave me a voice. I felt totally powerless before." (Umbreit, 1995).

The minority of victims who were not satisfied with having been referred to mediation are represented by comments of a Canadian victim. "I'd have been happier if it [case] had gone to court. Lawyer was not allowed to participate in mediation. I felt he [offender] was getting off scot-free" (Umbreit, 1995).

One of the goals frequently attributed to restorative justice conferencing programs is humanizing the criminal justice system. The responses of a significant majority of victims would suggest that steps have been taken in this direction. While victim offender conferencing was not established with the purpose of improving the public's perception of criminal justice, those who shape criminal justice policies may regard these kinds of positive responses as a major benefit for their industry.

Are Victims Satisfied with Conferencing?

It is not surprising to find that researchers ask different kinds of satisfaction related questions. Some ask a generic overview question regarding satisfaction. Others try to break the question down into component parts. Some do both.

Seven studies of juvenile VOM programs (Carr, 1998; Collins, 1984; Evje & Cushman, 2000; Flaten, 1996; Fercello & Umbreit, 1999; Strode, 1997; Umbreit, 1994) and four studies of mixed (adult and juvenile) VOM programs (Coates & Gehm, 1989; Marshall & Merry, 1990; Perry, Lajeunesse & Woods, 1987; Umbreit & Bradshaw, 2000b) addressed the broad question of victim satisfaction with VOM. The range of victims satisfied is 56% to 97%. The lowest rate was reported by the Strode (1997) study in which offenders were court ordered to participate in VOM; despite this low satisfaction rate, 94% of these same victims felt the mediation was helpful. All remaining programs reported that over 80% of victims were satisfied.

Results from FGC are somewhat lower in general. Five FGC studies (Fercello & Umbreit, 1998; Maxwell & Morris, 1993; McGarrell et al., 2000; Strang & Sherman, 1997; Umbreit & Fercello, 1998) addressing this question reported victim satisfaction rates ranging from 53% to 90%. The Indianapolis study was the only FGC study to compare satisfaction with FGC to a control group; it found that 90% of the victims who participated in FGC were satisfied, compared to 68% of victims whose offenders were referred to other diversion programs.

Victims across a number of sites often indicated that meeting the offender was the most satisfying part of the VOM experience, whether to tell the offender of their own pain, to hear the why and how of the crime, or simply to put a human face on the offender (Coates & Gehm, 1989; Umbreit, 1988; Umbreit, 1991; Umbreit, 1995). Receiving restitution
for losses and sensing the offender's remorse were also noted as factors contributing to overall satisfaction. One victim stated, "It put my mind at ease because we had conjured up the big thugs breaking in...they were small kids" (Umbreit, 1988). An Alaska victim of violent juvenile crime claimed, "The mediation saved my life, and I am so thankful I was able to participate" (Flaten, 1996). A New Zealand participant in FGC stated “I got the ill feelings out of my system” (Maxwell and Morris, 1993).

Not all victims, of course, were enamored with conferencing. One VOM participant expressed his distress in the following manner: "It made me mad seeing him there. It made me feel taken advantage of. Wasted time." (Umbreit, 1995). A New Zealand participant in FGC stated “the crime stinks -- but the punishment stinks more” (Maxwell and Morris, 1993). Victims sometimes complained about the amount of time they had to contribute, the delay between the crime event and the resolution of the conflict, and the lack of follow-up (Coates & Gehm, 1989; Perry, Lajeunesse & Woods, 1987; Strode, 1997; Umbreit, 1995).

One way to begin to explore the underlying meaning of victim satisfaction is to look for those elements of victim mediation experience which correlate with satisfaction. Two of the VOM studies reported here attempt to do just that. These studies conducted by Umbreit and Bradshaw, one with a U.S. juvenile sample (Bradshaw & Umbreit, 1998) and one with a Canadian mixed sample (Umbreit & Bradshaw, 2000a) found very similar results. Subjecting factors related to victim satisfaction to a regression analysis the authors found that three factors were highly explanatory: victim attitude toward the mediator, victim perceived fairness of restitution agreements, and the importance of meeting the offender. These findings underscore the importance of the interpersonal nature of mediation.

A study comparing a Canadian adult VOM program with a U.S. juvenile VOM program addresses the question whether and how victim satisfaction might be related to the age of the offender (Umbreit & Bradshaw, 1997). Victims of juvenile offenders were more likely to believe that mediation helped the victim participate in the justice system. Victims of adult offenders were significantly less afraid that the offender would commit another crime against someone. There was no significant difference between the two groups regarding victim satisfaction with the justice system or victim satisfaction with the mediator, willingness to recommend program to others, or how upset the victim was about the crime after mediation.

An indirect measure of victim overall satisfaction with conferencing is the victim's willingness to participate again in such a program or to recommend that other do. Six out of nine VOM studies asking this question reported over 90% of victims answering affirmatively (Carr, 1998; Coates & Gehm, 1989; Fercello & Umbreit, 1999; Flaten, 1996; Strode, 1997; Umbreit, 1991). One study (Perry, Lajeunesse Woods, 1987) reported 80% and two others (Collins, 1984; Marshall & Merry, 1990) found that "most" or "a majority" would be willing. Four FGC studies also addressed this question with similar results, ranging from 82% to “nearly all.” In the one FGC comparison study asking this question, results were quite striking: 98% of participating FGC victims would recommend participation, versus 25% of victims whose offenders were referred to other diversion programs.

