Youthful Offenders Response to Victim Offender Conferencing in Washington County, Minnesota

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Abstract

This paper explores the meaning and significance of a victim-offender mediation (VOM) program from the point of view of youth offenders. The authors conducted qualitative in-depth interviews with seven youth offenders and four sets of their parents who had recently participated in a VOM conference with the victims. Analysis of interview transcripts revealed the underlying motivations for the offenders’ participation in the program, their emotional experience of the sessions, and the potential impact on the offenders for long-standing behavior change. Based on these results, the authors propose several implications for future practice and research for juveniles offender rehabilitation through restorative justice programs.

Youth Offenders Speak About Victim-Offender Mediation:
Implications for Future Programs

Public policy support for restorative justice and victim-offender mediation programs, the oldest, most widespread, and empirically grounded expression of restorative justice, has increased dramatically in the past decade, particularly in juvenile courts. A recent national survey found that virtually every U.S. state was in the process of developing or operating restorative justice policies and/or related practices for juveniles (Morris & Maxwell, 2001; O’Brien, 2000). As of 2001, there were more than 300 victim-offender mediation in the U.S. and more than 1,400 in 17 countries (Umbreit, 2001), and the numbers continue to rise. The theory and practice of restorative justice is clearly becoming more visible and influential in communities, and even entire justice systems, throughout North America, Europe, and the South Pacific.

Over the past twenty years nearly forty empirical studies in five countries have been conducted to document the impact of victim offender mediation (Umbreit, Coates, and Vos, 2002). In recent years a small but growing
number of studies have examined the impact of related restorative justice interventions involving meetings between victims, offenders, family members, and other support people (Umbreit, Coates and Vos, 2002). These programs are often called family group conferencing or community justice conferencing or peacemaking circles.

All of these programs provide an opportunity for a direct face-to-face dialogue between the victim and offender, family members, and other support people. The focus is upon both discussing the full impact of the crime and the development of a plan to repair the harm. The actual process can also vary considerably among these restorative justice mediation and dialogue programs, with some having a smaller group present and other programs having a larger group present. While restorative justice involves numerous other policies and practices, victim offender mediation and conferencing provides the context of this article.

They all focus on providing an opportunity for dialogue among those affected by crime In this literature review, the authors will use the term “VOM” to encompass the wide range of these diverse programs and strategies for mediated dialogues between victims and offenders.

To date, more than forty empirical evaluative studies have examined outcomes of juvenile VOM programs using such indicators as victim and offender satisfaction, the fulfillment of restitution agreements, and recidivism rates. The vast majority of studies reviewed by Umbreit, Coates, and Vos (2002) in a recent meta-analysis examined the satisfaction levels of both victims and offenders with the VOM process and its outcomes. They found that expression of satisfaction with VOM is consistently high for both victims and offenders across sites, cultures, and seriousness of offenses (Coates & Gehm, 1985; Evje & Cushman, 2000; Marshall, 1990; 1985; Roberts, 1998). Studies also suggest that offenders report higher levels of satisfaction with the criminal justice system as a whole after having participated in a VOM session (Davis, 1980; Umbreit & Coates, 1992; Umbreit, 1995). This is true for youths as well as adults. Relatedly, studies have investigated issues of fairness. Like with satisfaction, the majority of VOM participants reported believing that the process was fair to both sides. Both juvenile victims’ and offenders’ assessments of “fairness” have been highly positive across the research literature (Coates & Gehm, 1985; Davis, 1980; Evje & Cushman, 2000; Strode, 1997; Umbreit, 1995; Umbreit, Coates, & Vos, 2001).

A substantial body of research has considered the potential for VOM to prevent recidivism and results pertaining to juveniles are somewhat mixed. For example, Roy’s (1993) study found no statistically significant difference in recidivism between youth who went through the VOM program and court imposed restitution program in Kalamazoo, Michigan. However, several recent studies in Tennessee (Nugent & Paddock, 1995), Oregon, (Umbreit & Coates, 1992) and other US states found that youth who participated in VOM programs were less likely to re-offend than youth from a randomly selected comparison groups (Nugent, Umbreit, Winstead, & Paddock, 2001). Overall, the evidence from several empirical studies suggests that VOM can reduce recidivism rates, but the deeper question remains as to how and why this process works: What specific elements or facets of this dialogue hold the potential to change future behaviors, attitudes, or perceptions for the offender?

