I. INTRODUCTION

The philosophy of mediation is widely accepted in Oregon as a guiding principle to assist individuals and neighborhoods to work through conflicts and disputes. Community Dispute Resolution Centers (CDRCs) exist across the state where staff and/or volunteers are involved in neighbor to neighbor mediation, small claims mediation, parent adolescent mediation, and peer mediation in schools as well as many other forms. One particular type of mediation – victim offender mediation – is the focus of this study.

Over thirteen hundred victim offender mediation programs are known to exist primarily in North American and Europe (Umbreit, 2001). Victim offender mediation (VOM) is generally regarded "as a process that gives victims of property crimes or minor assaults the opportunity to meet the perpetrators of these crimes in a safe and structured setting, with the goal of holding the offenders directly accountable while providing important assistance and compensation to the victim" (Umbreit, 2001). The practice of VOM may vary in terms of emphasis from jurisdiction to jurisdiction. Most such programs, however, share certain principles. First, victims volunteer to meet with the offender who committed an offense against them (and in many programs, offender participation is also voluntary). Second, victims and offenders are encouraged by mediators to share their feelings regarding the impact as well as the facts of the crime event. It is believed that this kind of exchange helps humanize the process by "putting a face" on the offender and the victim: offenders see the impact of actions and the persons, and victims can put a face to the person who has caused pain and loss. Third, typically there is an opportunity for offenders to help "make things right" for the victim through working out an agreement which may include a formal apology, restitution, community service, or some response which the offender and victim mutually agree to. The mediator may or may not formalize this agreement into a written contract to be shared with a court.

The Oregon Dispute Resolution Commission (ODRC) contracted with the National Organization for Victims Assistance to undertake an evaluation of victim offender mediation [VOM] programs in six Oregon counties. A research team at the University of Minnesota Center for Restorative Justice and Peacemaking is carrying out that work. The study is ongoing and is due to be completed in June of 2001. The present report is part of that larger effort and is focused on the following questions:

- How would individual counties interested in developing a victim offender program go about doing that?
- What obstacles or barriers might they encounter?
- What opportunities may arise?
- What kinds of strategies for program development may prove helpful?

These questions were asked of a diverse group of VOM program and juvenile justice system related individuals in the six counties.

The six counties and their related programs included in this study are:

1. Clackamas County – Clackamas County Juvenile Department Victim Offender Mediation Program;
2. Deschutes County – Victim Offender Mediation Program;
3. Jackson Country – Mediation Works, a Community Dispute Resolution Center;
4. Lane County – Community Mediation Services, Inc.;
5. Multnomah County – Resolutions Northwest;
6. Polk County – VORP/CMS of Polk County.

These programs are abbreviated variously as VOMP, VOP, VOM, RJP (Restorative Justice Program), and VORP (Victim Offender Reconciliation Program). For purposes of simplicity, we will use the generic term VOM which is currently most prevalent in the literature.

This report is divided into five sections: 1) How the Study was Conducted; 2) Brief Program Descriptions; 3) Potential Obstacles and Opportunities; 4) Guidelines for Establishing a VOM; and 5) Conclusion.

II. HOW THE STUDY WAS CONDUCTED

Stakeholders are defined as the judiciary including judges, referees, and hearing officers; district attorneys including victim advocates who work within DA offices; police; juvenile department staff including directors, assistant directors, and probation officers; VOM program staff; and VOM volunteer mediators who represent the community at large.

Thirty-five individuals were interviewed: five judiciary staff; four DA office and police staff; twelve juvenile department staff, nine VOM program staff, and five volunteer mediators. Three individuals in other categories were also volunteer mediators. Chart 1 (see appendix) depicts interviews by category and by county. Although the original study design called for three stakeholders...
from each site, actual numbers ranged from five to seven reflecting the interest in this part of the study by individuals within the programs and in the broader juvenile justice community. Stakeholders were selected by VOM program staff.

Structured open interviews with these stakeholders ranged over a variety of topics including local program descriptions, benefits and costs of VOM to participants and to the system, ideas or plans regarding expansion, and advising another county how best to go about setting up a VOM program and why they should consider doing so in the first place. Particular attention was directed toward obstacles and opportunities for VOM program development. Interviews with VOM program directors typically took a couple hours. Interviews with other stakeholders ranged from half an hour to one hour.

Much of the program description data as well as data regarding benefits and costs will appear in this project's final report. The focus here is on the investment of stakeholders in victim offender mediation: what attracts them to the program, why they support it or don't, what parameters they believe should be in place, and how they would go about setting up such a program in another county.

III. BRIEF PROGRAM DESCRIPTIONS

We provide here brief thumbnail sketches of the six programs to orient the reader to the variations in structure and process found in the sites. Clearly there are many ways to package victim offender mediation. Program and juvenile justice related staff in each county believe that their way of implementing VOM is the way best suited to their particular needs. While there is disagreement, sometimes vigorous, among staff across the counties as to the best or proper way of delivering victim offender mediation, we found those interviewed to be quite consistent in respecting each county's desire to develop and implement their own program models. There was no interest in establishing or imposing uniform VOM programs. Most of the individuals we talked with would likely view such an effort not only as encroachment, but also as a surefire way to stifle creativity. A much fuller description of these programs and their distinguishing characteristics will be contained in the final report.

A. Clackamas County Juvenile Department Victim-Offender Mediation (VOMP)

Clackamas County is a growing geographically large county that borders the city of Portland. It contains a shrinking rural area and many small towns. The Clackamas County victim offender mediation program is a program of the Clackamas County Juvenile Department which is its sole funding source. It is housed in the same building which houses juvenile probation staff, victim advocates within the DA office, the juvenile court judge, and the court room. The types of juveniles worked with are youth who have been referred primarily for property crimes, including felonies such as burglary and theft. Cases are typically referred by juvenile counselors (probation officers), though occasionally judges may include VOMP in their dispositions.

Case preparation involves meeting face to face with the offender and victim prior to mediation. Preparation is done by the one full-time program staff person, the program coordinator. Mediations are co-mediated, usually with the program coordinator and a volunteer. Fifteen volunteer mediators are available to the program; some of these are juvenile department staff. Participation in mediation is voluntary for both victim and offender. In 1998, seventy-one offenders participated in mediation. Mediation typically is face-to-face and focuses on having the victim and offender discuss facts and feelings regarding the crime as well as working out some form of restitution. About half the mediations occur at the department while the other half are carried out in churches, libraries, schools and other civic organization meeting places. The advantage of the latter is that it increases public awareness of the availability of victim offender mediation as well as making it more convenient for parties to participate.

Handling more difficult cases – more felony type person to person offenses – was identified as an area for potential expansion. Another area offered which could be expanded is a greater emphasis on involving minority youth and minority victims. In addition, nine cities in Clackamas County have their own diversion programs in place, and developing VOM services for juveniles at that level is another potential expansion area.

