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It is our hope that by presenting fragments of their stories that others may have a better understanding of why individuals do or do not become involved in victim offender conferencing.

Robert B. Coates
February 7, 2003
VICTIM PARTICIPATION IN VICTIM OFFENDER CONFERENCING:  
WASHINGTON COUNTY, MINNESOTA  
COMMUNITY JUSTICE PROGRAM

I. INTRODUCTION

Why would crime victims choose to meet or not meet with the offenders who violated them?

Victim offender mediation/conferencing programs emerged on the criminal justice scene in the late 1970s and have become one of the tools available to many criminal justice jurisdictions across the United States as well as in the international community. Such options or programs are sometimes offered by the public sector and sometimes are contracted by the private sector. Bringing offenders and victims together, in safe environments, to listen to one another and to shape an agreement whereby the offender can be held accountable to the victim for his/her actions has become one of the hallmarks of the restorative justice movement.

These kinds of programs have undergone considerable research nationally and internationally (Umbreit, Coates and Vos, 2002). We have learned that forty to sixty percent of the victims offered the opportunity to participate in victim offender mediation/conferencing decline that opportunity (Umbreit, Coates and Vos, 2001). These percentages underscore the highly self-selective nature of the process.

Mediation/conferencing is not for everyone. Yet, victims and offenders who do meet typically respond quite favorably to the dialogue fostered through the conference and are very satisfied with the resulting agreements. Recent meta studies suggest that bringing offenders and victims together to address such questions as why the crime occurred and what the offender might do to “make things right” is having a positive effect in reducing the likelihood that the offender will again commit a crime (Latimer, Dowden, and Muise, 2001 and Nugent, Williams, and Umbreit, forthcoming). There seems to emerge within the dialogue of the conference a clearer understanding that criminal acts, even property crimes, involve human victims and can impact their lives in lasting and devastating ways.

Within this context, there remain a number of perplexing policy and programmatic questions related to victim offender mediation/conferencing: “Is this intervention best suited for certain kinds of victims, offenders, or crimes?” “Can these programs have a significant impact on the overall response of a probation or corrections department?” And at the heart of such policy and programmatic discussions is, “Why do victims choose to meet or not meet the offender?”

This last question is the focus of the current study. Policymakers wonder why victims would desire to meet with offenders since the popular view is that citizens want to be tough on crime and therefore on criminals. Program administrators struggle with how best to use scarce probation and corrections dollars and worry whether victims will consider these kinds of programs tough enough, or on the other hand, whether victims will use the meetings as an opportunity to get back at the offenders. The idea of meeting the person who violated one’s property or person is troubling for some, and for others, it’s a way of taking action. As expected, this study shows that some victims are quite willing to participate in victim offender mediation/conferencing and others are not. Here we attempt to find out some of the reasons why.

A few studies have attempted to address the question of victim participation empirically. Findings suggest that victims who refused to participate believe the crime was too trivial to merit the time required, or fear meeting the offender, or want the offender to have a harsher punishment (Coates and Gehm, 1985; Umbreit, 1995; Templin, 2002). Several studies have indicated that victim willingness to participate is initially driven by a desire for restitution, as a way of holding offenders accountable, to tell the offender about the pain caused, to hear why the crime was committed, to help the offenders change behavior, and to see that the offenders were adequately punished (Davis, 1980; Coates and Gehm, 1985; Perry, Lajeunesse, and Woods, 1987; Umbreit, 1989; Roberts, 1995; Umbreit, 1995; Niemeyer and Shichor, 1996; Strode, 1997; Umbreit, Coates and Vos, 2001).
The Washington County Department of Court Services requested that the University of Minnesota Center for Restorative Justice and Peacemaking conduct a study interviewing adult victims referred to its Community Justice Program’s Victim Offender Conferencing Program to find out why victims choose to participate or not participate in the program.

In Minnesota, Washington County Court Services has a long tradition of applying restorative justice principles in their responses to crime, by involving offenders, victims, and communities. Washington County stretches from the Twin Cities Metropolitan Area on the west to the Wisconsin border on its east. While bedroom communities are emerging from farmers' fields near the metro area, the county has several long-established communities and has a rural flavor about it. Although the county has experienced significant growth in recent years, given these established communities, Washington County has had a base from which to develop and experiment with community-based services. Resting on the brink of even more rapid potential growth, administrators are challenged to stay ahead of the inevitable pressure on resources as population and citizen needs increase.

According to Community Justice Program literature and discussions with staff, “Victim Offender Conferencing allows individuals directly affected by crime to actively participate in dealing with the consequences of the crime. A mediator is assigned to each case to assist all parties in the conferencing process. The goal of the process is for the parties most affected be have an opportunity to safely meet, assisted by a Mediator, to discuss what happened, how it felt when it happened, why it happened, how it feels now and, what is needed for restitution.” Conferencing may take place between a victim and an offender, within small groups including family members, or in even larger groups including neighbors or other persons designated as significant. Cases, and thus conferences, may involve multiple victims and multiple offenders.

Preparatory work and conference meetings are carried out by two staff members and over sixty volunteers. Most conference meetings take place in local churches or libraries. More details about the process, including referral procedures, will be provided below.

The remainder of the report will be divided into the following sections: II. How the study was done; III. Overview of the victim offender conferencing process; IV. Referral to victim offender conferencing; V. From intake through pre-conference; VI. Deciding to meet or not meet offenders; VII. Helpfulness of meeting with offenders; VIII. Other ways the justice system or victim offender conferencing might have helped; IX Recommendations; and X. Conclusion.

II. HOW THE STUDY WAS DONE

In order to address the primary question of who participates and why, we had to consider a number of related questions. Six research questions guided this study: 1) Who is referred and why? 2) Who chooses to participate and who does not? 3) What reasons lead to the decision to participate or not? 4) How does pre-conference influence participation? 5) How was the face-to-face conference helpful or not helpful? and 6) What other unmet needs do study participants identify?

Two meetings with administrative staff as well as exchanges of memos helped clarify the overall purpose of the study, flesh out a description of the conferencing process, and identify optimal ways for conducting the study. These staff helped develop the interview schedules and make a sensitive study feasible.

The sensitive nature of this effort must be highlighted here since it impacted how we went about contacting and interviewing adult victims referred to the program. In order to address the central question regarding choosing to participate or not we needed access to persons who had opted not to seek a meeting with the offenders in their cases. It was expected that these individuals would be quite reluctant to participate in a research study aimed at understanding why they made the decision not to participate.

In order to enhance the likelihood of this group participating, it was decided to develop a very brief phone interview instrument with the idea that a short interruption in their lives might be more readily tolerated than a long one. With this in mind, three interview schedules were devised: one for those victims who did not have a face-to-face pre-conference, one for those victims who had a face-to-face pre-conference but did not meet with the offender, and one for those victims who had a face-to-face pre-conference and did meet with the offender. The average length of time required for the interview ranged from ten to twenty minutes.
Because of concerns that participants not experience any pressure to participate in this study, the process of reaching potential interviewees involved several steps. Program staff provided research staff with the names and addresses of those persons who had been referred to the program. Research staff then mailed a letter explaining the research study, that any participation would be confidential, and asking them to return the enclosed stamped addressed postcard to the Center of Restorative Justice & Peacemaking if they wished to participate. For those individuals expressing the desire to participate, a telephone interview was set up and conducted. Study participants were also given a $10 gift certificate as a token of appreciation for their time.

Data collection began during the month of June 2002. Adult victims referred to the program from January to May were identified and contacted immediately by mail. Victims referred in successive months were contacted a month after their case was closed. The data collection period covered ten months, ending in October.

The names of 146 adult victims who had been referred to the program were relayed to the research team in total. This does not represent all cases referred to the program. Cases with juvenile victims, with suits pending, in which offenders declined to participate, and those where the program was unable to reach the victim were excluded. The 146 adult victims then formed the referral pool from which our sample was obtained. Each victim received a letter inviting participation in the study.

The total return rate of completed interviews was 28%, that is, 41 of the 146 adult victims in our referral pool through the first ten months of 2002 indicated an interest in participating in this study and were interviewed (See Appendix B, Chart 1). Eighteen of the 41 study participants met in conference with their offenders. Twenty-three of the 41 study participants did not. It is not too surprising that there was a higher rate of research participation by individuals who went through the process and met their offenders. Half of the victims who met with offenders during the ten-month period participated in the study in contrast with 21% of those who had not met their offenders.