Umbreit & Bradshaw (2000b) report the development of a scale to measure overall victim satisfaction through assessing satisfaction with eleven specific components of the VOM experience, including many of the factors previously discussed. The scale was normed on victims from VOM programs serving both juveniles and adults in four sites across California and Minnesota. The average satisfaction scores for the 197 participants were 32.74 on a scale of 11 to 44, or “satisfied.” Satisfaction was not significantly related to victim gender, income, education or age.

However satisfaction is measured and analyzed, victims in general report high levels of satisfaction with their conferencing experiences. Not only are victim offender conferences well received by victims; so are the justice systems which support such programs.

**Are Victims Satisfied with the Outcomes?**

Outcomes of mediations between victims and offenders can be quite varied including monetary restitution, service to the victim, community service, apologies, and participation of offender in various intervention programs. Any specific outcome depends upon the needs and interests of the parties involved in a particular mediation.

Of the studies under review, six studies of juvenile VOM programs directly addressed the question of how satisfied victims are with the outcome of mediation (Carr, 1998; Collins, 1984; Evje & Cushman, 2000; Fercello & Umbreit, 1999; Strode, 1997; Umbreit, 1994). Satisfaction levels ranged from 56% to 97%. Flaten (1996) found that six of the seven victims who met with their violent juvenile offenders felt the mediation was “successful.”

Satisfactory resolution was the appraisal by a victim in a Canadian VOM program: "It was a chance to work out an agreement. The agreement was getting this resolved to my satisfaction" (Umbreit, 1995). While many victims across sites were pleased to receive restitution for their losses, in some situations, the actual monetary restitution was less important than the attitude of the offender. As one U.S. victim stated, "I wanted them to show their willingness to pay me. But money wasn't important." (Umbreit & Coates, 1992). Another U.S. victim emphasized the larger outcome context,
"It gave me satisfaction that the kid had to face up to what he had done" (Roberts, 1998). However, a comment from another victim reflects the mixed reactions about the outcome of mediation: "It was ensured that he pays me on time as agreed upon. Now he can identify me. I felt that there was a greater chance that he could retaliate." (Umbreit, 1995).

The word "closure" was used often by victims. Even with victims of violent crime there was the sense that mediation had helped them integrate, to some degree, the terrible tragedy in their lives in order to better move forward with their lives (Flaten, 1996). There was no way that mediation could "pay back" or replace the loss of a loved one. Yet these victims, too, appreciated the outcome of meeting with the offender.

A few studies have addressed the impact of conferencing on whether or not offenders complete the terms of the restitution agreements which are negotiated, and whether it has an impact on the amount of restitution victims receive. Looking at VOM programs serving juvenile offenders, Umbreit (1988) and Umbreit (1991) found that between 79% and 81% of negotiated agreements were completed. A study of VOM programs serving both adults and juveniles (Gehm, 1990) found an 89% completion rate. The only study reporting a comparison between the completion rates of VOM and non-VOM youth (Umbreit 1994) found that juvenile offenders who participated in VOM were significantly more likely to complete their agreements (81%) than similar youth who did not (58%). In the multi-site California study reported by Evje and Cushman (2000), data was collected on the average amount of restitution paid out by VOM and similar non-VOM youth. In all six counties, VOM youth paid more; the percentage difference ranged from 5% more to 178% more. One FGC study found that 83% of youth who participated in conferences completed their restitution agreements, versus 58% of youth referred to other diversion programs (McGarrell et al., 2000).

Are Victims Satisfied with the Mediator?

Only three of the studies of juvenile VOM programs reviewed here specifically asked victims their opinions about the mediators who facilitated the VOM meetings. Fercello and Umbreit (1999) found that 90% of participants thought the mediator was "fair." Though they did not report percentages, studies by Carr (1998) and Roberts (1998) concurred that victims felt the mediator had been fair. A single FGC study reported similar results: 95% of victims felt the facilitator of the conference was "fair" (Fercello & Umbreit, 1998).

Comments about mediators were reported in additional studies. Victim assessment of mediators include: "we were allowed to speak...(mediator) didn't put words into anybody's mouth" (Umbreit, 1988); "The mediator was very competent and experienced with this type of thing" (Umbreit & Coates, 1992); and, "He provided guidance, but at the same time provided an open forum with no limits. He gave us an opportunity to tell each other, without pressure, what each of us felt. It was a tension-filled situation, but having him diffused the tension" (Umbreit, 1995).

Victims participating in a Scotland VOM program serving both adults and juveniles were favorably disposed toward the mediator even if contact was only by phone. While most of the victims never met face-to-face with the offender, they still gave the VOM program and mediators high marks (Warner, 1992).

Mediators working with victims of violent crime typically have more frequent and longer contact with victims than do those working with victims of less serious crime. These mediators are consistently praised for their caring, neutrality, patience and experience both in the study on VOM with youth violence (Flaten, 1996) and in other studies involving adult violent offenders (Roberts, 1995; Umbreit, Bradshaw & Coates, 1999; Umbreit & Vos, 1999).

As noted above, victim positive perception of the mediator was one of the three factors most highly correlated with victim satisfaction with VOM (Bradshaw & Umbreit, 1998; Umbreit & Bradshaw, 2000a). The importance of the mediator to victim satisfaction can likely not be overstated. Over and over victims underscore the importance of preparation as key to their experiences in VOM. If anything, preparation is even more critical when working with the long-term cases where individuals are victims of violent crime. The training of mediation skills, sensitivity, and awareness are essential for the long run success of VOM. As noted by Roberts (1998), "Given the nature of two disputing parties, the mediator needs to remain both fair and impartial. This is a basic assumption of the process of mediation."