B. Deschutes County Victim-Offender Mediation Program

Located high in the scenic central mountains of Oregon, Deschutes County has four principle cities (Bend, Redmond, Sisters and LaPine) and a lot of open space. The Deschutes County Victim-Offender Mediation Program is part of the Community Justice Department which is its sole funding source. It is located in the same complex with probation staff, the judiciary, victim advocates, court rooms and detention. The department building houses many area social service programs, both private and public, making visible its connection to the community. The types of juvenile cases handled include burglary, joy riding, simple assault, harassment, criminal mischief and theft. The program excludes domestic violence cases. All police reports come across the VOMP desk. The program manager sits down weekly with the DA’s office to go over cases most appropriate for court or diversion. Cases referred to VOM include those where the victim or the offender has declared an interest in meeting or in which staff feel the process may benefit both parties. The judge will also encourage participation in some adjudicated cases and, if the victim is willing, has imposed VOM as part of the overall set of consequences. The four police jurisdictions in the county have their own diversion program and may refer directly to VOM.

Case preparation usually involves face to face meetings with the juvenile offender and the parent or parents. Preparation for the victim is generally done by phone, but on occasion staff will go out to meet a victim in his or her home or place of employment. Face to face mediations may occur at the Community Justice Department or in the community. Some victims prefer to meet in the community rather than coming to the justice department. In 1999, forty-one juvenile offenders participated in mediation. Mediation addresses restitution as well as the feelings and facts surrounding the crime.

Two areas are being considered for expanding the scope of mediation. The first would expand the work currently taking place on a limited basis within the middle schools and high schools, using mediation on site to resolve conflicts before they escalate.
Second, there is the belief that VOM would be helpful to youngsters coming out of significant stays in detention or in other residential programs. It is unclear how many victims would be willing to meet because of the time delay between the offense event and the youth's return to the community; a surrogate victim may be considered.

C. Jackson County – Mediation Works Victim Offender Program

Jackson County stretches across much of the southwestern corner of Oregon ranging from the Rogue River Valley to Medford and Ashland to the California border. In Jackson County, juvenile victim offender mediation, called the Victim Offender Program, is managed by a private not-for-profit community dispute resolution center, Mediation Works. Under the center's umbrella are other programs including community mediation, small claims mediation, education, and a parent/adolescent program. Mediation Works is funded in part by ODRC. The Juvenile Department contracts with Mediation Works to do juvenile victim offender program work.

Most referrals are initiated by probation officers or the juvenile court judge, but mediation may also be requested by victims. Referred youth may be adjudicated or not, though most have been adjudicated and are on probation. Typically, they have been through the system before and are familiar to probation staff and to the judge. Kids who show no remorse for their acts and/or no empathy for the victim are prime candidates for VOP. An integral part of this program is a series of four two-hour class sessions where youth work on the thinking errors which contributed to their being in trouble in the first place. A major focus of the classes is to help the youth develop an empathic understanding for their victims and to take responsibility for their actions. During these classes, held at the juvenile department building, youth will also work through putting together a genuine apology for the victim and prepare for meeting the victim. If a youth does not complete successfully, a probation officer or judge will likely have the youngster go through the program again. Voluntary participation of the offender is not an issue here – the offender has wronged another and participation is, therefore, often mandated.

After completion of the program, the youth will have the opportunity to meet with the victim, if the victim is willing. Initially the victim advocate alerts the victim to the existence of such a program. As the youth nears completion, the program manager contacts the victim by phone to determine if the individual is willing to meet. If not, parents of offenders are often engaged as secondary victims. If they are not willing to participate, then other surrogates are utilized. Restitution has usually been set and sometimes even completed before the offender has the opportunity to progress through the VOP, so it is not a focus of the mediation meeting. Volunteers are involved in some mediations and provide support in the classroom component of the program. Ninety-one juveniles went through a mediation session in fiscal 1998.

Expansion is not so much the issue in Jackson as is maintaining a manageable flow of youth given the resources. There is concern expressed by those within the system of possibly overloading an excellent resource. Making mediation more accessible to individuals living in the outlying areas of rural Jackson County was also raised.

D. Lane County – Community Mediation Services, Inc. Restorative Justice Program

Lane County is the home of Eugene and the University of Oregon. Community Mediation Services [CMS] is a community dispute resolution center engaged in a variety of mediation services including a Neighborhood Program, Manufactured and Mobile Home Dwelling Mediation, and Small Claims Mediation; it is funded in part by the ODRC. Lane County Department of Youth Services contracts with CMS to provide victim offender mediation services through its Restorative Justice Program [RJP]. The Community Mediation Services office is located in downtown Eugene.

Most of the cases referred to RJP by the juvenile department are diverted Class A felonies or serious misdemeanors (burglary 1, theft 1, arson, criminal mischief). A few youth participating in RJP have been adjudicated. Approximately eleven youth are referred per month. Ninety juvenile offenders participated in a mediation session in fiscal 1998. In those instances when the victim is unwilling to meet, the RJP often uses community conferences, family group conferences, or shuttle mediation.

Volunteer mediators are involved in providing intensive face to face preparation for victims and for offenders. Staffing of RJP consists of one part-time paid staff and twenty volunteer mediators.

Program staff would like to expand the program by having more diversion cases like those they are currently handling. A recent study of the RJP carried out by the juvenile department showed promising results regarding restitution completion rates and recidivism and may help sharpen the dialogue regarding expansion of the program. (This study was in draft form when we conducted these interviews. It will be made available to us in its final form and will be described in our final report).

E. Multnomah County – Resolutions Northwest

Multnomah County is densely populated as it includes the city of Portland and many suburbs. The county contracts for victim offender mediation with Resolutions Northwest, a not for profit community dispute resolution center. This contract provides half the annual budget of the entire organization and covers about ninety percent of the VOM program budget; the balance comes from a broad base of sources including ODRC, grants, and donations. Resolutions Northwest is housed in the Juvenile Justice Building along with district attorneys, juvenile justice administrators and juvenile counselors (probation officers). The complex also has hearing rooms and juvenile detention.

From its beginning, this VOM program was specifically focused at diverting first referral Class C felony juvenile cases from adjudication and probation supervision. For the past eighteen months, it has also mediated restitution in adjudicated Class C felony and property cases, with the resulting contract being presented to the court at the dispositional hearing. Typical offenses are unauthorized use of a motor vehicle, criminal mischief, burglary and theft.
The program brings crime victims and juvenile offenders together to determine restitution to the victim and the community and to hold youth accountable and to reduce crime. Minimal preparation of victims and offenders is done prior to their meeting in order to maintain mediator neutrality. Juvenile system staff regard the program as very skilled and competent in working out restitution agreements, tracking restitution completion, and holding youth accountable. Actual mediations, conducted by volunteer mediators, are held at the Juvenile Justice Building. Program staff handle case management, including case development and both monitoring and facilitating restitution completion.

Program expansion being considered includes handling the restitution component of less serious misdemeanant mediations currently carried out at local family centers, possibly handling more adjudicated youth, and involving more minority youth, victims and mediators.