Although researchers have collected a wealth of data on victim satisfaction, fairness, and recidivism, and other outcomes of VOM (such as fulfillment of restitution agreements), little is known about the subjective experiences of youth offenders who take part in various types of VOM programs. Lacking this knowledge, it is difficult to assess the potential for juvenile victim offender mediation programs to make long-lasting changes for youth offenders and the communities that invest these strategies. Without the subjective, insider view, it is unknown why VOM is helpful for youth, the victims, or even the communities who implement these programs.
Based on the gaps in the literature, this study sought to understand the subjective experiences and perceptions of youth offenders and their families who participated in the Victim-Offender Mediation Program in a suburban county in Minnesota. The study posed the following research questions:

1. How do youth offenders and their families subjectively experience the VOM program and the mediation sessions?
2. How do youth offenders and their families view the process of coming into contact with the crime victims? What are some of the emotional, mental, or spiritual components of this experience?
3. Does the VOM experience hold any long-lasting significance for the youth and/or their families? Can major behavior or emotional changes be linked to the VOM process itself?

Method

Data Collection Technique

This project used the data collection technique of semi-structured interviews to understand the significance of VOM for the youth offenders and their families. In this case, semi-structured interviewing meant that the interviewer had a specific list of questions in a set order, but the conversation was also free to flow in unanticipated directions (Padgett, 1998). These interviews took place in the offenders’ homes or in one case, at a family-owned restaurant. The offenders and their parents were interviewed separately except in one case where they decided to talk together as a group. All of the interviews were audio taped and lasted between 30 and 60 minutes. The first author for this paper conducted all of the interviews herself.

Sampling

A convenience sample of recent participants in the county funded VOM program was recruited over the phone by program staff. For a period of about 6 months, the program staff asked VOM youth participants and their parents if they would be willing to take part in a research interview study conducted by the University of Minnesota. If they responded positively to the request, the researchers sent a follow up letter and a packet of consent forms to the families’ home. About one week later the researcher made phone contact with the families to schedule an appointment. Of the referrals made to the research team, about one-half of the families scheduled and kept their interview appointments. The difficulty in recruiting a larger sample for this study can be partially attributed to the sensitive nature of the discussion, along with the absence of a financial incentive for participation.

Study Participants

The final study sample included seven offenders and four groups of parents. For the purposes of recruitment and retention of participants, “youth” was broadened to include offenders up to age 24. The sample included 4 offenders who were 18 or under and 3 who were 19 or older. Only one of the offenders was female, and only one was from an ethnic minority group. Of the youth participants, 1 had completed college, 3 had completed high school, and 3 were still in high school. Four of the offenders knew some or all of their victim(s) and three offenders’ crimes had unknown victims. Four of the offenders had prior records and 3 did not. Five of the offenders made restitution agreements during their conferencing session. Finally, five of the participants attributed their crimes to drug, alcohol, or gambling related addictions. Table One summarizes most of these participant characteristics, which will help to guide the reading of the results.

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1 According to the 2000 census, this population of this county is 207,642, and the median income is $66,200. Ninety-three percent of the county is white and only 3% of persons are living below the poverty line (on line: http://quickfacts.census.gov/qfd/states/27000.html).
Table One: Participant Characteristics