Given the steps that had to be taken for an individual to express interest in participating in the study and given that the bulk of possible interviewees were persons who had not met with their offenders, the overall 28% rate of return seems reasonable. However, it should be clear that the resulting group of persons interviewed does not represent a random selection of adult victims referred to the program. They are a collection of individuals who were referred to victim offender conferencing and who agreed to participate in this study. We believe that their responses and their stories can be helpful as program and policy planners and neighborhood groups continue wrestling with questions of how best to shape conferencing to the needs of victims.

To consider how closely the sample reflects the referral pool, see Appendix B, Chart 2. Individual and offense characteristics are quite similar between the two groups with the exception of the victim gender. Males make up slightly more than half of the referral pools while females comprise 57% of our sample. Perhaps this suggests that women are more willing to participate in this type of research effort.

We also note that more interviewees came from the January to May period than from the June to October period. Sixty-five percent of the referral pool came from individuals who had their cases closed during the first five months of the year and 58% of our completed interviews came from the same period. Seventy-two percent of those who met with the offender and participated in the study came from that period. We had actually expected that our response rate would be higher for the more recent cases. It may be that victims are more comfortable talking about their experiences after time has passed, when their emotions are less raw. And victims whose cases have just been closed may be tired of dealing with intrusions from “systems people.” Researchers, while not part of the justice system, may still be seen as outsiders who are making demands on their time.

In addition to these victim interviews, six probation officers responsible for intake and referral were interviewed about the process of referring cases to the Community Justice Program, and nine mediators/facilitators were asked about the actual conferencing process. The probation officer interviews were conducted in person while the mediator/facilitator interviews were completed over the telephone.

Mediator experience with conferencing varied, ranging from having worked on three cases to over a hundred. All reported that their cases had involved pre-conferences. One mediator had not yet taken a case to conference. Others
indicated that 50% to 80% of their cases had gone to conference. Program documents and materials were also helpful in framing this study.

It should be remembered that this is a very tightly focused study addressing the question of why some adult victims meet with those offenders who violated them and others do not. This study is not intended to evaluate of the effectiveness of the victim offender conferencing program, although the adult victims we interviewed who met with their offenders were asked how helpful meeting with their victims turned out to be. And the data presented here do not come close to representing the total workload of VOC staff and volunteers. We are looking solely at adult victims. Staff and volunteers are also working with adult offenders and with juvenile victims and juvenile offenders.

III. OVERVIEW OF THE VICTIM OFFENDER CONFERENCING PROCESS

The victim offender conferencing process begins with a case referral. Appendix D provides a flow chart of the conferencing process from referral to case closure. We will only highlight aspects of the process here. Nuances and exceptions to the planned process are described more fully in later sections.

Once a case is referred to the program, it is screened and if accepted is assigned to two mediators. A letter and brochure are also sent out by program staff to the victim and offender. Mediators then contact each party by phone with the intent of setting up a face-to-face meeting, or pre-conference, with the victim and offender separately. These pre-conferences typically take place in the home of the victim or offender. There conferencing is more fully explained, the potential participants have the opportunity to share their stories and ask questions, and each party can make a choice to meet in conference with the other or not. Ideally, this pre-conference is a time for the mediator to establish trust and a sense of rapport with the victim and offender so that all participating parties realize that the conference will be a safe process. In the more complex cases, more than one pre-conference may be required before the participants are ready to meet.

If the victim and offender agree to meet, then a time and place is arranged for the conference. These conferences typically take place in neutral settings such as churches, libraries, and banks. The process and ground rules for the conferences will have been explained at pre-conference and are typically restated at the beginning of the meeting. While the facilitators are neutral and will not take sides or impose agreements, they are charged with assuring that the process is safe and therefore will not allow either party to abuse the other.

Mediators guide the process through the key questions, identified above, to determine what happened and what is needed for restitution so the offender can attempt to repair the harm done. Thus victims and offenders are encouraged to talk to one another about their losses, fears, and anger; to ask questions; to tell how they are doing now; and to make suggestions about what kind of actions the offender might take at this point. These suggestions are typically summarized in a written agreement.

Agreements between victim and offender can take many forms depending on the nature of the offense, and may include restitution, community service, offender participation in a particular “rehabilitative” activity, or providing a direct service to the victim. Once the meeting has taken place, the case is then returned to the referral source.

This is a basic description that accounts for only one victim and one offender. In reality, these conferences can involve additional people. There may be more than one offender present, or more than one victim, for example. There may also be support persons present for the offender and the victim. These may include family members, friends, clergy, social workers and so on. In cases that involving larger numbers, as when crime affects a whole community, there might be a series of small conferences or there might be one larger conference open to all who live in that particular neighborhood. Thus the conferencing approach to bringing victims and offenders together is quite flexible. How it plays out in any given case will depend upon a number of factors including the nature of the offense, victims’ wishes, and program resources.

Given that the focus of this report is on why adult victims choose to meet or not meet with their offenders, the referral process and the initial program contact with the victim including pre-conferences will be more fully described below. It is at these early points in the process where victims decide to go forward or not.
IV. REFERAL TO VICTIM OFFENDER CONFERENCING

The Community Justice Program which coordinates and manages victim offender conferencing is part of the Washington County Court Services. Its coordinators are probation officers, who are the primary sources for recommending a referral to the program. In some cases, they offer recommendations to a judge who makes the formal referral. VOC is one of many service options available to the court. Decisions to refer cases to VOC have implications for how offenders and victims are handled and for how the overall resources of Court Services are utilized. Since the referral process is different for juvenile and adult offenders, we will handle our discussion of making referrals to VOC separately for juveniles and adults.

A. Referring juvenile offenders to VOC. All new juvenile cases are funneled through one probation officer responsible for intake. She will recommend to probation officers who handle caseloads which offenders and victims may benefit from victim offender conferencing. Restitution, in these juvenile cases, is initially set by the court. Thus, if the case does not go to conference restitution is already ordered. However, for those cases that do go to conference restitution is discussed and open to agreement by the parties and may differ in amount from that which was originally set.

The presumption is “that with few exceptions all cases are appropriate for victim offender conferencing.” Offenders involved in sex crimes are one such exception, and typically large businesses, such as Target, have their own civil process for handling juvenile shoplifters. These may include “theft awareness programs.” Cases involving smaller businesses, however, would be recommended for referral.

The recommendation for referral to VOC does not necessarily mean such a referral actually happens. The individual probation officer who is assigned the case may over time gather additional information that will either support the initial recommendation for referral or cause that process to be slowed down or aborted. There will be instances where a probation officer will choose to focus on getting the juvenile’s drug usage under control before recommending a meeting with the victim. Or in an instance where a juvenile threatened another with a knife, “the process needed to be slowed; the victim needed more time before meeting with his attacker.”

“What makes sense [in a particular case] involves a gut assessment, a feel for how the kids grasp what they did,” said a probation officer. “Most feel some remorse and are willing to meet with the victim. Some are just not there.” This probation officer reports that out of a caseload in the mid-thirties a third of that caseload would have done conferencing. That percentage will vary from probation officer to probation officer.

The probation staff that we talked with agreed that particularly well-suited cases for victim offender conferencing are those where the community or neighborhood is visibly impacted such as vandalism, burglary, and assault.

B. Referral of adult offenders to VOC. Unlike with juvenile cases, pre-sentence investigations are quite prevalent if not normative in the adult court. The time between finding of guilt and determining sentence allows for more assessment of whether the offender is appropriate for VOC and whether the victim is interested and appropriate. For example, an offender who wishes to make amends is a good candidate for conferencing. Such an individual may be encouraged to participate in a pre-trial conference whereas, within the adult court, “conferencing might be more important post-sentencing.”

Determining who is best suited for conferencing “is a dance—it’s a fine line—but, victims need to take the lead as to how it works for them.” There is some concern among adult probation staff that they themselves have the opportunity to talk directly with victims rather than relying on the VOC volunteer mediators. And there is concern that relevant information learned in the conferencing process be passed on to those probation officers responsible for managing cases.

The adult probation officers we interviewed stressed the importance of approaching each case as a unique situation with a view to what is needed for the offender, for the victim, and for the community. Type of offense may be less important in making referrals to VOC than other factors. Time may be a factor. The victim may not be ready after a serious personal loss to meet with the offender. The “best decision may be to let it (meeting with offender) go, but keep the door open.
We shouldn’t push a meeting prematurely.” Another important factor influencing the referral to conferencing decision is the offender’s “recognition of harm done,” as well as how such a meeting would impact the offender therapeutically.