F. Polk County – VORP/CMS

Polk County is located west of Salem and is largely rural. The Polk County Juvenile Department contracts for juvenile victim offender mediation with the Victim Offender Reconciliation Program of the Community Mediation Services of Polk County. This contract provides thirty percent of the budget for VORP/CMS. Other funding sources include United Way, Polk County Crime Prevention Plan, donations, ODRC, and Polk County General Fund. The program is housed in a church in Dallas where it receives donated space. Cases are referred to VORP from police, sanction court (a diversion court), the juvenile department, or a judge. Types of cases referred are usually misdemeanor offenses including vandalism, property crimes, shoplifting, and bad checks, as well as person to person crimes such as assault. Usually the offender as well as the victim must voluntarily agree to participate, although occasionally a judge will order the case to VORP. In adjudicated cases, restitution is often set before the youth goes to mediation, but that is sometimes altered depending on what the victim and youth agree to. The program monitors completion of contracts including restitution.

In nearly all cases, mediators will hold separate pre-meetings with victims and with offenders to prepare them for mediation. This will entail listening to each person's story and getting an idea of what each person hopes will come out of the mediation session. Preparation and mediation is done by volunteers as well as by staff. Volunteers are closely supervised. Twenty volunteers are active in the program. One hundred and fifteen juvenile offenders went to a mediation session during fiscal 1999.

Program staff and volunteers are well represented on county justice related committees and are active in local communities. Expansion of the program has often arisen from those involvements such as with participation in sanction court which has responsibility for handling disorderly, shoplifting and simple assault cases. There remains a continuous quest for diversified funding to support the grassroots effort.

G. Summary

Of the six VOM programs reviewed, two are operated under juvenile department auspices and four under CDRCs; three are completely housed in the county juvenile department buildings; one conducts its offender component in the juvenile building; and two are completely housed in CDRC offices. The preparation process varies greatly across the six programs and even somewhat within programs, and ranges from extensive in-person preparation for both victim and offender to notification by letter with the option of follow up phone contact. Programs operate at different points in the juvenile justice process, ranging from using VOM as a police diversion to implementing VOM as a sanction for adjudicated youth. Offenses handled range from petty misdemeanors to felonies, most typically involving property.

IV. POTENTIAL OBSTACLES AND OPPORTUNITIES

Just as there are substantial differences across the programs in terms of the structure, content and process of victim offender mediation, so are there contrasting views regarding potential obstacles and opportunities for VOM program development. In short, one can say that one person's obstacle is another person's opportunity. Instead of presenting a list of obstacles which routinely thwart victim offender mediation development and then a list of opportunities which typically foster such development, we will present a number of factors which may be regarded as either obstacle or opportunity, depending upon one's point of view.

Even within this divergence of opinion among people interviewed, three domains of obstacles/opportunities were identified as most critical: 1) establishing a diversified funding base; 2) maintaining quality working relationships between those responsible for managing VOM and key decision-makers within the juvenile justice system, and 3) developing positive relations with victim advocates and victim advocacy groups. Each of these is discussed below as we consider the wide range of obstacles/opportunities which participants in this study identified.

A. Auspices

Two of the programs, those in Clackamas and Deschutes, are operated under the auspices of the juvenile department. In the other four counties, the VOM programs are operated by non-profit CDRCs. Persons interviewed from counties which had private non-profits operating victim offender mediation programs saw several advantages of having the program be external to the justice system. One judge indicated that it "provided for fresh insights, made the justice system less subject to criticism, and enhanced public support." A juvenile department official saw the CDRC's VOM, with its utilization of volunteers and its diversified funding, as an added resource to the system costing less than what the system could provide. Others felt that having VOM under a community banner allowed for a stronger citizen voice that would not as likely be put off by the "formal trappings" of the system.

Juvenile Victim Offender Mediation in Six Oregon Counties ~ Center for Restorative Justice and Peacemaking
In counties where VOM is under the auspices of the juvenile department the argument differs. In these counties, individuals across the system stress the importance of integrating VOM into the system's overall response. From this perspective it is much easier to get investment on the part of line workers and referral sources. One staff person indicated that prior to VOM, "probation officers often felt that talking to victims was a nightmare. Now many see victims as untapped resources who can come up with solutions for resolving conflict and working out restitution." Another top administrator said that developing VOM within the department was "good for morale and helped staff buy into the process." Others saw contracting out as having its own set of problems, including establishing and maintaining trust, the temporary nature of volunteer involvement, and the tenuousness of the funding base of some CDRCs.

A related auspices question has to do with VOM being housed within an umbrella agency such as a community dispute resolution center. The advantages cited included: broader base of funding, enhanced visibility and reputation in the community, sharing of office expenses and boards, cross pollination of ideas. Three disadvantages were mentioned. First, it is difficult to maintain separate records for items used jointly such as "paper clips." Second, there is the issue of "autonomy" and which of the center's various programs will receive most attention. And, third, some worried that a particular form of mediation would be imposed on the VOM approach.

B. Location

A question which partially parallels that of auspices is that of where the program will be located. Will it be housed in the juvenile justice department or outside? Is being inside an obstacle? An opportunity? Or both? Our respondents were again divided. In Deschutes and Clackamas the programs are housed within the juvenile department, although both programs do conduct many mediations in the community. In Polk and Lane, the victim offender mediation programs are housed in private offices and mediations occur in the community. In Multnomah and Jackson the lines blur. In the former, Resolutions Northwest shares workspace in the justice building along with the Justice Department, DA, judges and detention. Mediations occur in the same building. In Jackson, the four offender class sessions on thinking errors are held in the justice building which houses probation officers, courtrooms and detention. Mediations are held in the community.

Staff associated with programs located in the juvenile justice buildings stressed the importance of "access to those who are making decisions." "We refer to ourselves," said one administrator. "If there is a question, I can walk across the hall and get an answer." A victim advocate reported that "good communication was necessary for a compatible relationship." And routine contact fosters good communication.

Program staff located outside the juvenile justice buildings also stressed the importance of maintaining relationships but did not feel that the location of their program made that impossible. "We get on all kinds of committees and boards," said one administrator. "A key to this is relationship building. We do it over coffee and in the halls." Others in the programs and in the system believe that physical separation enhances community stake in the program and in the process. They feel that community focused groups have an easier time of finding and training volunteers and that the program's image within the community tends to be more positive. And it is believed by these proponents that victims and parents of offenders will find it less demeaning to be involved with a community program than with the justice system.

C. Types of Cases

Many VOM programs across the country have a diversion focus and deal almost exclusively with misdemeanants. It is believed that system administrators may resist attempts by VOM programs to deal with more serious cases. The six sites in Oregon demonstrate considerable range in the types of cases served.

1. **Polk County.** The VORP program in Polk County is the purest case of classic diversion of misdemeanants from the formal system. That program works closely with police, probation and the judges to identify such youth. A referring judge sees the program as "the best chance for the first time or infrequent offender who is not thinking of others but only self-gratification." Typical referrals include criminal mischief and theft.