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Victim</th>
<th>Crime</th>
<th>Prior Record</th>
<th>Restitution Agreement</th>
<th>Parent(s) Interviewed?</th>
<th>Involved addictions?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lenny</td>
<td>24</td>
<td>Known</td>
<td>Drunk Driving</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>John</td>
<td>22</td>
<td>Not known</td>
<td>Burglary</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Tua</td>
<td>15</td>
<td>Known</td>
<td>Terroristic Threats</td>
<td>No</td>
<td>No</td>
<td>Mother, Father</td>
<td>No</td>
</tr>
<tr>
<td>Jerrod</td>
<td>18</td>
<td>Not known</td>
<td>Burglary</td>
<td>Yes</td>
<td>No</td>
<td>Mother, Father</td>
<td>Yes</td>
</tr>
<tr>
<td>Aaron</td>
<td>17</td>
<td>Some Known</td>
<td>Mail tampering/theft</td>
<td>Yes</td>
<td>Yes</td>
<td>Father</td>
<td>Yes</td>
</tr>
<tr>
<td>Scott</td>
<td>17</td>
<td>Known</td>
<td>Theft</td>
<td>Yes</td>
<td>Yes</td>
<td>Mother, Father</td>
<td>Yes</td>
</tr>
<tr>
<td>Susan</td>
<td>22</td>
<td>Known</td>
<td>Theft</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

* All names have been masked for confidentiality.

**Data Analysis**

Data were analyzed using a thematic coding technique. For each participant, a research assistant listened to the audiotapes and recorded significant responses to each specific question on the interview schedule. The Principal Investigator and a research assistant then coded these responses into thematic categories that emerged from the responses themselves. The researchers then compared their codes and reached consensus decisions when differences in coding occurred. When all agreements were reached, the authors then reduced the codes into conceptual matrices (Miles & Huberman, 1994) to understand the six cases and their characteristics. In addition, pertinent quotes from the transcripts were imported into separate thematic files. The interpretations that comprise the results section stemmed from these conceptual matrices along with the quotation displays.

**Results**

In this section, key results are presented in terms of the most significant themes that emerged in the data analysis process.

**Why Meet the Victim?**

All of the study participants were approached by the county court services VOM program either through a direct telephone call or a written letter to ask if they wanted to participate in a face-to-face individual or family conference with
the victim(s). Some of the participants had already met with the victims in court; others had known victims personally. During the interviews, the participants offered several different reasons for choosing to participate in the VOM program, ranging from wanting to impress the court, to believing that the mediation could help to heal personal relationships with the victims. Susan, a 22 year-old woman who had embezzled funds from her former workplace to fund a gambling addiction stated that she chose the conference because: “I needed to put closure on my working relationships and my friendships.”

Although most of the study participants were initially very positive about the prospect of a face-to-face meeting with the victim(s), two participants mentioned that they actually felt pressure from the court to participate, and one mentioned that he had no idea that he had a choice. All three of these cases were part of the younger group (18 or under).

From the offenders’ perspectives, initial hopes for the outcome of the conferencing generally revolved around putting closure on the crime and the case, making amends to the victims, and for some, looking more responsible in the eyes of the court. Two of the offenders’ crimes were workplace theft, and for them, it was particularly important to apologize to their known victim(s) in person. Scott, a 16-year-old white male who had robbed the convenience store where he had a part-time job, stated that he wanted to “…make amends to the store and show them that I was truly sorry.” Another male under age 18, Aaron, was charged with mail tampering and stealing from several community members. Aaron admitted that compared to most of the crimes he had committed in the past, “I never even thought about who I was doing it to or anything. I wanted to know who I’m actually affecting.” For him, VOM allowed him to understand the impact of his crime on the community at large.

Four of the seven offenders parents participated in the VOM process along with them. All of the parents stated that they were initially very optimistic about the program and felt their child’s participation in the program would be beneficial. For example, Aaron’s parents had hopes that Aaron would make a connection regarding his actions and feel “what it’s like” for the victims of crime. Jerrod’s parents felt this process would help their son to see the impact of his actions more than the court process alone. Parents were clearly invested in the VOM sessions as a way to impart lessons beyond those learned in the juvenile court process.

The Mediation Sessions

The actual sessions were very different for each participant in terms of location, timing, and composition. However, all of the participants described a similar flow to the sessions. The victims were most often given a chance to decide which party would talk first, then each presented their experience of the situation/crime, and then they had the opportunity to ask each other questions. All except Susan reported that the tone of their session was very “business-like.” Susan’s described her session as “very emotional” with “lots of tears” involved. It is notable that her conference was the only one of the group with all women involved, including the facilitator.