Does Conferencing Have an Impact Upon Victim Fear and Vulnerability?

Only in four studies reviewed for this work did researchers directly ask about the possible impact of conferencing upon victim perception of fear and vulnerability about re-victimization. The percentage of victims reporting fear of revictimization ranged from 6% to 16% in VOM studies across U.S., Canadian and English sites (Umbreit, 1991; Umbreit, 1994; Umbreit, 1995; Umbreit & Roberts 1996). In the latter two countries, victims who went through mediation were over fifty percent less likely to express fear of revictimization than a sample of victims who did not go through mediation. In the U.S. study, reduction in fear was looked at by interviewing victims both before and after mediation. Prior to mediation 23% of victims reported being fearful of further revictimization by the offender; after mediation the portion expressing such fears (10%) was reduced by more than half (Umbreit, 1994). In addition, Umbreit & Bradshaw (1997) found that victims of adults were more fearful that the offender would reoffend than victims of
Personal contact with the offender through mediation was often cited as a factor in fear reduction. "It is very unlikely that he'll do another crime against me, but I would have never have known that if it hadn't been for mediation." (Umbreit, 1995) "I've gotten some question answered. Was assured and put at rest re: offender wanting to victimize me personally." (Umbreit, 1995).

Though few in number, there were some victims who felt they had been revictimized by the VOM process. One man said, "It's like being hit by a car and having to get out and help the other driver when all you were doing was minding your own business." (Coates & Gehm, 1985). In another study, a victim reported, "I feel like I am being treated as the offender because of this meeting and everything. It's all a waste of time." (Umbreit & Coates, 1992).

Moving beyond the perceptions of victims about the likelihood of being revictimized by the same offender, we can turn to the question of whether such perceptions have a basis in reality. A number of VOM and FGC program evaluation studies have attempted to assess the impact of mediation on the actual subsequent behavior of participating juvenile offenders (Evje & Cushman, 2000; McCold & Wachtel, 1998; McGarrell et al., 2000; Moore & Forsythe, 1995) Niemeyer & Shichor, 1996; Nugent & Paddock, 1995; Roy, 1993; Schneider, 1986; Stone, Helms, & Edgeworth, 1998; Umbreit, 1994; Winnamaki, 1997). Comparison groups varied across studies and included similar youth not referred to conferencing, youth who were referred but who could not participate because the victim refused, youth referred to other diversion programs, and youth in court-based restitution programs. Though the definitions of recidivism and the period studied varied across the eleven studies, within each study the same criteria were applied to examine the two comparison groups. Two VOM studies specifically focused on the serious juvenile offender. Schneider (1986) examined a Washington, D.C. VOM program and found that over a thirty-month period, youth randomly assigned to VOM had a 53% reoffense rate compared to youth assigned to probation at 63%. A third group, those referred to mediation who refused to participate, reoffended at the rate of 55%. Studying programs in Indiana and Michigan, Roy (1993) compared serious youth offenders in VOM to similar youth in a court based restitution program and found no difference in either the rate of recidivism or the rate of completion of restitution contracts.

The remainder of the VOM studies examined programs offering conferencing in less serious cases. Stone, Helms and Edgeworth (1998) evaluated the VOM program in Cobb County, Georgia and found no overall difference in recidivism rates between youth who participated in VOM and a similar sample of youth who were not referred. However, youth who successfully completed the terms of their mediated agreement were less likely to recidivate than those who did not.

Four studies using similar designs and measures examined recidivism in a total of eight U.S. VOM programs (Niemeyer & Shichor, 1996; Nugent & Paddock, 1995; Umbreit, 1994; Winnamaki, 1997). In two of the studies (Niemeyer & Shichor, 1996; Umbreit, 1994), the recidivism rate for VOM youth was not significantly different from that of the non-VOM youth. In the remaining two studies (Nugent & Paddock, 1995; Winnamaki, 1997), youth who participated in VOM were significantly less likely to reoffend than youth who did not. Nugent et al. (2000) conducted a secondary analysis of these four studies to determine whether the studies were successful replications, whether the cohorts were comparable across the four studies, and what the overall recidivism results were for the combined studies. Their examination demonstrated that the four study samples were sufficiently similar to be combined for analysis. They concluded that across the 1298 youth who were studied, participation in VOM reduced recidivism by 32%, and that VOM youth who do reoffend commit less serious offenses than comparison group youth.

The most recent VOM recidivism study looked at juvenile VOM programs in six California counties (Evje and Cushman, 2000). The evaluation asked the question, "was the recidivism rate of the VORP participants at least ten percent less than that of the comparison group?" (p. 22). For five of the six programs studied, the answer was yes, with a range of 21% lower to 105% lower.

Three studies examined recidivism rates in FGC programs in Australia and the U.S. Moore & Forsythe (1995) in Wagga Wagga compared cases handled through the courts for the nineteen months preceding implementation of FGC to cases handled through FGC and found that the reapprehension rate for court youth was higher. McCold & Wachtel (1998) and McGarrell et al. (2000) both used control groups with random assignment. Results from the Pennsylvania study were inconclusive; though there were some differences, it proved impossible to rule out the effects of self-selection into the “conference” group. However there was a more robust effect in violent crimes than in property crimes, with conferenced violent offenders recidivating at the rate of 20% in twelve months compared to 35% in the control group and 48% in the group referred for conferencing but unable to meet (McCold & Wachtel, 1998).