2. **Multnomah County.** The VOM in Multnomah initially began with a focus on offenders with first time Type C felony property crimes such as auto theft. These cases were diverted. Recently the program has started mediating restitution for adjudicated youth and consideration is given to simple assault cases. Program staff and system administrators are considering expanding the program effort to include the restitution portion of less serious misdemeanant cases currently handled by family centers.

3. **Clackamas County.** The program in Clackamas County with few exceptions "is not a diversion program." Most of the youth going through mediation have been referred for property crimes including misdemeanors such as criminal mischief and felonies such as burglary and theft, or for minor person to person offenses. One referral source reported that, "a youth who is remorseful, who has something to say to the victim, is a prime candidate for victim offender mediation." The program has received its first "violent case" and staff expect to be more involved with felony type cases. A referring judge said, "Every crime is game for mediation." However, forcing victims to participate is not appropriate. Thus, victim willingness will have much to do with what kinds and numbers of offenses actually reach mediation.

4. **Lane County.** While many programs start out taking misdemeanor cases and low level felonies, Lane County began with a focus on Type A felonies, that is, felonies that are deemed more serious such as burglary of a home, theft 1, arson, criminal mischief 1, and class A misdemeanors such as assault 4. In the bulk of these cases, youth are diverted prior to adjudication.

5. **Jackson County.** In Jackson County, typical referrals are assaults, burglary and thefts. Most of the youth have been adjudicated and most have been through the system before. The VOP program is regarded by probation officers and judges as
one of the last interventions before considering out of home placement. Usually VOP is one of a package of sanctions and interventions. A referring judge indicated that the type of youth most appropriate for referral was "the baffled kid who doesn't understand what they did was wrong, who shows no insight and no remorse."

6. Deschutes County. Deschutes County is fairly open regarding types of offenses a youth may have committed with the exception of serious violence. Typical cases include burglary, stolen cars, assault 4, and vandalism. Most of these youth have been in the system before, and many have been adjudicated. The most eligible youth is one "who is feeling bad about what was done, desires to talk to the victim, and is wanting to be personally accountable for his or her actions." Another referral source indicated that "the kid needs to be empathic enough to hear the victim's side." There is a concern that if the youth is not capable of listening respectfully then the victim is likely to be re-victimized.

Each county worked out referral arrangements that met their own needs. What one county thought was impossible another saw as do-able. What one county believed to be desirable another decided was not optimal.

Two points of agreement regarding cases were apparent across the counties: 1) none wanted to handle domestic violence cases; and 2) staff in each county urged that new programs begin with property offenses before moving to person to person offenses. Otherwise, there were those that focused on first time offenders and those that focused on offenders who had been through the system several times; those that focused on misdemeanor cases and those that focused on felony cases; and those that sought out youth who were remorseful and those that sought out youth who had little empathy for the victim.

D. Mediation Focus

Juvenile justice system administrators – district attorney, probation supervisor, hearing officer – stressed the importance in Multnomah County of victim offender mediation as a means for "doing what the victim wants." This is particularly true in regards to restitution. Restitution is a way of holding the youth accountable while meeting the needs of the victim. The program has demonstrated a "good track record" at negotiating restitution and then assuring that it is collected. More cases are referred to this VOM program than in any other county due in part to Multnomah County's larger population. Staff make contact with victim and offender by letter/phone. Volunteer mediators do the actual mediations. If the victim and offender reach agreement, staff then track the offender's progress in completing the contract. While some program staff and system staff stress the importance of the youth seeing the victim face to face, for others, the focal point is aimed at restitution and restitution completion.

While restitution may be a reason for system people to buy into victim offender mediation in some counties, in Jackson County the opposite is true. System administrators do not want restitution to be part of the mediation process; "it is not a bait to attract victims." There the focus is on preparing the youth to work through thinking errors and develop empathy for the victim. Likewise, in the Polk County VORP, restitution in adjudicated cases is usually set before the offender and victim meet, although one result of the mediation may be a request that the restitution order be modified. In VORP, the emphasis is on preparing victim and offender to meet face to face so they can share "the impact of the conflict." "We are listeners," said one program staff member. "We often hear victims, offenders and offender families say 'this is the first time anyone has listened to me.'" A juvenile department administrator stated, "VORP is not simply a restitution collection agency. By contracting with them, we are trying to help make the victim whole while holding the youth accountable."

In Deschutes County, mediators help the offender and victim work out restitution. "The courts like it because they don't want to deal with contested restitution cases." Mediation is particularly helpful in those "messy cases" where there is a lot of property damage with multiple offenders and/or multiple victims such as tire slashing or vandalism. The experience has been that "probation officers will be able to close these cases sooner." Connecting youth in productive ways to the local community is a thrust of this program; thus, creative opportunities are developed for community service as part of the restitution contract. These are not "make work projects," says an administrator of the juvenile department. Community service includes working for Habitat for Humanity and intergenerational mentoring on projects that benefit the community. A motto in this department is, "If we're going to be tough, let's be productive."

A lot of emphasis in Clackamas County as in Polk and Lane is placed on preparation of victim and offender before face to face mediation. Staff and administrators in Clackamas talked about reducing fears of both parties regarding mediation, creating a safe environment, and encouraging parental support. Restitution is simply part of the possible options. As a judge strongly pointed out, "Victim offender mediation is not just about money. Restitution is often a token payment at best. It is an opportunity for the kid to put a face to the victim and to say, 'I did wrong.' It is an opportunity for the victim to express anger and pain and to put a face to the offender."

One additional concern regarding mediation focus was expressed by a number of individuals in the programs and in the juvenile justice systems. That is, some feared that mediation as typically practiced by lawyers in civil court disputes would become the norm for all forms of mediation in Oregon. These participants felt that victim offender mediation is emotionally and substantively different. They saw VOM's focus on getting the participants to see and feel the human impact of the conflict as being absent from most civil mediation approaches. Some felt the civil court emphasis on neutrality was out of place in the VOM process. A mediator who makes a point of meeting with victims and offenders before mediation to hear their story and sort out their needs said, "I can't be neutral about anything, but I can be unbiased." But another who worries about biases clouding mediation wants as little information as possible about the participants prior to mediation. "I am a purist in mediation," said this individual. And a judge warned: "We need to be careful what we call it. Mediation may not be the best term. We are not negotiating between equals. One party harmed the
other.” Perhaps in response to similar issues, the term "mediated dialogue" is increasingly coming into use across the nation as a more accurately descriptive term for VOM.

E. Use of Volunteer Mediators

There are advantages and disadvantages to using volunteer mediators. They help spread the word about the program, and victims may connect better with a member of the community. Many individuals interviewed pointed out that involving volunteers has a secondary benefit of serving to educate the public about the justice system and giving the public a bigger stake in the system. Judges as a group were particularly cognizant of this potential, perhaps in part because they must run for re-election. Others also cited this volunteer pool as providing a basis of public support for VOM. In Polk County, in particular, volunteers are encouraged to participate on local community committees and boards, in part, to spread the message of victim offender mediation in a positive way.