In addition to these factors, adult probation staff expressed concern about the stress on victims caused by having to deal with so many persons “from the system.” Before going to court, victims will be contacted by persons from the Victim Witness program, by the probation officer doing a pre-sentence investigation, and then perhaps a third time by a VOC staff—and some of these folks will make multiple contacts. At what point do these repeated contacts “put too much strain on the victim?” One could also ask to what extent are efforts by system representatives redundant or duplicated by others?

While these probation officers did not want to rule out cases eligible for referral to VOC based on offense, there was an acknowledgement that “victims and offenders in burglary cases seem more willing to participate.” With these adult cases, pre-sentence conferencing allows victims and offenders to work out agreements that involve restitution and other concerns.

**C. Referral from a VOC Staff/mediator Perspective.** Once juveniles or adult cases are referred to VOC, staff review the referrals to determine their suitability for conferencing. Rarely are cases sent back to probation officers because the case is considered inappropriate.

When asked what kinds of cases are most appropriate for Victim Offender Conferencing, mediators in general related that most types of cases would be suitable for conferencing, with few exceptions. In particular, mediators noted having success with DWI homicide cases, burglaries, and robbery—armed or not. In particular, juvenile crime, when addressed early in the youth’s involvement with the justice system, was seen as a good candidate for a restorative justice intervention.

Domestic violence and corporate cases were seen as less appropriate for conferencing. Domestic violence cases, noted one mediator, could be fueled by a desire to get back at the other party or hook them back into the relationship. Large corporation cases were viewed as poor candidates because personal investment in the outcome of the case is lacking. Screening for appropriate cases means determining “when there is a definite victim and the offender is admitting and feeling guilt.” In general, the process is seen as broadly applicable: “I think it’s appropriate for almost every kind of situation,” said a mediator. “The outcome is so positive, it would cover a whole spectrum of situations.”

Additional insights were offered that addressed substance abuse and severity of the offense. “If people have been through assigned treatment or are seriously engaged in treatment, it’s more productive,” notes one mediator. Some recognize that victim readiness for the process may be related to the level of trauma associated with the crime. “There are times when people are not ready,” offers one mediator. “In cases of more serious crimes, they may need to heal to some degree before talking with the offender.” Another mediator makes a similar observation: “With the more severe cases, time needs to go by. In less severe cases, it’s better to get to them sooner.”

**V. FROM INTAKE THROUGH PRE-CONFERENCE**

**Intake**
As mentioned above, cases referred to victim offender conferencing are assessed by VOC coordinating staff and accepted or rejected. A letter from the Community Justice Program coordinator is sent to each victim and offender involved in a case indicating that their case has been referred for conferencing. Victims are told “this is a process which allows you to hold the offender(s) personally accountable.” Offenders are told “this is a process which allows you to personally take responsibility for your actions.” Fuller description of the process will be provided when a mediator contacts them. Victims are informed that their participation is always voluntary. While some offenders may be ordered by the court to participate in a pre-conference, participation in a conference remains a choice for the offender.

**Case Assignment**
The coordinator then assigns mediators to the case. These mediators are typically trained volunteers from local communities. Volunteers receive a minimum of 21 hours of training and then serve an apprenticeship with an experienced mediator for their initial case. If the volunteers are willing to take the case they are typically provided with a
police report, the charges pertaining to the case, and necessary forms to be completed as the case progresses to document their work and outcomes of that effort.

Cases are typically co-mediated. Initially, facilitators get in touch with each other and decide on how to divide the tasks of the case. Usually each agrees to contact one of the parties, either the offender or the victim. They confer on the dates they are available to meet, and make the initial contact with victim or offender.

**Initial Contact of Parties**
The aim of the initial phone call is to set up an in-person meeting with the victim or offender. Preparation for the victim to possibly meet with the offender begins with these initial contacts. Facilitators will answer basic questions regarding who they are and how the program works during these phone calls, but prefer to hold off on in-depth interaction until the in-person pre-conference. There are victims, however, who want and require more information before deciding to meet with a mediator. Confidentiality, the voluntary nature of participation, and safety are three of the issues mediators note must often be addressed early in the process.

Facilitators differ somewhat in their approach to making the initial contact. One facilitator states that they contact the victim first, then the offender. Another states that they try to contact the victim first, but it doesn’t always work out that way; they meet with whomever they can schedule first. A third respondent states that unless a case is flagged as having a potentially reluctant offender (in which case facilitators contact the offender first to determine appropriateness for the conferencing process before involving the victim) parties are not contacted in a particular order.

Other differences emerge with regard to individual style in making the initial contact. One facilitator explains that the purpose of the call is to “get a foot in the door. The hardest part for me is calling people. I’m not a particularly good salesman.”

Another facilitator states that when she makes the initial contact with the parties, she presents the prospect of a pre-conference as though it is assumed that it will take place. “I don’t ask if they want to meet,” she says. “I say, ‘I’m calling to set up a time to meet with you about the incident.’ I usually get a good response.” This facilitator has been very successful in setting up and completing conferences [seven out of eight cases referred to her went to conference].

In describing the conferencing process, every facilitator we interviewed indicated they either tell the parties that the process is voluntary or ask them whether they wish to take part in the program. Offender participation is typically voluntary and some victims are pleased to know the offender is not forced to meet with them.

Scheduling challenges, finding a place to meet that’s convenient for the parties, addressing victim concerns and in some cases, giving them time to think it over before deciding whether or not to participate in a conference are each a part of this early preparatory stage.

Program protocol calls for a face-to-face pre-conference preparation meeting with the victims and with the offender. However, some mediators indicated that pre-conferences may also take place by phone. While this might be necessary given people’s full schedules and the long distances involved in rural areas, phone preparation without a face-to-face pre-conference raises some concerns. We discuss these later in the recommendation section of this report.

**Addressing Victim Concerns**

Concerns expressed by victims in early contacts and/or at the pre-conference include questions about how the program works, about what they will be allowed to say and do at a face-to-face meeting, and about the offender’s attitude and the status of the case. They may wish to know whether the process is effective, and they may want to be able to talk about restitution. Some are concerned about confidentiality and the risk of retaliation.

One facilitator stated, “Most [victims] have a general concern that the offender gets back on track and does well in life. That’s their main motive.” Other mediators note that victims come to a pre-conference with many offense-related questions: “Who’s going to fix it? Why did they pick me? Have they done it before?” Often they have questions about the status of the case. It may be some time since the actual crime took place, so they may want to ask, “What’s the offender doing now?”
“There’s always concern about sitting face-to-face with the offender,” states one facilitator. “There is a fear of being re-victimized.” Another respondent reflected on her sense that victims considering this process are “frightened of the unknown. In their own mind, they have created a monster. They have questions like: Did they know me, single me out? What were their reasons?

In responding to these concerns, facilitators offer information about the case, and relate what they have learned about the offender’s attitude and willingness to participate. They may relate current statistics on the success of these types of programs and reassure the victim about the safety of the process. Facilitators emphasize that the process is voluntary and confidential. Mediators will also use the pre-conference to explain what takes place at a face-to-face meeting, the standards for respectful behavior that are set, and that it is a forum in which they can get some of the their unanswered questions addressed.

I try and give them a correct picture of the environment we’re hoping to create: safety, respect, informal, focusing on repairing of harm or relationship versus blame or punishment. Regarding the offender attitude, I answer honestly. I haven’t had a case where it isn’t the best policy. I give them some idea what they’re like.

At the pre-conference, we describe the process, where it takes place, how it’s orchestrated. We talk about confidentiality. I think that the judicial process is so impersonal, they never get to say or hear from the offender what happened. Victims tell me that is where the healing process comes in. I see the victim speaking about the event in a way they haven’t done before. It seems to be of benefit, even if they’re only talking to me.

Mediators indicated that they tried to communicate that the process and conference with the offender would be “respectful,” “very safe,” “give them a voice in the agreement,” “get answers to unanswered questions,” “is not about forgiveness,” and “provides an opportunity for telling their story.” As to the victims’ decision to participate, one facilitator noted, “I give them time to think about it, not make them decide right then.”

**Expectations for the Pre-Conference**

Those victims in our sample who met with their offenders were asked what they had hoped would happen in a pre-conference. Most wanted to know what to expect in a conference and what was happening with the offender. “I just wanted to be sure that I knew what was going on,” said one victim. Another pointed to a desire “to find out what to be prepared to do and say and what’s going to happen.”

Others had more specific expectations of the pre-conference. “I wanted to get my questions answered,” said one victim, “and feel out where he [offender] was since they had talked with him. [And then] make a final decision: yes or no.” Another victim stated: “I wanted to get across my point of what I want the offender to do and have input into sentencing.”