The most encouraging FGC recidivism data comes from the recent study in Indianapolis comparing FGC to other diversion programs. Six-month recidivism for all youth in the program was 20% for FGC youth versus 34% for controls. Respective rates for youth who completed the agreements of their programs were 12% for FGC youth versus 23% for controls. Twelve-month figures for all youth were 31% for FGC versus 41% for controls. All comparisons were
statistically significant (McGarrell et al., 2000).

Though inconclusive, these are encouraging results. Taken as a whole, they suggest that many juvenile restorative justice conferencing programs do in fact make an impact on the future behavior of the participating youth. As Schiff (1999) points out, crime victims have an important stake in the impact of conferencing on offenders, and are best served if it is benefiting offenders as well as the victims who participate.

**Do Victims Feel the VOM Process and Outcome is Fair?**

Fairness is at the heart of justice. This is evident when speaking with judges, probation officers and other criminal justice officials. It is also true when speaking with crime victims. When victims in an Indiana VOM program serving both juvenile and adult offenders were asked whether justice had been met in their cases, most defined justice as "making things right," "holding the offender accountable for his/her actions," and "fairness and equality is settling disputes." (Coates & Gehm, 1985). Seventy-nine percent of the victims felt that justice had been served in their cases.

In a 1989 study of a juvenile VOM program in Minnesota, Umbreit delved deeper into the meaning of fairness (Umbreit, 1989a). While victims varied in how they defined fairness, the notion of victims having the opportunity to participate genuinely within the criminal justice process cut across all types of victims. Eighty percent of those victims participating in the victim offender mediation program indicated that they experienced the justice system as fair compared with 38% of those victims going through the traditional justice process.

Among the studies reviewed here, six studies of juvenile VOM programs specifically asked whether the victims felt the outcome of the mediation was fair (Collins, 1984; Fercello & Umbreit, 1999; Strode, 1997; Umbreit, 1988; Umbreit, 1989a; Umbreit, 1991). Two simply reported that A nearly all @ victims felt the agreement was fair (Collins, 1984; Umbreit, 1991). Percentages across the remaining four studies ranged from 76% to 90%.

A Minneapolis victim of a juvenile offender articulated fairness in the following way: "I don't think fairness means punishment. It means restitution and responsibility. I want to give him an opportunity to make right what he's wronged. And to do this in a way that is not degrading or humiliating or vengeful, but in a way he can feel good about himself, take responsibility and correct the things he damaged." (Umbreit & Coates, 1992). In this same cross-state study of juvenile VOM programs, more than eight out of ten victims going through mediation believed the justice system processed their case fairly compared to six out of ten victims who were not referred for mediation. Surprisingly, of those who were referred to mediation but who did not participate in mediation for whatever reasons, even fewer, 53%, assessed the criminal justice processing as fair.

A Canadian VOM study yielded similar results (Umbreit, 1995). Eight out of ten victims who went through VOM felt the process was fair contrasted with 43% of those victims who did not experience mediation. An English VOM study compared the sense of fairness reported by those experiencing direct face-to-face mediation to that reported by victims who participated in indirect mediation. More of the direct mediation participants believed the process to be fair (71%) than indirect participants (50%) (Umbreit & Roberts, 1996).

Reports on the sense of fairness in FGC are similar for the most part. In two studies without control groups the victim experience of fairness was fairly high. Fercello and Umbreit (1998) reported that 95% of the victims felt the process had been fair, and Umbreit and Fercello (1998) found that victims rated fairness both to themselves and to others at 9.45 on a ten-point scale. McCold and Wachtel (1998) reported similarly high perceptions of fairness by victims in their FGC group, at 96%; 79% of control group victims rated the process as fair, as did 81% of the victims whose offenders declined to participate. Fairness perceptions in the Indianapolis study are more equivocal. In spite of consistently reporting themselves to be more satisfied than control group victims, fewer FGC victim participants reported the process as fair (64% versus 86%) and more rated it as lenient (35% versus 14%) than control group victims (McGarrell et al., 2000).

"I experienced fairness in mediation, because I had input. I made the decision that and how he was made accountable." (Umbreit, 1995). Clearly, this Canadian victim is speaking on behalf of those who regard participation as an element, if not the key element of fairness. Others commenting on what made for a fair process pointed to: "A safe place to be heard;" "Considering the crime from the victim's perspective;" "Justice system should take time to know the victim and offender before sentencing--no stereotyping;" " Fair is that I feel safe again." (Umbreit, 1995).

It should not surprise the observer that victim perception of whether or not the restitution agreement is fair is highly correlated with overall victim satisfaction (Bradshaw & Umbreit, 1998; Umbreit & Bradshaw, 2000a). Fairness of "the system" and fairness of the outcome, usually embodied in a restitution agreement, is confirmed by these studies as being central to how victims perceive that justice is being served. Victims’ comments on fairness reflect their sense that in order for them to feel justice is being served, not only their own needs, but also the offender’s needs must be addressed. It would appear that a beneficial by-product of conferencing is its contribution to public perception of the justice system as being fair and responsive.
Conclusions

Victim Response to Restorative Justice Conferencing

In the context of criminal justice programming, the victim response to experience with victim offender conferencing is quite remarkable. Across multiple sites and cultures, among many different kinds of victims, on the whole victims who choose to participate in VOM and FGC walk away quite satisfied with the process and the results of their encounter with the criminal justice system. Certainly, there are those who were not pleased with their experiences, but the research demonstrates that these represent a distinct minority.