Another benefit to the community noted by many of those interviewed is the spreading of mediation skills into the community. These volunteers will use their skills not only in VOM but also in their churches, in their neighborhoods, and in their families.

Yet volunteers require much training and a lot of close supervision. In the words of one program director, "volunteer mediators are a mixed bag." Another director cited the problem of "locating and maintaining a reliable group of volunteers." Typically there are more female volunteers than male. And it is extremely difficult to attract minority volunteers who already have huge demands on their "volunteer time."

While using volunteers as mediators provides a cost savings to the program, there are costs related to selection, supervision and training. Volunteers must undergo a set number of hours of general mediation training which is required by statute and ODRC’s administrative rules. In addition, volunteers are further trained in skills specific to victim offender mediation. The total number of hours may exceed sixty. Estimated costs were $600 to $700 per volunteer. Some programs pick up these training costs; in others, the volunteer is expected to do so. Ideally, a program would like to see a balance between experienced volunteers and new volunteers. The influx of new individuals helps fill the gaps as others leave to do other things, provides fresh insights and enthusiasm, and broadens the public support base for the program and the system. However, the costs of initial training, as well as ongoing training, sometimes work against taking on more volunteers unless absolutely necessary.

Yet, those programs that use volunteers extensively believe that the benefits outweigh the costs. They will use informal contacts through churches and civic groups to identify potential volunteers. "A good human interest story in the local newspaper" will generate phone calls for more information about volunteering. Staff must interview and screen volunteers, carefully weeding out those who may have "an ax to grind." After the basic mediation training and specialized VOM training, usually a volunteer will co-mediate a number of cases before being allowed to mediate on his or her own. In some programs, like Clackamas, Deschutes, and Jackson, volunteers routinely co-mediate with staff. In Multnomah, two volunteers will typically comediate. And in Lane and Polk, after some co-mediation experiences with a staff person or another volunteer, the volunteer may do solo mediation. In these last two programs, volunteers are expected to do case preparation as well as mediation. And they do so under close supervision with check-ins and debriefings.

Again and again, juvenile system staff indicated that the VOM program is only as good as its mediators – whether paid staff or volunteer. Trust is key in working with the system. One juvenile department director who contracts with their local CDRC for VOM identified the skills of good mediators: good listeners, don't take sides, accept individual differences, help come to a conclusion that everyone can live with, have high integrity, and take their work seriously. Use of volunteers underscores that crime takes place in the context of community. Offenders may better understand that their actions had an impact beyond the specific victim, and that the community not only will assist in holding them accountable but is also willing to help them make things right and move on.

F. Funding

Funding was one of the most critical issues reported by stakeholders. Many staff in the CDRC programs and in the juvenile system have found that funding was a major obstacle facing VOM program development. To a certain extent, those programs that rely heavily on volunteers expand the total available resources to the system, but generally, these programs along with others in the community are competing for similar financial resources. System administrators made it clear that to expend dollars on a non-profit VOM meant that money was not available for line staff or for other programs. For example, some referral sources felt they needed to divide up their referrals among VOM and family centers so that both programs would have sufficient numbers of cases to survive.

The social service dollar is finite, yet some programs find ways to expand that dollar. The use of volunteer mediators will typically provide a net gain even though other special costs such as training are incurred. Some program directors are quite adept at developing a diversified funding base including United Way and donations from individuals and church/civic groups. Clearly, it costs time and money to create that diversified base. And some would argue that doing so amounts to subsidizing the formal justice system. Conversely, others maintain that such community involvement in repairing the harm caused by crime is an appropriate restorative justice practice. In either case, diversifying funding sources and drawing on broader community resources is a means for expanding a program's financial base.

CDRCs often voice a concern that the public sector is unwilling to pick up the indirect costs of training, fundraising, and overhead required to maintain a program. Instead the juvenile system wants to contract for direct services only, even though it, too, quite naturally experiences overhead costs to operate its own programs.

Security or longevity of the VOM program is perceived to be directly related to costs. Program managers of in-system VOMs expressed less concern about continued funding than did non-profit CDRC VOM program personnel. For in-system programs...
there was a sense of being protected somewhat from the annual search for dollars, although quite clearly someone in the agency would have to argue for those VOM dollars with higher management and perhaps ultimately with county commissioners.

While CDRCs were envious of the security apparent with programs funded from within the system, they did not desire to give up their autonomy for that sense of security. Perhaps surprisingly, one juvenile department director felt that contracting with the CDRC offered more security for the VOM option being available to the department. There was the belief that such a program would be the first to be cut in tight times if it were within the department.

G. System Support

In each of the counties studied, VOM currently exists because a decent, working relationship had been developed between those individuals managing the VOM program (private or public) and those individuals who are responsible for referring cases to appropriate service options. Without the support of juvenile justice system personnel – judges, district attorneys, police administrators, juvenile department administrators, and probation officers -- VOM has no future. For victim offender mediation to exist, programs must receive referrals. Those referrals will come through an individual working somewhere within the juvenile justice system. Where system support had shriveled or languished, earlier efforts at establishing a VOM floundered or died. New undertakings were made in reaction to the previous poor experiences.

These relationships require ongoing attention. "The players change." "Referral staff change jobs." "There are new volunteer mediators." "A judge may accept a new position." Routine contact with those who refer cases and with those who make decisions about the scope and future of the program is necessary. This is true for programs operated by the justice system as well as for those operated by CDRCs. As discussed under the topic of location, having a program housed within a juvenile justice building may make this contact easier, but VOM staff still need to make the effort to reach out to persons making decisions within the justice process.

Decision-makers across that process need information about VOM and need to see how it either benefits them directly or benefits those persons for whom they are responsible. That information varies somewhat according to where people work in the system.

We will consider here first the interest and needs of the police, district attorneys, and judges. Second, we will look at the interests and needs of juvenile justice directors and probation officers.

1. Police, District Attorneys and Judges

As we spoke with police, district attorneys, and judges, it was apparent that VOM met a concrete need. That is, it provided a forum for the victim's voice to be heard. Judges concurred that in the courtroom, "the percentage of cases in which a victim was present was quite small." One judge cautioned however, "We do not want it to be just a soapbox for victims to vent." "We are part of the community," said another. "This is a way to reach out to that community." Some of these stakeholders believe that VOM is also a very effective way "to see that the victim receives restitution."

Public safety is certainly another phrase often repeated by these justice officials. This is frequently translated into holding the offender accountable and forestalling future crime. VOM is not a soft on crime approach. It is argued that "putting a face on the victim" promotes offender accountability. "I can threaten the kid with any number of things," said a judge, "but it's more beneficial for the offender to see and hear the victim." Another judge indicated, "I want the kid to see another person's pain. That keeps things more personal and harder for the kid to deny what was done. In the usual court proceeding, emotions don't come out the way they should."

Successful diversion of appropriate offenders at the police stage, the district attorney review, or by court intake workers also reduced the time load and paper work of judges and district attorneys. Caseload reduction permits more time for those cases that may be more serious and/or save the counties some financial costs.