**Pros and Cons of the Face-to-Face Meeting With the Offender**

Those victims who met with their offenders were also asked what they like best and least about the pre-conferences they had. Responses included: “I couldn’t even see the purpose of the meeting, but I went anyway.” “Learning how the discussion with the offender worked.” “It prepared. We found out how they work, the emotions that could be coming out.” “Preparation: how they saw things coming together and the flow of the conference.” One victim said that the best thing to come out of the pre-conference was “to know the facilitator would not allow verbal attacks and to be assured of safety in the meeting.”

Another victim described how she felt before meeting with the offenders: “I was surprised how nervous I was. It helped to be prepared. They [mediators] answered questions, gave good suggestions, encouraged us to ask the kids questions. We could try out our questions with the mediators. They suggested we write down our questions. That was an excellent suggestion. They were good about letting us express how we felt.”

And another victim reported that the value of the pre-conference had to do with “gaining information: how the process worked, how much time was involved, possible or expected outcome of the meeting and knowing the kid would have to sit and look at us.”
One of the victims in the sample indicated that there had been no pre-conference in their case. While this person thought a pre-conference “would have been helpful, I had experience with conferencing, so it was okay.”

Time is a factor that many of the study participants talked about as a consideration when deciding whether to participate in the program or not. After going through a pre-conference and conference, one participant related that, “it’s difficult to schedule two meetings” and suggested that the “pre-conference and mediation be scheduled on the same night.” While such a practice may not be manageable or desirable in most cases, this comment does underscore difficulty of scheduling even for those who want to go through the conferencing process.

VI. DECIDING TO MEET OR NOT MEET THE OFFENDER

A. The victim perspective. We now address those factors that influence whether or not victims meet with offenders in conference. Our sample is divided into those victims who went through the conferencing process and met directly with their offenders and those who did not. Tables 1-6 in Appendix A provide a look at victim responses to questions and at certain background and offense related factors.

Nearly two-thirds of those victims who did not meet with an offender were female; 56% percent of those who did meet with an offender were female. All of these victims were adults. In 56% of the cases where victim and offender did not meet, the offenders were adults. In those cases were the parties did meet, 61% of the offenders were adults.

In those cases where a meeting was not held, 86% had crimes with a direct personal victim. None of the cases where a meeting was held involved business/organization victims. As indicated above, our sample may under-represent business victims (perhaps because they had less time to talk with us). This difference between the two groups of victims is statistically significant at the .05 level.

Twenty-six percent of those cases where victims did not meet offenders involved misdemeanors, 17% were gross misdemeanors, and 56% were felonies. Of the total cases that resulted in a meeting, only 6% involved misdemeanors, 28% were gross misdemeanors, and 67% were felonies.

Eighty-six percent of the cases in which victims did not meet were property offenses and 14% were crimes against persons. In contrast, half the cases in which victims did meet were property offenses and half were crimes against persons. This difference between these two groups of victims is statistically significant at the .05 level. Diversion cases represented 23% of the cases where a meeting was not held. Thirty-two percent of these cases originated at the point of pre-sentence investigation and 45% post-disposition. In contrast, none of the cases where victims met with their offenders were diversion cases. These cases were evenly divided between pre-sentence investigation and post-disposition. This difference between our two victim groups approaches but does not achieve significance at the .05 level.

Although our numbers are small, there is a consistent pattern that those cases where victims met with offenders involved somewhat more serious offenses and more offenders who had penetrated the system further. It is particularly striking that none of the cases that resulted in conferences within our sample were diversion cases. Why this tendency for the “conferenced” cases to be more serious may be partially explained as we considered the reasons victims gave for desiring to meet or not meet with the offenders.

First, though, we should note that while the vast majority of study participants indicated that family members neither encouraged nor discouraged their participating in the program, 26% of those victims who did not meet reported that family did discourage their participation. None of those victims who met the offender said that family members acted to discourage their participation. Those who were discouraged from participating said, “My wife wasn’t too interested in it.” “My husband didn’t agree with the sentence.” My husband and I felt like we had put in enough time.” On the other hand, those who were encouraged to participate said, “My family and my boyfriend were supportive.” “We and our neighbors agreed it was a good idea.” “My husband thought it was a great opportunity. He was angry but supportive.”

The latter group was also a little more likely to say that other persons outside the family encouraged them to participate in the conferencing program than did those who did not meet the offender—39% compared with 22%. Those who did meet
with the offender reported talking to a number of others about the program, including “people at the courts,” “a friend who is a social worker,” “co-workers,” and “our boss.” Among those who did not meet their offenders, fewer contacts were mentioned but these did include “the mediator,” the coordinator,” and “co-workers.” One of those victims who did not meet an offender said, “The lady who called encouraged me to go and said this gave people a chance to ask any question of the perpetrator.”

Reasons Given for Participating or Declining Participation in a Conference

Participants in this study were asked directly to respond to a series of statements of reasons that victims often give for wanting to meet or not meet with offenders. Interviewees were asked to answer yes if any of the reasons were true for them. The list of reasons has been derived from previous studies and from meetings held with administrative staff. These questions can be found in the interview schedules in the appendix.

From these responses, we have rank-ordered victims’ reasons for wanting or not wanting to meet with offenders. Items receiving the most affirmative responses are ranked number 1, number 2 and so on. We begin this part of the analysis by considering first those victims who did not meet with offenders.

Reasons Victims Declined

Most (15) victims agreed that they had not wanted to meet the offenders because it was “not worth the time and trouble involved.” The second ranked reason (9 responses) was “the matter had already been taken care of.” The third ranked reason (6 responses) was “too much time had already gone by since the crime.” It should be noted that for this group the median number days from the offense to referral to the program was 115 days and the median number of days between the offense and contact with the program was 154 days. The fourth ranked reason (5 responses) given was “I just wanted my money.” The fifth (4 responses) was “the system just wanted to slap the wrist of the offender.” Two individuals indicated they “didn’t want to help the offender” and two also said that, “family or friends said I shouldn’t do it.”

Study participants also had the opportunity to provide further explanation for their reasons. Other concerns included safety of the meeting: “I didn’t feel I could be civil;” “I would have been in jail;” “I didn’t want to be recognized by the offender;” “I didn’t want her to know it was me.”

The issues of the offense not being worth the time and trouble involved and the belief that the matter had already been taken care of are fleshed out more in the following responses. One victim told us, “I just wanted to forget about it, not bring it up again.” Another said, “I didn’t see the value in it. The guy knew he was wrong.” Other related comments include: “We knew the offender’s mother. He was just acting out, I believe. We just said we want him to stay away from our house.” “It would have been a waste of my time to talk to somebody about that.” “It wasn’t a big amount of money.” “Boys that age do stuff like that. I didn’t want to make a big deal out of it. “Time had gone by.” “We all thought it was a lot of rigmarole for a mailbox, for something that seemed like not such a big deal. I work two jobs and it’s not convenient for me to work things in.” “It was basically so minor, that I didn’t think it was worth my time.”

Other victims who did not want to meet with the offenders were more focused on the offender and the system. Their comments included: “They didn’t need me to testify in court. I thought if they can handle it, let them handle it.” “The offenders never took the initiative to speak with me. I don’t see why I should go out of my way to speak to them.” “It was going to be beneficial to the other party if we met. It wasn’t going to benefit me.”

Two groups emerge from these data. The largest group consists of those persons who did not want to meet with offenders because the offense was not serious enough to merit their time or the trouble it would take to go through the conferencing process. And a smaller group consists of individuals who want to do nothing that may help the offender.

Reasons Victims Chose to Participate

We will now look at the responses of those victims who did want to meet with offenders. In the first place, more of these victims selected many more reasons to explain why they wanted to meet. The highest ranked reason for wanting to meet
with offenders with 17 of the 18 victims responding affirmatively was, “I hoped the offender/s would be helped by meeting with me.” Two reasons were tied (16 responses) for the second most frequently mentioned reason ranking: “I wanted to hear why the offender did this to me,” “I wanted the offender to know how his/her actions affected me.” Fourteen respondents indicated they wanted to meet offenders because “I wanted to be sure the offender/s wouldn’t come back and do it again.” And ten study participants reported that they wanted to meet offenders because, “I wanted a say in how and when the offender/s will pay me back/make it right.”

Fewer of these respondents had a need to elaborate on their reasons for wanting to meet with offenders than did those who did not want to meet, but we share excerpts from these explanations since they provide insight into the question of why victims choose to meet with offenders. Comments included: “I wanted to hear why he/she did this to me. Why us?” “I wanted to know why he did what he did.” “I did it to give him a perspective, the other side of the coin.” “I wanted to hear both sides of the story. I know what he did was wrong, but understood how things like that happen.” “Our son had done some vandalism and we made him confront and talk to the person. It was probably the best thing in the world for him. We hope this would be helpful to the offenders.”