Interpretation of victim satisfaction responses must take into consideration the voluntary nature of the program. It is highly unlikely that such results would be found if victims were forced to participate. The matter of choice, here, colors the entire experience, since choosing to participate may very well predispose the individual to being satisfied with the conferencing experience and outcome.

Still, even with the caveat of choice clearly stated, the high levels of satisfaction remain noteworthy, particularly within criminal justice systems which so often earn the ire and disillusionment of most who come into contact with them. The end result for victims is a sense of bringing about closure or at least partial closure to an invasive, inexplicable event in their lives. This sense may be the consequence of having questions answered, recovering losses, participating in the punishment of the offender, helping develop a rehabilitation plan for the offender, or simply feeling involved in the justice process.

While the victim is typically walking away with a good feeling about the conferencing experience, the individual programs and the criminal justice systems are also reaping direct and indirect benefits. Good will in the community cannot be overrated. And support for what many still consider to be alternative or unusual justice responses is helpful politically and socially.

Practice Implications

Certain implications for the practice of VOM and FGC do emerge from this look at victim satisfaction. Victims appreciate mediators who take time to inform them of what to expect prior to the mediation. This becomes even more critical with victims of violent crime. Victims respond favorably to a mediation environment which allows them direct dialogue with the offender yet in a safe place where the mediator can step in to facilitate or exercise control if need be. It is clear at least that most victims participating in VOM simply want to talk to the offender and appreciate the mediator being more in the background, saying very little. Many victims are interested in more than simply receiving restitution. Mediators who facilitate quick, rote like restitution agreements are short changing the potential impact of restorative justice conferencing. Victims want to know that their participation in this process matters -- for themselves, for the offender, for the criminal justice system, or for the community at large. Many victims mentioned the hope for follow-up information to help them confirm that their own commitment of time and overcoming of fears helped or mattered, and some of the least satisfied victims clarified that it was the lack of such follow up that provoked their dissatisfaction.

Research Questions

Replication of the kinds of studies reviewed here will enhance the ability of researchers and practitioners to tease out implications with more and more confidence. Beyond replication, wherever comparisons can be made with similar groups of victims who did not participate in conferencing, results can yield more telling and convincing guidance for practice. And those studies which incorporate qualitative components -- that is, which elicit victim descriptions of their own experiences -- provide a basis for describing how conferencing actually works as well as adding depth to our understanding of how and why victims are satisfied or dissatisfied.

As the field moves toward using restorative justice conferencing more often in cases of violent crime, research needs to focus on how conferencing works for these victims, how the process and/or structure must be altered, and what kinds of safeguards are required to continue providing a safe environment for victim offender encounters. Likewise, cross-cultural interests should guide some of the research in this field. How do victims of different ethnic backgrounds experience conferencing? Are variations in mediator or convener approaches, styles and expectations required? (Umbreit & Coates, 2000b).

Researchers can further the knowledge base regarding victim experience with VOM and FGC by taking advantage of the many differences which naturally occur across program settings, auspices and practices. Examples of such differences include contrasting direct face-to-face mediation with indirect mediation, assessing the impact of the presence or absence of parents of juveniles in conferencing sessions, studying the impact of the number of persons present at a conference, and looking at variation across the number present supporting the victim versus the number supporting
the offender. Additional existing variations worthy of investigation include the use of co-facilitators, the length of time between preparation and meeting, the nature of the preparation, the location of meeting, and private versus public sponsorship of the program.

As both VOM and FGC practices continue to expand and develop, it will be important to discern whether there are differences in the types of cases best suited to one or the other. Moreover, as support persons begin to be added to VOM in many jurisdictions, it may prove difficult to distinguish between mediation per se and family group conferencing. Tracking the gradations of these differences in research protocols will further our understanding of the impact of varying formats and practices.

An overarching concern evolving out of the present review is the extent to which victim reaction, opinion and satisfaction with VOM and FGC is deemed an important research question in the evaluation design. Often, evaluation research projects investigating such programs are funded by the public domain, and many have as their primary outcome criterion the impact of the program on the offender’s subsequent behavior. Given the great importance of the protection of the public from future harm and the dramatically expanding cost of handling criminals, this is no small matter. But it is also crucial that research funding sources and program evaluators not lose sight of the potential for victim offender conferencing to repair harm which has already been done, restore community connectedness, and improve public confidence in the ability of the justice system to respond to crime constructively.

While a considerable amount of research with encouraging findings has been done on what is still an emerging field of practice, much yet can be garnered about victim experiences with restorative justice conferencing which can inform practice and hopefully further enhance those experiences.
REFERENCES