When this group was asked how they would advise setting up a program in another county, they urged that district attorneys talk with district attorneys and judges with judges about their experiences with VOM. "The pitch needs to come from those who can best describe the benefits from a prosecutorial or judicial perspective." Use of a victim offender mediation video was suggested. It was also thought that including a victim offender mediation presentation in the "new judge orientation program" would prove helpful. "Judges need to learn what is possible and how others have used it [VOM]."

2. Juvenile Justice Directors and Probation Officers

The second group of justice system individuals whose support is critical if VOM is going to have a chance are those in the juvenile department – administrators, intake and probation officers. Persons in this group as well as those outside agreed that in order for VOM to garner support it must not add time to the probation officer's workload. Better yet it ought to reduce caseload time. The Multnomah program was explicitly established to divert youth from probation and therefore probation workloads. That the program handles restitution, both establishing it and monitoring it, is perceived as a major benefit. "Probation officers don't want to be hassled by dealing with restitution," said a justice department official. Reduction of probation officer workload regarding restitution was also cited by a justice department administrator as a benefit in Polk County. In Lane, the mediation program is handling a caseload equivalent to one full time probation officer. The existence of VOM in Deschutes County "saves probation officers time and reduces paperwork." For many probation officers, talking with victims is rare, but when it does happen it is often a "nightmare."

VOM provides a "safe environment" for the victim to raise issues and to be heard.

Juvenile department staff are going to want to see that the program has potential for helping the offender, for that is a major charge of their responsibility. Over and over, these staff cited a major benefit of VOM as being "putting a face to the victim." That contact helps the youth develop empathy for the victim and understand that what he did was wrong, caused pain, and rippled out into the larger community. As one probation officer stated, "If you can't hold a kid accountable, the kid will not learn. And if a kid cannot take the role of the victim and feel the person's pain, then the kid will not learn empathy."
Staff are fond of referring to cases where mediation with a victim transformed or turned around a kid. "The victim deserves some closure," said a probation officer, "but for us to support it, there must be some demonstrated positive impact with kids." A CDRC VOM Director sees the importance of this shared goal: "These people (probation officers) entrust their kids in my care. I must be willing to listen to and work with them rather than the department conforming to me." A juvenile director comments on working with probation staff: "We have to work with staff to bring them along, to refer some cases and then evaluate how well it went."

Referral sources need to feel results in the flesh, not just on paper. A CDRC Director recommends starting by striving to develop enough of a relationship to get a couple cases, letting them look over your shoulder if need be, and letting them see what happens. "Share with them the exit evaluation to show how powerful the experience was for both the victim and the offender. That is our best strategy. The program will sell itself if people will take the time and effort to see it work."

Each of these groups, each individual judge, district attorney, probation officer, and juvenile justice administrator, can be regarded as a barrier to VOM program development or a potential ally. And people can change. One judge experienced "a hundred and eighty degree turnaround regarding victim involvement in the justice process." Initially, there was a fear that "the victim simply wanted a pound of flesh," but the judge now regards VOM as "tremendously helpful for victim and perpetrator. It helps take the anger away for the victim and helps connect the kid to the community."

H. Community Support

Theoretically, at least, victim offender mediation is a way to provide the community legitimate roles in the justice process. The use of volunteer mediators and the involvement of victims is seen by providers, judges, district attorneys, juvenile justice department personnel and others as a way of increasing community participation.

Some victim advocacy groups, however, remain skeptical of this push for community involvement, especially including victims in mediation with offenders. They see the justice system, particularly probation and corrections, as driven by the needs of offenders. Some want to do nothing that might be construed as encouraging the victim to help the offender. Some fear that subtle pressures are put on victims to participate. Some fear that if the juvenile is mandated to participate, then the victim might also feel obligated to participate. Some fear that the victim's expectations regarding offender remorse or restitution will not be met, and the victim will thereby be re-victimized.

Under Oregon law, the criminal justice system has responsibilities for notifying victims about hearings and the progress of their case, soliciting a victim impact statement, providing restitution information, possibly accompanying victims to court, and informing victims about victim services. These responsibilities are carried out largely by victim advocates working in the district attorney's office. In some counties, victim advocates "work cooperatively with intake staff and with VOM staff." In one of these counties the victim advocate believes that "VOM is set up around victim needs. It gives them more control than in the traditional process. And they want to be heard on their level. That means they want to tell what happened to them." Another advocate felt that "the victim ought to at least be informed and have the opportunity to choose to participate or not to." However some tension between victim advocate offices and victim offender mediation is apparent in other counties within the counties in the study. At least in one county, the victim advocate "cannot talk with victims about victim offender mediation." In another county, the VOM program "was added to the list of resources identified by the victim advocate, but there have been no referrals." A juvenile justice staff member expressed concern that "too often some people enable victims rather than empower them. They keep them stuck in victim-hood making the choice for them that their participation in victim offender mediation would be bad or harmful for them."

Since some tension also exists between victim advocacy groups and some VOM programs, strategies for reaching out to these groups and their constituencies were seen as important. These centered on helping them hear the voices of victims who have experienced victim offender mediation. One suggestion was to share videos of victim offender mediation (obviously with permission of participants) and let victims tell their own stories. And as with any other group, remaining open to building relationships and working together on related issues of concern is paramount. Particularly in rural counties, representatives of victim advocacy groups, juvenile justice personnel, and VOM programs often serve together on committees and boards. As one rural study participant said, "Knowing one another helps."

What about the broader community? This is where the volunteers come from. Victims may request victim offender mediation because they heard about it at a church program, at Rotary or Shriners, or at a neighborhood association meeting. Advice from VOM staff, particularly private providers and rural program staff, is to get out in the community and rub shoulders. Do speaking engagements and coffee chats. Show a VOM video for a social program at a local church. Talk to and listen to your neighbor – opportunities to talk about VOM will naturally come up because people are concerned about crime and their community.

Part of this public relations task is to personalize crime and to underscore the community's responsibility for crime prevention. One of our respondents tries to get individuals to think about when they were young and the kind of mistakes they made, mistakes which could have brought them to the attention of the courts. Similarly, another provider takes on the criticism of VOM being "soft on crime." "I ask whether there was a time when you did something you wished you hadn't done, and then your parents said you had to go and apologize to your victim. Do you remember what that felt like?" A justice administrator speaks to the same issue: "Detention is easy time. Kids too often sit and do nothing or go to school. Having them face the victim is much more demanding and may spark some personal change. Many of these kids would much prefer to simply be left alone to do their time."

Other respondents emphasize the importance of "putting a face on the offender" for the victim and for the community as a whole. "These kids are our kids – our neighbor's kids, and possibly even our own." Another part of the message is that "crime affects the whole community." There is a "ripple effect" that touches most everyone including the offender's family. This broad perspective
is important both for the community and for those who attempt to impact the lives of young offenders. As one probation officer put it, "If you only address an itty bitty part, you are only going to get an itty bitty result."

