



Center for Restorative Justice & Peacemaking

An International Resource Center in Support of Restorative Justice Dialogue, Research and Training

Executive Summary:

Victim Offender Dialogue in Crimes of Severe Violence

A Multi-Site Study of Programs in Texas and Ohio

Mark S. Umbreit, Ph.D.

Robert B. Coates, Ph.D.

Betty Vos, Ph.D.

Kathy Brown, Ph.D.

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INTRODUCTION

During the past decade an increasing number of victims of sexual assault, attempted homicide, and survivors of murder victims are requesting the opportunity to meet the offender to express the full impact of the crime upon their life, to get answers to many questions they have and to gain a greater sense of closure so that they can move on with their lives. In most cases this occurs many years after the crime occurred and the actual mediation/dialogue session is typically held in a secure institution where the offender is located. In the mid-1980s, only a handful of such cases in scattered locations throughout the United States were provided with the opportunity for a mediated dialogue. As we enter the twenty first century, Victim Services Units in at least twelve states are at various levels of developing a statewide protocol for allowing such an encounter between a victim/survivor of a severely violent crime and the offender.

In 1993, the Victim Offender Mediation/Dialogue Program of the Victim Services Unit of the Texas Department of Criminal Justice became the first state in America to offer such a service on a state-wide basis to victims of severe violence. In 1996, the Victim Offender Dialogue Program of the Office of Victim Services at the Ohio Department of Corrections and Rehabilitation became the second state to provide an opportunity for victims of severe violence to meet the offender. In both states, cases are victim initiated and the process is entirely voluntary for offenders/inmates. Numerous studies, as noted below, have been conducted over the past two decades on victim offender mediation in cases involving property crimes and fights. The current exploratory study, however, examines the development and impact of the programs in Texas and Ohio that work with cases of severe violence, including homicide. It represents the first multi-site study of this emerging intervention to serve victims of severe violence and to apply the concept of restorative justice in an area with very little previous research, other than a number of small case studies and one entire program evaluation in Canada (Roberts, 1995).

Restorative justice focuses upon the harm caused to individual victims and the community while emphasizing the importance of engaging individual victims and their families, victimized communities, offenders and their families in the process of developing a restorative response to the crime that focuses on both accountability and healing (Bazemore & Umbreit, 1994, 1995; Van Ness and Strong, 1997; Zehr, 1990). Restorative justice theory is having an increasing impact upon communities, and even entire justice systems, throughout North America, Europe and the South Pacific.

The oldest, most widely disseminated and documented practice throughout the world, and empirically grounded expression of restorative justice is victim offender mediation and dialogue. With more than twenty-five years of experience and research, involving many thousands of annual case referrals to programs in more than 1,400 known communities throughout North America and Europe (Umbreit and Greenwood, 1999; Umbreit and Neimeyer, 1996; Umbreit 1995) victim offender mediation (often referred to as victim offender reconciliation or victim offender conferencing) remains a strong empirically grounded pillar within the growing restorative justice movement.

A growing amount of empirical data has emerged from studies of victim offender mediation in property crimes and minor assaults, in the U.S., Canada, and England. High levels of client satisfaction with the mediation process and outcome has been consistently found over the past 18 years in studies throughout Europe and North America (Coates and Gehm, 1989; Collins, 1984; Dignan, 1990; Galaway, 1988; Galaway and Hudson, 1990; Gehm, 1990; Marshal and Merry, 1990; Perry, Lajeunesse and Woods, 1987; Umbreit, 1989; 1994; 2001; Umbreit and Bradshaw, 1997, 1999; Umbreit and Coates, 1993; Umbreit, Coates, and Roberts, 2000; Umbreit and Roberts, 1996; Wright and Galaway, 1989), with some studies finding higher restitution completion rates (Umbreit, 1994a), reduced fear among victims (Umbreit and Coates, 1993; Umbreit, 1994), and reduced future criminal behavior (Nugent and Paddock, 1995; Nugent, Umbreit, Wiinamaki and Paddock, 2000; Schneider, 1986; Umbreit, 1994). It is becoming increasingly clear that the victim offender mediation process humanizes the criminal justice experience for both victim and offender; holds offenders directly accountable to the people they victimized, allows for more active involvement of crime victims and community members (as volunteer mediators) in the justice process, and suppresses further criminal behavior in offenders.

Both restorative justice in general, and victim offender mediation specifically, continue to be identified primarily, if not exclusively, with addressing non-violent property crimes, and perhaps even minor assaults. This report will challenge such assumptions by providing empirical evidence from a study of the first two states in America to implement state-wide victim offender dialogue programs for crimes of severe violence. The data that emerged from this study suggests that many of the principles of restorative justice can be applied in crimes of severe violence, including murder, with clear effectiveness in supporting both the process of victim healing and offender accountability. Some would even suggest that the deepest healing impact of restorative justice is to be found in addressing and responding to such violent crime.