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<td>483 juvenile referrals FY 96 &amp; 97. Mediations: 196. Agreements: 189.</td>
<td>Record data; Phone interviews with victims</td>
<td>42% of victims participate in VOM 83% felt participation was voluntary 98% felt preparation was adequate Nearly 90% felt it was helpful to meet the other party. Nearly all participants felt the mediator was fair to all parties.</td>
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<td>Study</td>
<td>Sample Type</td>
<td>Sample Description</td>
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<td>Results</td>
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<td>Strode, 1997</td>
<td>Purposive sample</td>
<td>16 adult victims of juvenile property crime. Offenders court ordered to VOM</td>
<td>Telephone interviews</td>
<td>94% of victims felt participation was voluntary Agreement reached in 94% of cases; 81% felt agreement was fair; 88% were satisfied with mediator 50% dissatisfied with justice system; 63% angry restitution not completed 56% satisfied with VOM; 81% would refer 94% said it was helpful. 32% feared retaliation before VOM; none afterwards</td>
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<tr>
<td>Umbreit, 1988</td>
<td>Availability sample: all referred to program in 85-86. Purposive sample: sub-sample of participants for interviewing. Post-intervention measures.</td>
<td>183 offenders &amp; 179 victims referred to VOM in 1985 &amp; 86. Most referred post-adjudication; some diversion. Typical offense: burglary.</td>
<td>Records Interviews with 31 victims</td>
<td>54% of victims and 64% of offenders went to mediation. 93% felt agreement was fair 79% of restitution agreements were completed.</td>
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<tr>
<td>Umbreit, 1989</td>
<td>Purposive sample</td>
<td>50 victims of burglary; 62% in VOM.</td>
<td>Face-to-face interviews.</td>
<td>Study explored victim sense of fairness, three dimensions were discovered: rehabilitation, compensation, punishment. Victim participation regarded as critical across all types of victims. 80% VOM participants experience fairness compared with 38% of non-VOM. 86% found VOM helpful 94% felt mediator was fair.</td>
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<tr>
<td>Umbreit, 1991</td>
<td>Availability sample for record data. Purposive sample for interviews Post-intervention measures.</td>
<td>379 cases referred CVOM in 1989. 228 victims 257 offenders (56% were misdemeanor offenses). Vandalism most frequent.</td>
<td>Record data. Interviews with 51 victims</td>
<td>50% of referred cases led to face-to-face meetings. These resulted in restitution agreement 96% of the time. 81% of agreements were completed 86% of victims said it was helpful to meet the offender.</td>
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<tr>
<td>Umbreit, 1994</td>
<td>Availability &amp; Purposive samples Two comparison groups. Pre &amp; post intervention measures</td>
<td>2,799 victims &amp; 2,659 offenders referred; avg. age-15; gender-86% male; Caucasian-54%; most frequent offense-burglary</td>
<td>Records. Pre-interviews by telephone; post interviews in person. Observations.</td>
<td>87% SATISFIED VOM offenders more likely (81%) to complete agreements than similar youth in program without mediation (58%) Both offenders and victims expressed importance of meeting with the other sharing pain, hearing stories, etc.</td>
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<td>Coates &amp; Gehm, 1989 Three programs in IN, one in OH</td>
<td>1983: Matched sample of VORP and non-VORP cases from three programs. 1984: Availability sample in four programs.</td>
<td>1983: 73 VORP Offenders: age-16; 78% juvenile; 92% white; 93% male; 93% no prior incarceration post conviction; 54% convicted on burglary charges 1984: 64 victims</td>
<td>1983: record data 1984: in-person interviews with 37 victims who participated in VOM; phone interviews with 27 who refused.</td>
<td>1983 Sample of offenders: -60% of eligible case resulted in meetings -98% meetings yielded contracts -87% contracts included restitution 1984 Sample of victims: 89% of victims satisfied, 97% would refer Participants felt “little pressure” to participate most felt preparation was adequate</td>
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<tr>
<td>Gehm, 1990 Six VORPs in IN, WI, OR</td>
<td>Availability and purposive sample. Post-intervention measures.</td>
<td>All individuals referred from July 1, 1985-Oct. 1, 1987 Eligible cases: 555</td>
<td>Records on all participants. Samples interviewed.</td>
<td>Of 555 eligible, 250 meetings were held (45%) 228 contracts agreed to (91%) 203 successfully completed (89%) 53% of victims unwilling to participate. More likely to meet if offender was white, offense was misdemeanor, and victim was representing an institution.</td>
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<tr>
<td>Marshall &amp; Merry, 1990 Coventry, Leeds, North East Essex and Wove Hampton—England.</td>
<td>Availability and purposive sample. Post-intervention measures.</td>
<td>Little descriptive sample information. Coventry-30% violent cases; Leeds-35% burglary; Wolverhampton most minor offense referrals and 55% corporate victims.</td>
<td>Records on all participants. Samples interviewed.</td>
<td>79% participated in police-based juvenile program; 51% in court-based adult program. Corporate victims seemed less willing to meet and to reach agreement. Majority of participating victims would do it again and would refer others.</td>
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<tr>
<td>Perry, Lajeunesse, &amp; Woods, 1987 Winnipeg, Manitoba</td>