Taken together, the reasons most often given by victims who want to meet with offenders, three clusters emerge. There is a set of reasons that revolve around wanting to receive an explanation of why the crime occurred, including having the opportunity to have one’s questions answered. There is another set of reasons more focused on the offenders, including that they understand the impact their acts have had and the hope that the offenders would be helped by meeting with victims. And there is a third set of reasons that have more to do with a sense that victims are engaged in how offenders make things right, and that they won’t come back and do it again. It is interesting that 14 of the 17 respondents indicated that one reason they chose to participate is that the conferencing process sounded interesting. That certainly speaks to the importance of providing a good description of conferencing as early in the process as possible.

Comparing the Two Groups

The two groups, those victims who did not want to meet with offenders and those who did, appear at first glance to be quite different in attitude and expectations. There likely are differing philosophies between persons in these two groups regarding the nature of justice and the role of the criminal justice system. While this issue was not a focus of this study, it can be expected that such differences will exist among victims of crimes just as such philosophical differences exist across the broader society. Although those who chose not to meet because of the time and trouble involved might have made a different choice if the matter had been more serious. As noted earlier, those who did meet with offenders tended to be involved in more serious cases and cases where the offenders had penetrated further into the system.

It is also worth noting that victims who met with offenders had their cases processed a bit more quickly than those who did not meet with offenders. For this group, the median number of days between offense and referral to the program was 93; the median number days between offense and program contact was 114.

B. The mediator perspective. The difficulty of eliciting responses from victims who did not meet with offenders, led us to ask a number of volunteer mediators why, based on their experience, some victims would opt into the program and others not. The responses received largely addressed reasons for not participating, although some offered insight into why victims do choose to meet with an offender. Interestingly, mediators shared views that are consistent with victim responses for this study.

Mediators suggested that victims opt out of the process due to: lack of time, the offense seemed too minor for the effort involved, fear of confrontation or retaliation, and the belief that they would not handle themselves appropriately. “One guy, he was just too damn mad,” stated one mediator. One of the most commonly cited reasons for not participating, was the fact that so much time had gone by since the offense occurred. Either the parties had resolved the matter in the meantime, or the event had lost its significance for the victim. There are three things, summarized one mediator, that victims offer as reasons to decline the conferencing option: “time constraint, they think it’s not going to help, or the crime is not a big deal.”
When they do go ahead with a face-to-face meeting, victims indicate that they are motivated by a concern for the offender, they may wish to address unresolved feelings about the offense, or they want to offer a service to their community. “These people really care about the offender,” states one mediator. “They want him to get back on track.” Another offers this observation: “I think they participate because it will bring about healing. I think they have unresolved feelings about what happened.” And thirdly, “There is a strong sense of this being a way to contribute to the community at large.” Regarding the possibility of mediating with a commercial entity, one mediator met with “a representative of a store [who] wanted to do it as part of their civic duty.”

C. The Referral Source Perspective. Very similar responses were given by the probation staff we interviewed who are involved in referring cases to the victim offender conferencing program. “The offense doesn’t merit the time” and “hassle” were the most frequently cited reasons for victims not wanting to meet offenders. Other reasons cited included fear of retaliation, fear that the meeting would become adversarial, and for some victims, being so angry they didn’t trust themselves to behave appropriately if they had to meet with the offenders. In addition, probation staff raised a reason we hadn’t heard, at least explicitly, before. Several of these staff suggested that some victims who don’t want to have anything to do with the conferencing idea “don’t trust the process;” “they want to be heard by an authority such as a judge.”

There is agreement among the referral sources that victims who choose to meet with offenders do so because they want to learn why crime happened to them, to express their anger and pain, and to have a say in setting consequences. Some are perceived as wanting to “get back at the offender” or “nail the kid.” And some victims want to see a reaction on the face of the offender—a sense of remorse, or of being sorry for what was done.

VII. HELPFULNESS OF MEETING WITH OFFENDERS

Although this study is not primarily evaluative in nature, we did ask those victims who met with offenders whether they found their conferences to be helpful, and what they liked most and liked least about meeting face-to-face with the offenders. As is found in most studies of victim offender mediation/conferencing, victims reflected a high level of satisfaction with the conferences. Eighty-nine percent of the victims interviewed reported that they found meeting the offender to have been helpful.

We received many more comments regarding what victims liked most about meeting with the offender than what they liked least. Regarding what they least liked, one victim thought the wife of an offender interrupted too often, keeping the offender from speaking when he was supposed to. Another reported becoming angry because “the kids were lying.” And another victim didn’t feel safe meeting with the offender: “He was facing where I had to enter the room. I should have been able to enter the room on my terms. It felt like his territory. He touched me and he wasn’t supposed to.” One respondent was critical of the mediators’ ability to remain neutral: “Both mediators were in tears. I think they felt sorry for the offender. They were kind of bleeding hearts. I think they need more information about drug addiction. I believe we coddle addicts in our criminal justice system. We need to confront the addiction to stop crime and create positive change in their lives.” In spite of the negative comments, all but two of our respondents reported that meeting the offender was helpful.

We received many more comments regarding what victims liked about meeting with the offender and we share selections here. A victim reported feeling “better about the offenders. I felt they truly showed remorse.” Others highlighted the opportunity to share their story and/or hear the offender’s story as what they liked most about meeting with the offenders: “To be able to express how I felt, to let him know it had affected a lot of people in ways he hadn’t thought of.” “Just listening to them talk about why they did it.” “We were able to have a discussion, like you would with one of your kids. Put it back in their lap: how would they feel? And get answers to a few questions.” “I felt he needed to know how this affected me. Just talking to him, having him realize that burglary is more than just a stack of cash. That he recognized the effect it had on me and my family.”

One respondent liked that the parents were there too: “they were neighbors. I liked just sitting down and talking about it. There was a parent-parent bond.” And another victim pointed to closure: “It put some closure on it for everyone. Everyone was allowed to say their piece. It was very productive for everyone. And I liked that it was a neutral setting.”
VIII. OTHER WAYS THE JUSTICE SYSTEM MIGHT HAVE HELPED

A. Victim perspective. Many victims who did not meet with their offenders indicated they were not satisfied with what the justice system offered them. Forty-eight percent of this group wished that the justice system had offered them more. In contrast, only 17% of those victims who did meet with their offenders reported wishing that the system had offered more. This difference between the two groups of victims is statistically significant at the .05 level.

Of those who did not meet with the offender, one respondent was particularly graphic: “I think the justice system sucks.” He then went on to add, “The kid’s been in trouble a lot. He gets off all the time. The system isn’t stopping him from doing it again.” Another victim said, “I was the one who had to keep calling to find out the status of things. I still don’t know where the case is at.” Others felt like they had to “push the police to investigate.” “They caught the guy red-handed and the police wouldn’t follow-up. Eventually things were resolved, but it took me a lot of work.” “It took so long,” complained a victim. “There were postponements, three delays.” And one response to the question was, “Not satisfied. The dogs are still barking.”

Other non-participants were less negative. One said the “they were very good about communicating about the case—the DA kept me apprised of the progress of the case.” “I think they did a good job,” said one victim. Another was just glad “they caught her. I think given their resources they did a good job. People who commit fraud usually get away with it.”

We received few responses to the question about what the justice system could have offered from victims who met with their offenders. This could reflect a higher level of satisfaction with the program and, by association, the overall system’s response.

Two individuals felt that it took too long for the system to respond. In contrast, another victim said, “It was good the meeting didn’t take place right away. I had a few months to cool off. There might have been more tempers flaring. I think conferencing should be required. If they’re confronted by their behavior in a nice atmosphere, it might help.” And finally, one respondent was still trying to find out about getting the restitution which apparently “the kid paid, but I didn’t get.”

B. Mediator perspective. Mediators, like victims, commented on the length of time between offense and justice system intervention. Matters would be improved, stated a mediator, “if time could be shortened from offense to sentencing. It can be up to a year and I think that’s too long.” Another mediator offered a suggestion to address this concern: “If we were doing more pre-sentencing work, and were trained in the official restitution process, we could be more effective.”

In addition, a few comments were made regarding the co-mediation experience. One mediator indicated that having to work with a co-facilitator makes orchestrating the process awkward and would find working alone to be appealing and likely more efficient. Another stated bluntly, “the most difficult thing about conferencing is scheduling co-mediators.”