KEY FINDINGS

The Victim Services Unit of the Texas Department of Criminal Justice became the first state, in 1993, to offer services to victims of severe violence who requested a meeting with the offender/inmate. In 1996, the Office of Victim Services in the Ohio Department of Corrections and Rehabilitation became the second state to offer such services. Since then, at least 10 other states are developing similar statewide policies and programs.

This study represents the first major assessment of the impact of victim offender dialogue upon both victims and family survivors of severe violence, as well as upon the specific offender/inmate. A total of 79 interviews were conducted, representing 20 victims/family members each from Texas and Ohio, 19 offenders from Texas, and 20 offenders from Ohio. These individuals were involved in a total of 46 crimes, consisting of 65% homicides (murder, manslaughter, or vehicular homicide), 13% felony assaults and attempted murder, 17% sexual assault, and 4% burglary/theft.

The findings that emerged from this multi-site study are summarized below. While these findings cannot be generalized to all programs providing mediation/dialogue services in crimes of severe violence, they do provide helpful empirically grounded information for this growing area of restorative justice practice.

Following the listing of key findings and implications, more description data about the program sites and program impact is provided.

1. Victim offender dialogue in crimes of severe violence has been found to be highly effective as reported by individual victims or family survivors and offenders/inmates who participated in the statewide programs administered by victim services units in correctional departments in Texas and Ohio.
2. The four most frequently stated reasons for why victims and family members sought a meeting with the offender were: to seek information and answers to lingering questions about the crime; to express the impact of the crime to the offender; to experience a more human, face-to-face, interaction with the offender; and, to advance the healing process of the victim or family member.
3. The four most frequently stated reasons for why offenders agreed to meet, when divided by first identifying benefits to the victim and then benefits to themselves, were: to apologize to the victim; to help in the victim's healing process; to help in their own rehabilitation and healing; and, to provide more information about their lives and perhaps change the victim's view of them.
4. Victims and offenders in both programs expressed a high level of satisfaction with being prepared for the eventual dialogue, with more than eight out of ten indicating they were very satisfied with the manner in which they were prepared. Only one participant, a victim, indicated they were somewhat dissatisfied with the preparation process.
5. The average length of time from the commission of the crime to the victim offender dialogue, in both programs, was about 9.5 years.
6. There was a major difference between the two programs in the average length of the preparation for dialogue process. In Texas, the average length of the preparation process was 16 months. In Ohio, the average length of preparation was 4.5 months. It should be noted that since the research has been completed, the Texas program has modified its procedures so that the preparation for dialogue process will occur within a 6 month period.
7. There was considerable difference between the two programs in the average length of the actual victim offender dialogue session. In Texas the average length of a mediation/dialogue session was 5.5 hours, while in Ohio it was 2.5 hours.
8. Support persons were often present during the victim offender dialogue session in the Ohio program and periodically in the Texas program.

9. The most important task of the mediator/facilitator of the dialogue was that of providing a safe place for the parties to talk directly with each other in a conversational tone, with the mediator saying very little and being very much in the background.
10. Eight out of ten participants in the dialogue sessions, both victims and offenders, reported major life changes occurring. The most frequent statements related to their overall outlook on life being more positive and being more at peace with the circumstances they are faced with.
11. The majority of victims and family survivors reported that the dialogue with the offender contributed to their personal growth and healing. They also reported that their feelings toward the offender had changed for the better.
12. Participation in a victim offender dialogue had an impact on strengthening participant's spirituality, although offenders were more likely to indicate this (62%) than victims (43%).
13. Victims and offenders who participated in the programs in Texas and Ohio indicated exceptionally high levels of satisfaction.
14. Virtually all victims and offenders who participated in the programs in Texas and Ohio found the dialogue process to be helpful.

IMPLICATIONS

As additional states consider developing policies to provide opportunities for interested victims of severe violence to meet with the offender/inmate, we offer the following recommendations for consideration.

Policy Implications

1. Departments of Corrections should consider developing specific procedures for responding to the requests of those victims who request a mediation/dialogue session with the responsible inmate.
2. Public funding should be appropriated to support the development and management of victim sensitive offender dialogue services in crimes of severe violence.
3. Consideration should be given to amending current state crime victim compensation laws to allow reimbursement for the cost of victim initiated mediation/dialogue services with the responsible inmate, when such an encounter is clearly related to their healing process and only when such services are provided by mediators who can document that they have received advanced training in providing victim sensitive offender dialogue services in crimes of severe violence.