Moreover, most of the participants mentioned that they felt nervous or anxious about having to connect their behaviors or crimes to victims on a personal level. They generally described the experience of their telling the story to the victim(s) as unusual or even a bit surreal. Aaron, who had to meet with several community victims at once, stated: “I was really used to telling the story, but it was a little bit odd to be telling it to the people it meant the most to…I had to take it much more seriously.”

Jerrod, who was an accomplice to a home burglary of an elderly woman, said, “It felt good to get it off my back and speak to her personally, but I dunno, it felt awful just having to say I was stupid. No one likes to admit that they’re stupid.”

Some of the parents of offenders felt that the sessions could have been more valuable overall. Jerrod’s parents were disappointed with the level of interest from the victim and felt that it minimized the situation or its severity. Tua’s parents felt that they could have been a more significant part of the process if a proper translator had been provided.

Confronting Victim; Confronting Self
One of the major features of the VOM process is the chance not only to for the offender to tell his/her side of the story, but also to confront the reality of how the victim suffered or experienced the crime. For nearly all of the offenders that were interviewed, this was the hardest part emotionally of the conferencing process, but also the most informative and meaningful. Feelings that arose while listening and responding to the victims’ experiences of the crime clustered around two thematic axes: relief and closure, and shame and remorse.

Concerning the theme of “relief and closure,” participants felt that the conference cleared up questions and unknowns about the crime. John, the participant who met with the previously “anonymous” shop owners that he burglarized said: “It felt good. Because when you look at a situation like that, you’re going to read into it way more than it is, that’s not always the case. I specifically told them the way it felt, so now they know. After that, there’s no guessing.” Another participant said that the greatest benefit was just “being able to get it off my chest.”

This sense of closure, however, was often coupled with shame and remorse. All but one of the seven participants mentioned feeling bad, guilty, or ashamed as they shared their crime stories with the victims. Lenny recalled that he walked in “with a remorseful face” to the officer whom he had injured in a high-speed drunk driving chase. Scott stated that the “I felt bad for what I did…they had employees quit because they didn’t think it was a safe place because of the robbery. I felt ashamed, telling my story.” Since most (5 out of 7) of the participants’ crimes were related to drug, alcohol, or gambling addiction problems, revealing that piece of the story led to some deeper shame and anxiety about how their personal problems would be received. Susan decided to reveal the extent of her former gambling addiction to explain why she embezzled funds from work, but did not want this problem to be seen as an excuse. She stated: “I just wanted them to know that I was going through the entire time I was working with them. I didn’t expect that I would get any sympathy.” In general the participants offered some personal explanations for their crimes, but did not anticipate that these explanations would let them “off the hook” by the victims. Instead, shame and guilt about the crimes themselves were the overriding themes resulting from hearing the victims’ experiences and revealing some personal information about the crime motivations.

The parents who participated in the conferences had varying reactions to the content of the sessions that were not quite as emotional as those that were shared by the victims. Aaron’s father felt that everyone in the process was treated fairly, but mentioned he felt numb in the process because they have been through court procedures many times prior to this incident. Tua’s parents shared this reaction and mentioned that this was one of many meetings they have been involved in regarding their son’s behavior at school and even this incident. Jerrod’s mother reiterated her concern regarding the lack of investment from the victim, but thought Jerrod became more invested and tried to use this opportunity to learn more about the victim and how the crime affected her.

**Restitution Outcomes**

Not all of the sessions in this resulted in formal restitution agreements. In two cases, the criminal proceedings had not been completed so no agreement was made. For the cases that did involve restitution agreements, both sides participated in constructing them. In general, offenders reported that the terms of the restitutions agreement were fair, even if the penalties were greater than they had anticipated. Susan had to pay her former employer nearly double what she had stolen, but she figured “…it was fair, though, because they reasoned with me and they didn’t make me go through every receipt.” Aaron was suspicious of community members having the authority to assign a restitution agreement, since he had already served a month and a half in a juvenile correctional facility. He questioned the fairness involved in the process although in the end, he agreed on the appropriateness of his consequence, which was personalized letters to all of the victims of his crime.