<td>Post Intervention Measures 465 of the 1021 referred in 1984 &amp; 1985 resulting in mediation. Purposive Sample: 45 respondents; 67 complainants.</td>
<td>Types of cases: community disputes 20%; diversion 65%; post plea 15%. First time offender; summary conviction type cases; identifiable victim; relationship between complainant and respondent.</td>
<td>Record data on those referred to mediation. Telephone interviews with 112 VOM participants: 67 complainants and 45 respondents</td>
<td>Record data: 65% in both years were for diversion. 45% referrals reached mediation. In nearly 40% of cases, victims were not willing to meet. 88% of mediations reach agreements. Sub sample interview data: Nearly all complainants felt participation was voluntary 91% rated service “good to excellent” 80% would refer others.</td>
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<td>Umbreit, 1995 Langley, British Columbia; Calgary, Alberta; Winnipeg, Manitoba; Ottawa, Ontario.</td>
<td>Purposive samples: mediation &amp; non-mediation. Post-intervention measures.</td>
<td>4,445 referred to mediation. 39% met face to face. Offenders: 59% male, avg. age ~ 33, 86% Caucasian</td>
<td>Records Phone Interviews: 323 victims</td>
<td>90% felt participation was voluntary 87% felt preparation was adequate 93% of mediations led to agreements Victims participating in mediation were significantly more likely to be satisfied (78%) than those who did not (48%) Mediation contributes to an enhanced sense of justice.</td>
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<tr>
<td>Umbreit &amp; Bradshaw, 1997 Minneapolis, MN and Winnipeg, Manitoba.</td>
<td>Purposive sample. Post-intervention measures.</td>
<td>Minneapolis: 89 victims in juvenile VOM program. Winnipeg: 92 victims in adult VOM program.</td>
<td>Record data. Face-to-face interviews.</td>
<td>Victims in juvenile program more likely to feel that mediation helped them participate in the justice system than victims in adult programs. Both groups very satisfied with mediation. Victims of adults more fearful that offender will reoffend.</td>
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<td>Umbreit &amp; Bradshaw, 2000a Winnipeg, Manitoba.</td>
<td>See Umbreit, 1995 for design and samples.</td>
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<td>Secondary analysis.</td>
<td>Regression analysis suggests that feeling good about mediator, sense of fairness of restitution agreement, and desire to meet offender explain much of victim satisfaction.</td>
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<td>Study Authors and Details</td>
<td>Availability</td>
<td>Sample</td>
<td>Post-intervention Measures</td>
<td>Measures</td>
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<tr>
<td>Umbreit &amp; Bradshaw, 2000b Orange Co., CA; Los Angeles, CA; Dakota and Washington Counties, MN</td>
<td>Availability sample Post-intervention measures</td>
<td>197 victims who participated in VOM Focus: Development of instrument to measure victim satisfaction</td>
<td>Questionnaire mailed response rate = 56%</td>
<td>Average satisfaction score across all participants was 32.74 on a scale of 11 to 44, or &quot;satisfied.&quot; No significant relationship between satisfaction and victim gender, age, income or education.</td>
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<tr>
<td>Umbreit, Coates &amp; Roberts, 1998 US, Canada, England.</td>
<td>See Umbreit, 1994; Umbreit, 1995; &amp; Umbreit &amp; Roberts, 1996 for design and samples.</td>
<td>-- --</td>
<td>Secondary analysis.</td>
<td>Comparing victim-offender satisfaction rates across countries shows high levels of satisfaction. Lowest level were found in England where the majority of case are processed with indirect mediation.</td>
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<tr>
<td>Umbreit &amp; Roberts, 1996 Coventry and Leeds, England.</td>
<td>Availability sample Post-intervention measures.</td>
<td>70 victims and 53 offenders. Groups: direct mediation; indirect mediation; referred but did not participate.</td>
<td>Record data Phone and in person interviews</td>
<td>50% participated Majority of mediations were indirect C not face-to-face. More benefits with face-to-face. VOM participants more likely to express satisfaction with justice system (62%) than non-VOM (58%); participants in direct mediation more satisfied (68%) than those in indirect (57%) Overall satisfaction 75%; Direct=84%; indirect = 74%.</td>
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<tr>
<td>Warner, 1992 Glasgow and Edinburgh, Scotland.</td>
<td>Availability Randomly assigned comparison group Post-intervention measures.</td>
<td>175 referrals from Oct. 89-Feb.90; 87% accepted 174 victims &amp; 185 accused; 77% individual or criminal damage; age of accused: 30.2</td>
<td>Record data Interview or questionnaires with 1/3 of victims and 22% of offenders. Observations of decision-making process.</td>
<td>33% of cases accepted sent back primarily because of victim. Out of 103 cases, 84 (86%) reached agreement. Respondents highly satisfied. Few victims met face-to-face with accused and most did not want to. Mediation fair and just alternative to prosecution for minor offenders.</td>
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<td>Wyrick &amp; Costanzo, 1999 Orange Co., CA</td>
<td>Availability sample. Post-intervention measures.</td>
<td>2500 VOM cases over eight years; 70% were property cases.</td>
<td>Record data</td>
<td>Institutional victims more likely to reach mediation than individual victims; impact of time lapse on likelihood of mediation different for property vs. personal offenses.</td>
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**FGC VICTIM IMPACT STUDIES**