Mediators praised VOC staff for the training and ongoing support they provided and expressed interest in ongoing training. Suggested topics for further training included, learning to work with more severe cases, building their knowledge of how the court system operates, and developing closer relationships with probation officers. As one mediator put it, “it might be interesting to have someone talk to us about the probation officer role and see them as a partner in this. I’m hesitant to call them. I don’t know why. I don’t know what kinds of questions they can answer.”

C. Referral Source Perspective. The probation staff we interviewed regarding the referral process often tried to speak for other probation officers as well as for themselves. The probation perspective on what the justice system and victim offender conferencing can do is somewhat mixed. Some probation officers and judges are very much in support of conferencing. It provides useful information to judges who would like to spend time with victims but do not have time to do so themselves and can be empowering for victims, as well. One probation officer said, “Many victims are scared of the offender until they meet him. That meeting can be eye-opening. The guy is not as powerful a person as was thought.” “We can’t put a value on the offender facing the victim,” claimed another probation officer. “Often going to jail instead of dealing with the consequences of facing the victim is a cop out.”

Probation respondents also indicated that “experienced, well-mentored mediators” and “quality pre-conferences” are the keys to good conferencing. These views reflect not only support for conferencing as an option, but also interest in
expanding the scope of the program. Some recognize that conferencing could be helpful in more serious kinds of cases. And others point to the value of moving conferencing outside the system and into the communities, perhaps as outreach from police departments.

That said, there is considerable concern about how victim offender conferencing is practiced and its role within the justice system. The lack of contact between probation officers and mediators was noted as an area in need of improvement. One probation officer suggested that with better communication, “we might be able to tell a mediator about potential problems in a case.” Others express a need to know if important information is learned within the conference that would be helpful in determining further intervention. “If you’re involved in pre-sentencing,” said another, “you need to know what is said when the offender meets with the victim. Why are we doing that (conferencing) at this stage if not to inform the PSI and the judge?” And another points out that, “to do our job well, we have to talk to the victim too, not just a conferencing mediator.”

IX. RECOMMENDATIONS

Because the sample of adult victims described above is small, we make program and policy recommendations with caution. However, although not randomly drawn, the victims who agreed to participate in this study look quite similar to those who expressed no interest in participating. And there appear to be some clear differences between those victims who met with their offenders and those who did not. Furthermore, interviews with mediators and probation staff have helped frame some ongoing issues. We therefore offer the following recommendations to stimulate discussion among those who share responsibility for and commitment to the vitality of the victim offender conferencing program.

1. Targeting likely cases for conferencing. Any service program that is able to target the most appropriate cases will be more efficient and can devote more of its limited resources on a select number of cases. With conferencing/mediation programs a bottom line measure of effectiveness is how many cases or participants referred actually meet in conference. A targeted approach to referral will likely yield a higher percentage of individuals going to conference.

Concern has been expressed about the relatively low percentage of cases concluding in a face-to-face conference compared to some other victim offender conferencing/mediation programs. In 2001, 16% of the cases referred resulted in face-to-face conferences. In our sample, 26% of the victims met with their offenders. Research findings from other programs suggest that one can expect a range of 40% to 60%.

We expect that at least three factors play into this lower than expected rate of face-to-face conferencing. First, the desire for restitution is often cited as a key factor prompting victims to choose mediation/conferencing programs. If there exist on the part of potential victim participants the perspective that restitution is either not considered important by the court or that they can receive restitution without going through conferencing, then some victims are left asking, “What am I going to get out of meeting with the offender?” Second, victims who did not meet their offenders, and even some who did, were quite adamant about the commitment of time required to participate in the conferencing process given the perceived minor nature of the offense. Third, victims in our sample were much less likely to get involved in diversion cases than in those where matters of pre-sentence or sentencing were at stake.

We would recommend, then, a more targeted approach during referral and intake on cases where tangible incentives exist, cases involving more serious offenses, and cases that are not solely matters of diversion. We realize that even in “minor” cases there may be considerable benefit for the offender, especially a juvenile offender, to meet with the victim, but it may be that for these kinds of cases, meeting with victim panels or surrogates who want to participate in order to have a positive effect on young offenders would be a viable alternative.

2. Initial program contacts with victim. Initial contacts should be designed to encourage the victim to agree to a meeting with the mediators in which the program features and expectations will be laid out, questions regarding conferencing will be handled, and hopefully a decision will be made about meeting with the offender. Given that victims often feel frustrated by the lack of information coming from the justice system, program staff and mediators may want to consider ways of providing more information up front during the initial contacts. Victims may be more responsive to meeting with mediators and ultimately with the offender if their needs for more information are addressed more immediately. Even the
initial letter explaining the process could be reassessed from this perspective. Providing more specific information in the letter might improve the response rate, reducing the numbers of victims who are “unavailable.”

Do participants receive a letter and a personal call each time? The data seems to indicate they do not. Victims say they received a call or a letter, in some cases both, but this was not consistent. While memory reporting can be faulty, it may be worth looking into the way in which initial contact is made with potential participants. Ideally, programs are doing both: sending a letter followed by a personal call.

Finally, consider devoting part of an in-service to coaching volunteers on making the initial call, and invite the strongest volunteers to share their personal approach to connecting with the victim. So much depends on the quality of the initial contact, and as mediator responses indicate, this can be the hardest part of getting started with a case. Sharing techniques and allowing discussion time for newer or less confident mediators would enhance this aspect of programming and possibly boost participation in the conferencing process.

3. Ongoing data-gathering regarding victims’ reasons for wanting to meet or not meet with offenders. Developing a larger database to compile reasons victims give for choosing or declining a conference can be useful for making policy and program decisions. This study suggests that mediators have an accurate understanding of why many victims make their decisions. It is highly likely that victims who say no at this point in the process will have made some declarations of why they are not interested in participating. For efficient, straightforward data collection, mediators could complete a simple checklist, which can be added to the forms they already fill out indicating the reasons given by victims for participating or not. We are not suggesting that mediators make independent judgments, but that they report what was said. Mediators simply complete the list by checking the responses that best reflect what the victim said. If no reason was given, then that is what is recorded. These data could be analyzed in combination with other data routinely gathered with the MadTrack system.

4. What constitutes a pre-conference? Preparation for victims and offenders is crucial to having conferences that are safe, focused and likely to be satisfying to all concerned parties. That preparation begins with the initial program contacts and is intensified in a pre-conference where victims have the opportunity to share their stories, their fears, and their hopes regarding the crime committed against them and any future meeting with the offenders. In the course of this study some confusion has surfaced regarding what constitutes a pre-conference. Program policy is that pre-conferences will occur in a face-to-face meeting between a victim and mediator/s. As we have talked with mediators, it is clear that in practice there are instances when “pre-conferences” are carried out by phone. And we came across at least one instance where an individual stated they met the offender without a pre-conference. This particular individual had gone through other conferences, but might nevertheless have benefited from preparation for meeting with an offender in a new case.

The issue of preparation and pre-conferencing is at the heart of the conferencing process, in part, because victim offender mediation/conferencing depends upon providing a safe place for a meeting. Can safety issues be assured if there has been no face-to-face contact with the victim? Some contend that the facilitator/mediator must assess the readiness of the victim for meeting with the offender. Can this be accomplished as fully by phone as by in person contact? Given the time constraints that many participants contend with, mediators may find that extensive phone conversations provide the best opportunity for preparing participants for conferencing. The VOC program might wish to consider establishing guidelines which clarify for program records and for participants when a phone conversation is truly a pre-conference.

For example, what makes a phone call a pre-conference and not simply a victim contact where information is exchanged? Any phone contact with a victim can be important; for instance, mediators/facilitators have lists of available Washington County services and, when victims ask, are able to pass on referral information. That referral may be one of the most significant outcomes of the entire process for a victim, but does that exchange of information make the phone contact a pre-conference preparing the victims to meet or at least decide whether to meet or not with the offender?

Without clear guidelines, “phone pre-conferences” could become very ritualized and risk losing the kind of human contact that conferencing attempts to bring to the justice process.

5. Coordinating an integrated Court Services response. Victim Offender Conferencing—its staff and volunteer mediators—and probation officers are all part of Court Services. They are part of the same team attempting to provide
sensitive responses and quality services to victims and offenders. Those who handle probation caseloads and those involved with counseling want the best for their clients. Many probation officers, mediators, and VOC staff praise each other’s work. Yet, probation officers and mediators alike recognize a need to increase communication and understanding of the work that each is doing. Since this relationship impacts referral decisions, victim choices, and court system response, it deserves more attention.