**Satisfaction and Personal Gains**

All of the participants (with the exception of the youngest, who seemed much more confused and ambivalent about the whole process than the 6 other participants) reported being very satisfied with the conferencing process. Most identified their satisfaction as tied to the closure and clarification they gained from the conferencing sessions. Scott summed up his
process very neatly, stating: “Basically, it helps you get closure on the situation, it’ll help you figure things out. Bad thing happen, But you have to own up for what you do.” Lenny similarly suggested that the process “made me feel good. Just to know everything was settled.”

Other interpersonal gains related to having the victim perceive and understand them in a new, more human way. Most of the participants felt they could sense the victims’ perception of them change during the conference. For example, Scott stated that now they could see him as “…a kid that made a mistake and is owning up for it. That “I’m more responsible than I was at the time.” John also experienced a great sense of relief that the conferencing session had changed the victims’ perceptions of him. He said “They were affected to know that I cared…to hear that I’m not just this no-feeling monster that destroyed their stuff and didn’t care. Once they actually saw that I as a person, that was really helpful for me.” For Lenny, whose victim was a police officer, the experience was very humanizing on both sides. He described, “I think he looked at me as more of a person than a criminal. Like me looking at a cop as a pig and not a person.” There were a couple of exceptions to this humanizing effect. Only Susan experienced persistent negativity and bitterness from one of her victims, who stated during the session that, “she could never be forgiven and that she deserved nothing better than her sentence.” Similarly Tua, the 15-year old Hmong boy who made terrorist threats at his school, still felt that the school principal didn’t accept him. In these two cases, confronting a known victim seemed to make it harder to believe that the victims’ perceptions of them had undergone significant change during the VOM process.

Overall and despite some reservations, most of the parents involved in the VOM sessions felt that it had was a useful program. Aaron’s father stated “I really think it’s good for these kids to see the person they did it to face to face, and to explain themselves. It’s a very uncomfortable situation to realize these are real people.” He included himself in the learning process, stating, “Anytime as a family that you go through difficult situations successfully, it’s a good thing.” Jerrood’s parents felt similarly and stated that VOM is more than just a consequence and that “…it’s good to have somebody point things out to him that isn’t his parents.” They also felt that this process has helped to open up more communication within the family. Scott’s mother felt that her son did learn something. She stated that even though he didn’t show outwardly that he cares, she thinks he’s changed in terms of thinking more about how behavior affects other people.

Attitude about Victims

Accompanying these shifts in perception, offenders experienced some profound changes in how they viewed the crime victims. Aside from the humanizing experience (as mentioned above), the participants tended to gain a much more realistic, complete picture of how their actions affected real individuals. Aaron stated,

…but at first, I didn’t feel sorry for them at all, but that changed during the meeting. It’s not just the criminal behavior, it’s the whole idea of what it represents. Not just stealing a magazine, it’s stealing their privacy. Hearing the offender’s side of the story, Lenny was jolted out of his “poor me stance” which made him “open my eyes to not be so selfish.” For Susan, although at least one of her victims continued to act bitterly toward her, still said that she gained an understanding of the victims’ point of view, stating “I now know how much work they had to go through, and the constant criticism that they received from other counties and department for what happened.” Tua didn’t feel any differently about the principal after meeting with him in person, because he still felt that his attitude was “cold.” However, most of the offenders described gaining a similar, realistic picture of the victim and his/her experiences of the crime.

Significant Life Changes

In terms of the long-lasting impact of VOM programs, the question remains, can this program help keep youth offenders from re-offending? Many of the participants in this study were involved in a life change process that started their arrests. Since several of the cases were related to addiction problems, the arrests typically represented a low point, and for some, a cry for help as well. This cycle was definitely the case for Susan’s gambling problem, Lenny’s history of drinking and driving, Aaron’s and Scott’s drug addictions (which led them both to steal) and John’s personal angst and depression.
These five participants tended to conceptualize the VOM session as part of an overall healing journey. Susan hasn’t gambled since she was arrested for her crime, and according to her, the process helped to:

…give me a piece of mind that I didn’t have before. And it’s made me aware of things and not made me so shameful of being the person that I was when I was gambling.