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<th>AUTHOR, DATE, LOCATION</th>
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<tr>
<td>Fercello &amp; Umbreit 1998 Dakota County, MN, US</td>
<td>post intervention on all; pre on half the sample</td>
<td>Juvenile Availability sample. Eligible: all juvenile offenders referred to FGC from 5/97 to 9/98 with at least one offender and one victim. Shoplifting most common offense.</td>
<td>Post conference telephone interviews: 103 offenders 103 victims 130 support persons</td>
<td>93% of victims satisfied with justice system handling of case. 95% of victims satisfied with the outcome of the conference. 95% victims felt negotiated outcome was fair. Nearly all participants would recommend FGC others. 90% victims felt offender adequately held accountable.</td>
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<tr>
<td>Longclaws et al. 1996 Winnipeg, MAN, CAN</td>
<td>exploratory pilot project</td>
<td>Juvenile Eight Aboriginal youth offenders referred. Two ultimately ineligible, six participated in FGC.</td>
<td>Records Interviews</td>
<td>all six victims were invited; all were interested in meeting, two participated, four prepared and sent victim impact statements, all wished Aa reparative as opposed to a punitive sentence.@ agreements and recommendations largely ignored by presiding judge at hearing.</td>
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<tr>
<td>Maxwell &amp; Morris 1993 New Zealand</td>
<td>Post-intervention 6 months recidivism follow up.</td>
<td>Juvenile All cases referred to FGC for 3 months in 1991. Nation-wide. Youth referred were older, had more previous offenses and more serious offenses than those typically diverted.</td>
<td>Observation of 162 conferences Interviews: 176 parents 157 youth 81 victims</td>
<td>86% resolved in 1 meeting 70% apology 55% work in community ave. 9 persons/mtg only 41% victims attended 60% victims who attended &quot;helpful, positive, rewarding&quot; 53% victims who attended were satisfied 25% felt worse. Main reason: offender not sorry.</td>
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<tr>
<td>McCold &amp; Wachtel 1998 Bethlehem, PA, US</td>
<td>Control gp: random assignment; Comparison gp: referrals. Post intervention measures recidivism 6 &amp; 12 months</td>
<td>Juvenile eligible: youth who had not been through probation, no felonies, drugs, alcohol or sex offenders, no weapons or serious injury. Included: simple assaults, thefts, and property crimes at misdemeanor level.</td>
<td>Surveys 120 victims Observations Records 215 cases/292 juveniles</td>
<td>96% satisfied with handling vs 79% court; 73% referrals fair: 96% fgc, 79% court, 81% referrals 92% would recommend; 94% would choose again. Recidivism: control: property=21% violent =35% treatment: property=32% violent = 20% referred/refused property =35%; violent=48%</td>
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<tr>
<td>McGarrell et al., 2000 Indianapolis, IN, US</td>
<td>Control gp, random assignment: conferencing or other diversion programs. Post intervention measures recidivism 1 year</td>
<td>Juvenile: young (14 years and under) first-time offenders, non violent and non-serious crimes, who admit responsibility age=13.0, 63% male; shoplifting 41%, battery/assault 25%, theft 13%</td>
<td>Interviews with subset (n=92 victims, 97 youths, 97 parents) Records n=458 (232 rjc, 226 controls) Observation of 157 conferences</td>
<td>victim satisfaction: 90% vs. 68% control victims recommend to friend 98% vs. 25% controls victims felt involved in the process: 97% vs. 38% controls opportunity to express views: 95% vs. 56% controls fair: conference 64%, control 86% lenient: conference 35% control 14% program Ahelped solve problems@ 75% conference, 50% controls completed program: rjc 83%, controls 58% 6 month recidivism: all youth*: 20.4% fjc vs. 33.9% control; youth who completed*: 12.3% vs. 22.7%. 12 month, all youth*: rjc 30.8% vs. 41.2%. (* = significant)</td>
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<td>Moore &amp; Forsythe, 1995 Wagga Wagga, New South Wales, AUS.</td>
<td>Comparison group: cases for 19 mos. Before implementatio n of FGC and 27 mos. After. Post intervention</td>
<td>Juvenile Most frequent offense: shoplifting Auspice: Community Policing Project; youth may be cautioned, referred to FGC, or referred to court based on seriousness police are conferences conveners</td>
<td>Interviews Records 14 case studies</td>
<td>All six victims in pilot study &quot;found the process very useful,&quot; satisfaction 8 on a scale of 1 to 10 9 month recidivism: reappraisal rates for court youth higher than FGC youth</td>
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<tr>
<td>Strang &amp; Sherman, 1997 Canberra, New South Wales, AUS</td>
<td>Control Gp: random assignment conference or court. Post intervention</td>
<td>Mixed adult &amp; juvenile: Young offenders and adult drink drivers randomly assigned to court or FGC: 111 young offenders (up to age 29) and 457 drink drivers. Auspice: Community Policing Project, Police refer and convene FGC</td>
<td>Observation of Court and FGC proceedings Interviews with offen- ders, sub sample of victims</td>
<td>victims ten times more likely to receive Arepair@ than court counterparts 86% of victims attended FGC/ 3% Court 74% FGC victims received apology/ 11% Court 60% FGC victims Aquite@ or Avery@ angry before; 30% after.</td>
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<td>Study</td>
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<tr>
<td>Umbreit &amp; Fercello, 1998</td>
<td>post</td>
<td>Juvenile availability sample offenders and victims</td>
<td>Offender must admit to the crime. Self-administered seven item questionnaire at close of conference.</td>
<td>High levels of satisfaction: mean = 7.96 on a ten point scale for all participants. 90% of parents and offenders and 82% of victims preferred conference to court.</td>
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<td>Wundersitz &amp; Hetzel, 1996</td>
<td>post</td>
<td>Juvenile all FGC cases for service year 1994</td>
<td>Indictable crimes must be referred directly to court.</td>
<td>75%-80% of victim-based crimes have at least one victims present for conference. An overwhelming majority = reparation completion: 86.0% completed 3.4% near completion; re-referral waived 10.6% referred back for non-compliance 93% participating victims in pilot study found conferencing process “helpful”.</td>
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<td>South Australia</td>
<td>intervention</td>
<td>49.5% property crimes 10.5% crimes against person 10.4% drug related</td>
<td>Auspice: Courts Administration Authority; must admit to allegations (referred to court otherwise), or may be referred back to FGC after found guilty.</td>
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<td>records interviews with subsample</td>
<td>75%-80% of victim-based crimes have at least one victims present for conference. An overwhelming majority = reparation completion: 86.0% completed 3.4% near completion; re-referral waived 10.6% referred back for non-compliance 93% participating victims in pilot study found conferencing process “helpful”.</td>
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