Efforts to improve communication between probation and VOC mediators could address some of the following concerns: Some probation officers do not trust that the volunteer has the necessary skills or long term commitment needed to work with cases on their caseload. Some feel they should be getting more information about the victim and what occurs in pre-conferences and conferences, since the offender and indirectly the victim are part of their caseloads. They contend that mediators have information that may be helpful in formulating intervention plans or carrying out such plans. Apparently some mediators do provide important information while others view the conferencing process as entirely confidential. It may prove important for the department to clarify confidentiality policies for victim offender conferencing and the reasons underlying those policies. Can anything taking place in a victim offender meeting be shared and if so what, how, and with whom?

Probation officers and mediators alike express concern about the number of persons contacting victims. These would include, but not be limited to, victim witness staff, probation staff, public defender staff, and of course victim offender conferencing staff.

More direct contact between probation officers and VOC staff and volunteer mediators in training and planning efforts could help to improve communication and rapport. Since, as one probation officer put it, “I’ve never seen a mediator. I do recognize a voice or two.” Certainly volunteers and probation staff would benefit from a renewed understanding of what each brings to the process. Community volunteers can bring a fresh vitality and sense of hope to a project. They expand the workforce. And they can provide a community base for support for the work of the public sector that can be quite significant. The probation officers can also provide a sense of hope grounded in long experience that selected victims and offenders can work through conflict. They too bring to this work a variety of skills for working with individuals and groups. Both groups provide a valuable service to the citizens of Washington County. We expect that this sense of common ground and common goals can be strengthened through more professional and personal contacts.

IX. CONCLUSION

The results presented above are consistent with the growing body of literature addressing the question of why crime victims choose to meet or not meet their offenders. Victim offender conferencing is clearly not for every victim. Some individuals will be philosophically and or emotionally opposed to such meetings. Some will conclude that, given their minor losses, a meeting is not worth the time and trouble. Other victims, however, will welcome the opportunity to meet with the offender. Some of these will do so because they want to help the offender change their behavior; some will want to tell their stories of the pain caused and see some remorse; some have questions for offenders; and some want a say in how repairing the harm is done and in holding offenders accountable for their actions.

Those victims who do meet with offenders self-select into the process. It is their choice, for whatever reason, to meet. We know from this study and from a broad range of other studies that victims who do choose to meet their offenders come away from the process with high levels of satisfaction. Perhaps one of the more far-reaching implications of this study for the justice system as a whole is that over 85% of those victims who met with offenders were satisfied with what the justice system had offered them, while nearly half of those victims who did not meet their offenders wished that the justice system had offered more. It would appear that the second group of victims completed the justice process more frustrated and dissatisfied than the first group.

This does not mean that crime victims should somehow be coerced or forced to participate. The voluntary nature of participation is crucial to the conferencing process because choice empowers individuals who have experienced loss due to the offense committed against them and who often feel powerless in the formal justice process. VOC can, however, be promoted as a positive way to respond to crime, when educating the public about the advantages of restorative programming.
In Washington County Court Services, as in any jurisdiction providing mediation/conferencing as an option for crime victims, cases are carefully screened to determine which are appropriate for conferencing. Because victims who meet their offenders are typically quite satisfied with the process and as a result, they regard justice system as a whole in a more positive light, it behooves referral sources, program intake staff, and mediators to provide the most useful information about this option in as timely a way as possible so victims can make informed decisions about further participation.

The goal of the screening process is to maximize the number of likely candidates for conferencing while accepting the fact that many victims will opt out because the crime event was too minor, or because they remain philosophically or emotionally opposed to such a meeting.

REFERENCES


### APPENDIX A

#### TABLE 1

**VICTIM, OFFENSE AND REFERRAL CHARACTERISTICS**

<table>
<thead>
<tr>
<th></th>
<th>Victims Who Did Not Meet Offenders</th>
<th>Victims Who Met With Offenders</th>
<th>Total Sample</th>
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<td>Property</td>
<td>86.4% (19)</td>
<td>50% (9)</td>
<td>70.0% (28)</td>
</tr>
<tr>
<td><strong>Offense Level</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>26.1% (6)</td>
<td>5.6% (1)</td>
<td>17.1% (7)</td>
</tr>
<tr>
<td>Gross Misdemeanor</td>
<td>17.4% (4)</td>
<td>27.8% (5)</td>
<td>21.9% (9)</td>
</tr>
<tr>
<td>Felony</td>
<td>56.5% (13)</td>
<td>66.7% (12)</td>
<td>60.9% (25)</td>
</tr>
<tr>
<td><strong>Point in Justice Process</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Diversion</td>
<td>22.7% (5)</td>
<td>--</td>
<td>12.5% (5)</td>
</tr>
<tr>
<td>Pre-sentence investigation</td>
<td>31.8% (7)</td>
<td>50% (9)</td>
<td>40.0% (16)</td>
</tr>
<tr>
<td>Post disposition</td>
<td>45.4% (10)</td>
<td>50% (9)</td>
<td>47.5% (19)</td>
</tr>
<tr>
<td><strong>Offender Age</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Juvenile</td>
<td>43.5% (10)</td>
<td>36.9% (7)</td>
<td>41.5% (17)</td>
</tr>
<tr>
<td>Adult</td>
<td>56.5% (13)</td>
<td>61.1% (11)</td>
<td>58.5% (24)</td>
</tr>
<tr>
<td><strong>Length of Time to Process Case</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Median days, offense to referral</td>
<td>115</td>
<td>93.5</td>
<td>--</td>
</tr>
<tr>
<td>Median days, offense to voc contact</td>
<td>154</td>
<td>114.5</td>
<td>--</td>
</tr>
<tr>
<td>Median days, offense to conference</td>
<td>--</td>
<td>129.0</td>
<td>--</td>
</tr>
<tr>
<td><strong>How Victims Learned About VOC</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Telephone call</td>
<td>17.4% (4)</td>
<td>5.6% (1)</td>
<td>12.1% (5)</td>
</tr>
<tr>
<td>Letter</td>
<td>26.1% (6)</td>
<td>16.7% (3)</td>
<td>21.9% (9)</td>
</tr>
<tr>
<td>Both</td>
<td>43.5% (10)</td>
<td>16.7% (3)</td>
<td>31.7% (13)</td>
</tr>
<tr>
<td>Other</td>
<td>13.0% (3)</td>
<td>61.1% (11)</td>
<td>34.1% (14)</td>
</tr>
</tbody>
</table>

*chi square significant, p < .05*
### TABLE 2

**ADVICE VICTIMS RECEIVED ABOUT PARTICIPATION**

<table>
<thead>
<tr>
<th>Did family members encourage or discourage participation?</th>
<th>VICTIMS WHO DID NOT MEET OFFENDERS</th>
<th>VICTIMS WHO MET WITH OFFENDERS</th>
<th>TOTAL SAMPLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Encouraged</td>
<td>8.7% (2)</td>
<td>16.7% (3)</td>
<td>12.2% (5)</td>
</tr>
<tr>
<td>Discouraged</td>
<td>26.1% (6)</td>
<td>-- (0)</td>
<td>14.6% (6)</td>
</tr>
<tr>
<td>Neither</td>
<td>65.2% (15)</td>
<td>83.3% (15)</td>
<td>73.2% (30)</td>
</tr>
<tr>
<td>Did anyone else encourage or discourage participation?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td>21.7% (5)</td>
<td>38.9% (7)</td>
<td>29.3% (12)</td>
</tr>
<tr>
<td>No</td>
<td>78.3% (16)</td>
<td>61.1% (11)</td>
<td>70.7% (27)</td>
</tr>
</tbody>
</table>

### TABLE 3

**PARTICIPANT PERCEPTION OF HELPFULNESS OF MEETING WITH THE OFFENDER**

<table>
<thead>
<tr>
<th>Did you find the conference with the offender to be helpful?</th>
<th>VICTIMS WHO MET WITH OFFENDERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>88.9% (16)</td>
</tr>
<tr>
<td>No</td>
<td>11.1% (2)</td>
</tr>
</tbody>
</table>

### TABLE 4

**VICTIM PERSPECTIVE ON JUSTICE SYSTEM ***

<table>
<thead>
<tr>
<th>Was there anything else you wish the justice system had been able to offer you?</th>
<th>VICTIMS WHO DID NOT MEET OFFENDERS</th>
<th>VICTIMS WHO MET WITH OFFENDERS</th>
<th>TOTAL SAMPLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>47.8% (11)</td>
<td>16.7% (3)</td>
<td>34.1% (14)</td>
</tr>
<tr>
<td>No</td>
<td>52.2% (12)</td>
<td>83.3% (15)</td>
<td>65.8% (27)</td>
</tr>
</tbody>
</table>