The face-to-face meeting with the victim also helped Lenny along his path toward recovery from alcohol abuse. While he didn’t feel that the conferencing changed his life per se, he felt comfort in knowing that “he (the victim) wanted me to stay sober. I think that gave me more drive to. Even though it was a decision that I had made prior to even seeing him.” John, although not addicted to substances, was experiencing a depression at the time of his crime that he says contributed to his breaking into the store. He described the conference as “an awakening…this is where you take a step in life…it was good to let them know that I was hurting, and to see that I had hurt so many people. Like the conference, the whole process of getting arrested and going to jail felt different to him, and helped him to get his life “back on track.” In this sense, several participants articulated a journey of life change that might have begun with the arrest, but was continued up until and through the point of the conferencing sessions.

Discussion

Before considering some of the major points emerging from these results, it is important to point out several key limitations involved in this study. This study had a very small and self-selected sample and was confined largely to a white middle-class group of young people. The sample was also mixed in age range in that some participants were under 18 and some were between the ages of 18 and 24. The capacity to generalize from this study is extremely limited. Hence rather than making any broad conclusion statements in this paper, we will present some of the questions and concerns that were raised by these data.

Emphasize the voluntary for juveniles: It is important to note that particularly for some of the youngest participants, the sense of VOM as “voluntary” in this county’s program was not entirely clear. A few of the offenders thought they “had” to participate or did so to look better in the eyes of the court. However, for the VOM process to ultimately fulfill its goals, it should be totally voluntary and offenders should not feel coerced to participate. Youth offenders should not participate just to gain a more lenient sentence, or because they felt that it was required of them. In this sense, other programs may wish to assess their styles of introduction to the services to ensure that coercion is not present.

“Fair” doesn’t necessarily mean a perfect process: Prior studies had shown both victims’ and offenders’ perceptions of fairness with the process and with restitution agreements. For a few members of this particular sample, “fair” did not necessarily mean perfectly agreeable to them. Rather, it seems that the process of coming to an agreement together may impart the sense of “fairness” detected by larger quantitative surveys. This finding raises the question of what “fair” means in the context of restitution agreements. One way to frame a future research question might be: “if you could design your perfect restitution agreement, what might that look like?”

Understanding recidivism: This study also provides some insight into the possible connection between recidivism and juvenile VOM programs. Reading these data and themes suggests that the process of developing empathy, of seeing the victim in a new way, and of being “seen” in a different way may provide some pathway to change in terms of future crime. However, we want to caution that those who chose participate in this type of program and in the study may be a biased sample to begin with, in that they probably already had some motivation for change. This raises the larger question of how to understand, in a qualitative sense, how voluntary VOM programs actually reduce recidivism. For quantitative studies as well, researchers should exercise caution in making leaps in this association given that the self-selection biases present in those who participate in voluntary VOM programs.

Conferencing may be just one piece in a long process of change: These participants identified very clearly that the VOM session was one part of a much longer and involved process of change in their lives. For some, the conference helped to reinforce their new behaviors; for others, incentives to ‘keep on going,’ such as maintaining their sobriety. The conferencing process should be seen as one component of a larger string of events that might inspire long-lasting change in offenders, but may not necessarily stand on its own as an on-going change intervention.
Future research: This sample was largely white, male and from a middle to upper-middle class community. Given the current disproportionate number of youth of color in the juvenile justice system it would seem important at this juncture to study the possible positive effects of VOM programs in these communities. The one woman in the sample also had a very different experience from the other males. This raises the possibility of some gender differences as well in the interpretation of the VOM process. Understanding both race and gender differences in perceptions and experiences of VOM constitutes an interesting area for further inquiry.

Conclusion

The popularity of VOM programs in the United States is an impressive step towards alternative and perhaps even more effective ways of managing juvenile crime and its community consequences. While VOM and restorative justice programs are generally praised for having high satisfaction levels and positive effects on both victims and offenders, little research exists to explain why the process is satisfactory, or how this experience might impact future behaviors on the part of the offenders. This study provides some initial insight into these key questions and raises areas for further and future inquiry. Over time and careful study, it will be interesting to assess the long-lasting influence of VOM programs on perceptions of community safety, youth attitudes about crime, and relationships between youths and adults. These larger questions of significance and far reaching influence may help to sustain policy and program support for VOM programs in the long run.

References