Several study participants pointed to the importance of the press. Many local papers and TV stations look for human interest stories from their own communities. It makes good news and shows a certain level of community awareness and concern. "We need to talk about what is being given back to the community," says a juvenile justice official. "That means meaningful public service for these youth. Get the business community involved. Ask them what they need. Let them know what is possible."

Lastly, the public needs to know something about the financial savings made possible by relying on a program like VOM. A top juvenile justice administrator claims, "VOM allows us to do something productive while saving money. VOM is good stewardship of public dollars." A provider from a non-profit CDRC said, "The public needs to know how much it costs to keep a kid in a training school -- $31,000 (another respondent indicated that cost was $48,000). It [VOM] costs us $250 to $300 a case." A judge described the program as "low maintenance and it doesn't cost a lot."

These efforts at public education and garnering community support for victim offender mediation are never finished. People move in and out of communities and people forget.

V. GUIDELINES FOR ESTABLISHING A VOM

Each participant in this study was asked what advice they would have for setting up a victim offender mediation program in another county. While specifics will differ county by county and by whether the program is to be operated by a juvenile justice department or by a CDRC, several guidelines emerged which we believe have merit regardless of the auspices under which the program functions.

As we discuss these guidelines emerging from participant interviews, we will be adapting an advocacy framework developed in studies of setting up group homes for juvenile delinquents and correctional reform (Coates and Miller, 1973; Miller, Ohlin and Coates, 1977; and Coates, 1989). Depending upon their position and responsibilities, respondents in the present study were involved in: 1) individual case advocacy -- linking victims and offenders to resources; 2) community advocacy -- generating or expanding resources to offenders and victims within a jurisdiction; 3) class advocacy -- changing the processes for handling offenders and victims across jurisdictions. Some respondents, of course, carried out more than one form of advocacy. While the original framework identified seven generic steps of advocacy, these categories are collapsed here to comprise five steps.

The establishment of victim offender mediation programs requires developing linkages and drawing upon resources available within the formal juvenile justice system and in the larger community. With VOM's dual emphasis upon victim and offender needs, program staff must gain access to both, necessitating kinds of partnerships which may not be commonplace within the experience of justice professionals or community advocacy groups. One could even say that distrust has characterized relationships between these two sets of groups more often than trust.

Yet trust is at the heart of developing working relationships in which VOM may function and thrive. Repeatedly, participants in this study cited the critical importance of trust and relationships in order to justify making referrals to VOM. This is equally true whether VOM is operated within the justice system or outside it. Program managers still must work with judges, DAs, victim advocates, and probation officers to develop and maintain trust in the service provided to offenders and victims through victim offender mediation.

The following steps may be helpful in forming and maintaining those relationships and trust.

A. Identifying and Justifying a Need

Know the system you are seeking to impact. What are the current options available to the system for holding youth accountable, bringing about desired changes in their behavior, and giving victims a voice and meeting their needs? Judges and persons within the DA offices indicated that an important appeal of VOM is its explicit involvement of victims. Providing a victim "the opportunity to be heard" and giving "the community a stake in the system" both through victim participation and through the use of volunteer mediators was a common refrain. These justice officials are also frequently looking for any promising program that expands their options for handling juveniles. As one judge said, "It is most frustrating when you have nothing to choose from. It's institution or nothing. I prefer a wide array of options; the more of them based in the community the better."

Look at the options available to the system. Is there a plethora of diversion programs already? Where will VOM best fit in the existing range of options? Should it focus on felony cases because few diversion options exist for those youth? Or should it focus on felony cases because the bulk of misdemeanor cases are already being diverted? Perhaps the system has fewer disposition options for adjudicated youth. Before one can make judgments regarding need, one must garner data on the numbers of and the flow of delinquents through the system. Gathering that information may be the task of an individual or a committee.

B. Assessing Available Resources

Obviously, another way of assessing the potential need for VOM is talking with key decision-makers in the system. This may involve the first step in developing new relationships or it may involve building upon relationships which already exist. In any case, a by product here is not only learning more about the system but identifying the sources of support or resistance to the idea of making VOM available to youth and victims who encounter the system. For VOM to have a chance there must be partnership and collaboration with the decision-makers who control the flow of delinquents through the system and the dollars that are attached. One cannot very easily sneak a VOM program into existence or force it upon the system. It will be important to identify who will likely support or resist the development of victim offender mediation and on what grounds.
A director in a juvenile justice department said, "You have to do a sell job at multiple levels including policy makers. Every level of the organization has to understand how VOM can fit in and how it will help the organization meet its responsibilities." This will involve sharing the stories of victims and offenders who have experienced VOM. It will involve sharing the experiences of justice officials in other counties or states. As mentioned earlier, judges and DAs indicated that their counterparts in other counties would want to hear about the experiences of individuals in similar roles with existing VOM programs. Do victims and offenders participate in VOM without re-victimizing each other? Is it safe for both parties? Is VOM a useful diversion option, sanction option? Do offenders take seriously the resulting contracts or agreements with victims? Does the court feel supported by the community in these efforts?

A juvenile department administrator indicated that when talking with another county department, "It would be important to take probation officers along so they can talk about what the program has done for youth." Many of the concerns of probation officers would mirror those of judges and DAs. They would likely be more focused on the day-to-day operations. Are kids likely to "blow off" their contracts necessitating further action by probation officers? What do kids learn by participating in the program? Are they simply getting off or are there real consequences? How will VOM affect a probation officer's caseload and time? Who handles dissatisfied victims? Will VOM mean a net reduction or expansion of "probation officer headaches?" What happens if a juvenile is willing to participate but the victim is unwilling?

Those who want to manage a VOM program must be prepared to describe "a well structured program undergirded by sound principles which stem from research. Furthermore, they must be prepared to describe a clear flow chart of how kids will move through the system when VOM is an option." Another justice administrator pointed out that "warm and fuzzy stories are nice, but, by themselves, they won't cut it. We need data, statistics on how victims have fared and to what extent the programs really hold kids accountable."

Several counties in this study routinely collect self-evaluations immediately after the mediation session. These data are helpful, but clearly limited by self-selection and by immediacy of the event. At least two of the counties are involved in systematic recidivism studies. In our final report next June, we will summarize the existing studies available within Oregon and elsewhere.

Preliminary to that work, we have included in the Appendix of this report a chart summarizing research on victim-offender mediation programs of which we are currently aware (Umbreit and Coates, 2001). Ironically, VOM is likely one of the most empirically studied efforts in the social service/corrections fields.

Justice personnel and provider staff make it clear that it will be important to build a constituency for the program. "It is best if policy makers, if boards of commissioners, hear from victims and volunteers as well as from professional staff." "Local politics will be swayed by research, but the community voice can be pivotal."

How do these respondents advise going about soliciting community support? A provider said that those interested in establishing a VOM program need to talk with people in local churches, at Kiwanis, and other civic organizations. "We need to go out and educate the public about VOM and justice. That means personalizing crime. Victims are real people, so are offenders. . . . I remind them that they likely did something as a youth that could have gotten them detained."