* chi square significant, p < .05

### TABLE 5

**RANK ORDER OF REASONS GIVEN FOR NOT WANTING TO MEET WITH THE OFFENDER**

<table>
<thead>
<tr>
<th>Reason</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Not worth the time and trouble</td>
<td>15</td>
</tr>
<tr>
<td>2. The matter was already taken care of</td>
<td>9</td>
</tr>
<tr>
<td>3. Too much time had elapsed</td>
<td>6</td>
</tr>
<tr>
<td>4. Just wanted my money back</td>
<td>5</td>
</tr>
<tr>
<td>5. The system just wanted to slap the offender on the wrist</td>
<td>4</td>
</tr>
<tr>
<td>6. I thought the meeting wouldn’t be safe</td>
<td>3</td>
</tr>
<tr>
<td>7. (tie) Didn’t want to help the offender</td>
<td>2</td>
</tr>
<tr>
<td>7. (tie) Family or friends said I shouldn’t do it</td>
<td>2</td>
</tr>
</tbody>
</table>
TABLE 6

RANK ORDER OF REASONS GIVEN FOR WANTING TO MEET WITH THE OFFENDER

<table>
<thead>
<tr>
<th>Reason</th>
<th>Rank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hoped offender would be helped by meeting with me</td>
<td>17</td>
</tr>
<tr>
<td>Wanted to hear why offender did this to me</td>
<td>16</td>
</tr>
<tr>
<td>Wanted offender to know how his/her actions affected me</td>
<td>16</td>
</tr>
<tr>
<td>Wanted to be able to ask my own questions</td>
<td>14</td>
</tr>
<tr>
<td>Conferencing sounded like an interesting process</td>
<td>14</td>
</tr>
<tr>
<td>Wanted to be sure offender wouldn’t come back and do it again</td>
<td>13</td>
</tr>
<tr>
<td>Wanted a say in how and when offender paid back or made things right</td>
<td>10</td>
</tr>
<tr>
<td>Thought it might help me/my family</td>
<td>8</td>
</tr>
<tr>
<td>Wanted to make sure offender didn’t just get a slap on the wrist</td>
<td>8</td>
</tr>
</tbody>
</table>

APPENDIX B

CHART 1

REFERRAL POOL AND VICTIMS INTERVIEWED

<table>
<thead>
<tr>
<th>#VICTIMS REFERED TO PROGRAM</th>
<th>#VICTIMS INTERVIEWED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Victims who did not meet offenders*</td>
<td>110** 23***</td>
</tr>
<tr>
<td>2. Victims who met offenders</td>
<td>36 18</td>
</tr>
<tr>
<td>Total</td>
<td>146 41</td>
</tr>
</tbody>
</table>

*Does not include individuals who could not be reached by the program.
**Includes 18 individuals who had pre-conferences.
***Includes 2 individuals who had pre-conferences.
# Chart 2

## Referral Pool and Sample Characteristics

<table>
<thead>
<tr>
<th>Victim Type</th>
<th>Referral Pool</th>
<th>Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal</td>
<td>94.5% (138)</td>
<td>90.2% (37)</td>
</tr>
<tr>
<td>Business/organization</td>
<td>5.5% (8)</td>
<td>9.8% (4)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender*</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>46.4% (64)</td>
<td>56.8% (21)</td>
</tr>
<tr>
<td>Male</td>
<td>53.6% (74)</td>
<td>43.2% (16)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Referral Pool</th>
<th>Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Person</td>
<td>16.4% (24)</td>
<td>29.3% (12)</td>
</tr>
<tr>
<td>Property</td>
<td>72.6% (106)</td>
<td>68.3% (28)</td>
</tr>
<tr>
<td>Other</td>
<td>11.0% (16)</td>
<td>2.4% (1)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Offense Level</th>
<th>Referral Pool</th>
<th>Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misdemeanor</td>
<td>10.3% (15)</td>
<td>17.1% (7)</td>
</tr>
<tr>
<td>Gross Misdemeanor</td>
<td>31.5% (46)</td>
<td>21.9% (9)</td>
</tr>
<tr>
<td>Felony</td>
<td>58.2% (85)</td>
<td>60.9% (25)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Point in Justice Process</th>
<th>Referral Pool</th>
<th>Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diversion</td>
<td>9.6% (14)</td>
<td>12.5% (5)</td>
</tr>
<tr>
<td>Pre-sentence Investigation</td>
<td>30.8% (45)</td>
<td>40.0% (16)</td>
</tr>
<tr>
<td>Post disposition</td>
<td>59.6% (87)</td>
<td>47.5% (19)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Offender Age</th>
<th>Referral Pool</th>
<th>Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>Juvenile</td>
<td>44.5% (65)</td>
<td>41.5% (17)</td>
</tr>
<tr>
<td>Adult</td>
<td>55.5% (81)</td>
<td>58.5% (24)</td>
</tr>
</tbody>
</table>

*Excludes business/organization cases.
APPENDIX C

INTERVIEW SCHEDULES

INTERVIEW SCHEDULE FOR VICTIMS WHO DECLINE TO PARTICIPATE BEFORE HAVING A PRE-CONFERENCE

1. How did you learn about the possibility of meeting the offender in your case?

2. Did your family encourage or discourage you to go through the conferencing program?
   1. Discourage
   2. Encourage
   3. Neither
      Why?

3. Did anyone else encourage or discourage you to go through the conferencing program?
   1. No
   2. Yes

   Who? (Interviewer, we want roles not names!)
   Why?

4. I am going to read a number of reasons individuals sometimes give for not wanting to meet with the offender/s. If any of these fit your experience, please say yes when I read that item.

   1. Not worth the time and trouble involved.
   2. Too much time had already gone by since the crime.
   3. The matter had already been taken care of.
   4. I thought the meeting wouldn't be safe.
   5. I just wanted my money.
   6. I didn't want to do anything that might help the offender.
   7. My family/friends said I shouldn't do it.
   8. The system just wanted to slap the wrist of the offender.
   9. My lawyer said I shouldn't do it.
   10. Other __________

5. Was there anything else you wish the justice system had been able to offer you?

   1. No
   2. Yes, if so what?
INTERVIEW SCHEDULE FOR VICTIMS WHO MET WITH OFFENDER AFTER HAVING A PRE-CONFERENCE

1. How did you learn about the possibility of meeting the offender in your case?

2. Did your family encourage or discourage you to go through the conferencing program?
   1. Discourage
   2. Encourage
   3. Neither
      Why?

3. Did anyone else encourage or discourage you to go through the conferencing program?
   1. No
   2. Yes
      Who? (Interviewer, we want roles not names!)
      Why?

4. What did you hope would happen by meeting with a mediator in a pre-conference?

5. What did you like best about your pre-conference?

6. What did you like least about it?

7. I am going to read a number of reasons individuals sometimes give for wanting to meet with the offender. If any of these fit your experience, please say yes when I read the item.
   1. I wanted to hear why he/she did this to me.
   2. I wanted a say in how and when the offender/s will pay me back/make it right.
   3. I hoped the offender/s would be helped by meeting with me.
   4. I thought it might help me/and my family move on.
   5. I wanted to be able to ask my own questions.
   6. I wanted to make sure the offender/s didn't just get a slap on the wrist.
   7. It (conferencing) sounded like an interesting process.
   8. I wanted the offender to know how his/her actions affected me.
   9. I wanted to be sure the offender/s wouldn't come back and do it again.
   10. Other________________
8. Did you find the conference where you met with the offender to be helpful?
   1. No
   2. Yes

9. What did you like most about the meeting with the offender?

10. What did you like least about meeting with the offender?

11. Was there anything else you wish the justice system had been able to offer you?
   1. No
   2. Yes, if so what?
APPENDIX D

Victim Offender Conferencing    Washington County Court Services

Case is referred for conferencing

Case is screened for Victim Offender conferencing

YES

Intake Process Begins

Case is accepted

NO

Returned to Referral Source

Case is assigned to mediator

Letter and brochure mailed to victim and offender

Mediator contacts victim and offender by phone to schedule pre-conference interviews

Pre-conference interview

Third party conferencing is offered

NO

Victim and Offender agree to face-to-face conference

YES

Mediator arranges date, time and place for conference with victim and offender

Mediator schedules conference at site. Notifies / confirms with victim and offender

Mediator facilitates conference

Agreement for restitution is reached

YES

Write contract

NO

Offer another conference

Mediator completes paper work and returns case

Case closure report

Case and file returned to referral source