"Take along a victim or a video of victim offender mediation. Let people tell their stories in their own way," says another provider. "Be prepared for anti-system complaints," suggests a private provider. "The system isn't tough enough. I remind them that we work with the system; we are not part of it. Then I let them know that having the offender face the victim is tougher than a lot of justice sanctions."

Another individual stresses the value of informality: "Take people (community folks as well as system decision-makers) out for coffee. Talk about the problems facing the justice system and how a VOM program can assist the system and the community. Build relationships."

CDRC staff and system personnel talked of the importance of "serving on a couple boards" as a way of understanding what is happening in the county, becoming known, and being heard. Attention to relationship building will be constant while operating the program as well as while setting it up. One provider said the work at times becomes "nearly overwhelming;" it is a lot of "triage and battle fatigue sets in."

C. Identifying Targets for Change

A result of the initial identification of a need and the assessment of obstacles and resources will likely lead to a collaborative group or committee, assuming there is interest in pursuing the development of a VOM program. This group's task will likely be twofold, specifying both targets for change and resources for supporting the program. Will the VOM effort focus on a specific type of offender – misdemeanors, felons, burglars? Will the program be primarily diversionary in purpose or as an added dispositional sanction? What is the scope and size of the planned program? Will it be a small pilot undertaking? An element of this stage is focusing on a need that was identified earlier or revision of what might have been anticipated with the first steps. None of these guideline steps are rigid. In practice, one must go back and forth among the steps in a fluid manner.

Potential resources will be identified: personnel needed inside the system or outside for program management and supervision; potential volunteer pools for mediators; possible locations for the program; funding available from the system and from external sources; availability of in-kind resources within the system or community.

Individuals in each of the counties in this study emphasized collaboration. One judge said, "We have a collaborative system. We know that success depends upon communication between the juvenile department and VOM so they are not working cross-purposes." A victim advocate spoke of "a collaborative effort with POs and VOM staff to act in the victim's best interest." A volunteer mediator stated, "VOM represents a key partnership of police, DAs, judges, the juvenile department and the community. To
be successful there must be a clear understanding of focus." And a CDRC Director said, "We are a county of collaboration. We are small, rural, with limited resources; we have to depend upon each other."

D. Selection of Tactics and Strategies

This group of respondents had several tactical suggestions for starting up a VOM. Some of those suggestions were contradictory which reflects, at least in part, the different kinds of decisions specific programs and counties have made for their own communities. Clearly, there is no single way to use VOM or establish a VOM.

Some participants suggested starting very small. "Give us two cases," said one provider. "And then look at the exit evaluations. Let the victims and offenders tell how powerful mediation was for them." Others talked of starting small and then letting the program expand as the system gets familiar with it. A judge expressed concern of "overwhelming the program with cases. We need to give it a chance to work and not fall into the trap that one program is what every offender needs." Others worry about not being large enough to have an impact on the system.

As one might expect by this point, respondents were all over the place in terms of the best kinds of case to focus on initially. Many suggested that a program should start with misdemeanor cases, demonstrate an ability to work with these, and then move on to more serious felony cases. In contrast, some within and outside the system, argued to start with more serious cases providing the system with more targeted impact for minimal investment. And there are those who contend, for example, that VOM, with its capacity for handling restitution, is particularly well suited for burglary cases where there are tangible items lost. There was general agreement for not getting involved with domestic abuse cases. Some would also throw out arson and sex offenses.

Several participants pointed to the importance of paying attention to the timing of program startup and to crises naturally occurring within the system. The overload of cases on the juvenile court, on detention staff, and on probation staff were cited in various counties as stimulating interest in victim offender mediation. Judges pointed to legislation mandating more involvement of victims in the justice process for prompting interest in VOM. Sometimes VOM development was tied into staff turnover. Staff replacement allowed for reviewing mission statements and considering new visions. And staff changes within the system and within provider groups created opportunities for new relationships and new partnerships. Again, what one person might regard as an obstacle – staff turnover – others may regard as an opportunity.

E. Follow-up

"Even if you have the best coalition," claimed a juvenile justice director, "you have to continue to build support. Players change. System needs change." Thus there is a continuous need for tending to relationship. Another aspect of follow-up is revisiting the tasks of justifying the need, identifying targets for change, assessing new obstacles and opportunities, and selecting new tactics and strategies, or reaffirming old ones. Most of the counties in this study are looking at some form of expansion or another – broadening the types of cases handled, doing school mediations, increasing minority participation – requiring them to step back and readdress the same kinds of questions that had to be dealt with in the first place. Part of follow-up is also documenting the impact of victim offender mediation to justify its existence and possible expansion and to share the story of those who have sat across from a person they have harmed or across from a person who has harmed them. This will require maintaining a systematic data base of those who have participated in VOM and their evaluation of it. Those programs receiving funding from ODRC are collecting similar summary data on a number of selected items. Each of the six programs is collecting at least some data documenting the VOM effort.

VI. CONCLUSION

Thirty-five individuals involved in the juvenile justice system and/or in victim offender mediation programs across six Oregon counties identified potential obstacles and opportunities for developing victim offender mediation programs. Not surprisingly, there was more agreement about obstacles and opportunities among participants within counties than across counties. These differences in opinion reflect the fact that the ways in which VOM programs are structured and carried out vary considerably county by county. Each county has assessed its own need for bringing juvenile offenders and victims together for mediation and its own resources for supporting such an effort. The existing VOM programs represent, in part, the unique characteristics of each county and that county's expectations regarding victims and juvenile offenders.

Overall, funding and system support were the two obstacles most often encountered by VOM programs. However, obstacles identified by some study participants were identified as opportunities by others. Many suggestions and illustrations were provided of one group turning someone else's obstacle into an opportunity. It is quite evident from the experience of these six Oregon counties that victim offender mediation is being used to serve a number of purposes. There is no one way to implement VOM; and it is clear that the counties prefer it that way.

There are few, if any, absolute limitations on the development of VOM. Program efforts in these six counties are the result, in no small part, of creativity, compassion and courage, which bodes well for the development of victim offender mediation in other jurisdictions.
REFERENCES


### CHART ONE

STUDY PARTICIPANT INTERVIEWS

<table>
<thead>
<tr>
<th>County</th>
<th>VOM Staff</th>
<th>Volunteer Mediator</th>
<th>Juvenile Dept.</th>
<th>DA/Victim Advocate/Police</th>
<th>Judiciary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clackamas</td>
<td>1</td>
<td>2*</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Deschutes</td>
<td>1</td>
<td></td>
<td>3</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Jackson</td>
<td>1</td>
<td></td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Lane</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multnomah</td>
<td>2</td>
<td>1*</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Polk</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>9</strong></td>
<td><strong>8</strong></td>
<td><strong>12</strong></td>
<td><strong>4</strong></td>
<td><strong>5</strong></td>
</tr>
</tbody>
</table>

*Two system staff in Clackamas and one in Multnomah were also volunteer mediators.*