Practice Implications

1. Specialized training beyond general victim-offender mediation training is crucial for working with violent offenses. Mediators must forge supportive, trustworthy relationships with both offenders and victims and they need to be able to stay in the background yet take control when necessary.
2. Preparation for dialogue in cases of violent crime is typically much longer and more intense than in other types of crime, usually involving at least two to four meetings and often more. Participants felt the length of preparation they received was appropriate and did not wish to have it shortened.
3. The process of victim sensitive offender dialogue in crimes of severe violence should be entirely voluntary for all parties.
4. Victim sensitive offender dialogue in crimes of severe violence should be victim initiated. When inmates initiate the process, they should do so by writing a letter which can be kept on file in case their victim(s) later request a mediation/dialogue session.

5. Programs should consider giving victims the choice of how intense of a process they want to initiate. Those with more specific short term goals of telling the offender the impact of the crime and getting answers to a number of lingering questions may prefer a shorter-term intervention of several months of preparation. Other victims who express a need for a deeper therapeutic impact focused on their quest for healing may choose a longer-term intervention involving 6-12 months, or more, of preparation prior to ever entering the dialogue process with the offender. This approach would draw upon the strengths of both the Texas and Ohio models, while anchoring the requested intervention in the expressed needs of the person initiating the process, rather than assumptions of program staff.
6. The planning, development and implementation of victim sensitive offender dialogue services should be conducted with active involvement of victim services providers along with correctional staff and other persons familiar with the victim offender dialogue process, preferably one who has completed the advanced VOD training.

PROGRAM SITES

Texas Victim Offender Mediation/Dialogue Program

The Texas Victim Offender Mediation/Dialogue Program (VOM/D) is housed in the Victim Services of the Texas Department of Criminal Justice. Its purpose "is to provide victims of violent crime the opportunity to have a structured face-to-face meeting with their offender(s) in a secure, safe environment in order to facilitate a healing recovery process." The program was begun in December 1993. Referrals come from victims. A long waiting list exists of victims who have expressed interest in participating in the program. Offenders are invited to participate and must do so voluntarily (Doerfler, 1997).

The process is intense and extensive. The actual face-to-face meeting is regarded as only one important point along a "continuum of care" from point of referral, through preparation, to meeting, through post-mediation follow-up. Preparation will easily require six months and often longer. Participants are offered a series of batteries and protocols designed to facilitate their coming to grips with their fears and their grief and to help them move along in the process of healing and recovery. Mediators work with very detailed protocols, which guide their preparatory work with victims and offenders. Mediators continually assess the victim's readiness to meet with the offender and vice versa.

The actual face-to-face meeting typically lasts from three and a half hours to eight with eight being normative. Mediators have a detailed checklist to follow for the meeting, but the emphasis is on providing a minimal presence allowing the dialogue between victim and offender to flow without undue guidance or restriction. Most mediated cases during the course of this study were done by paid staff. However, a cadre of volunteer mediators have been trained, many of whom are beginning to work cases. In rare instances, the program uses co-mediators.

Follow-up post-mediation is extensive and ongoing. Contact has been maintained with some participants for months and years after mediation. It remains uncertain within the program when a case is actually closed. Feedback to a team of independent researchers by victims and offenders is very favorable regarding the VOD experience.

Ohio Victim Offender Dialogue Program

The Ohio Victim Offender Dialogue Program operates within the Office of Victim Services under the auspices of the Ohio Department of Rehabilitation and Correction. The underlying premise of Victim Offender Dialogue (VOD) is to help victim and offenders define their own needs regarding meeting one another and that the program exists to facilitate that meeting in a manner that is safe for all involved. While the process is victim driven, that is, victim initiated, offenders are not coerced into participation. Victim and offender are to be viewed as equal partners by the facilitators (Ho, 1999, 2000).

The Ohio program conducted its first victim offender mediation in May of 1966 after months of program development within the state as well considering models emerging in other states. In March of 1999, thirty-three volunteers from within and without the Department of Rehabilitation and Correction underwent an intensive five-day training session to prepare them to be facilitators.

In this process, two volunteers act as co-facilitators and share responsibility for preparing and bringing victim and offender together for a joint dialogue. In most instances, one facilitator is employed by the Department (although functioning as a volunteer when working with VOD) and the other is from the community at large.

The focus of VOD is empowering victims and offenders to identify their needs and a process whereby progress can be made in meeting those needs. Whereas it is not expected that a meeting of victim and offender will result in wounds being healed or grief being eliminated, it is hoped that such a dialogue will be a step in that healing journey.

Preparation time will depend largely on the scope of what the victim or offender desire to pursue in face-to-face interaction. The victim may only be interested in pursuing a couple questions. In that instance, the preparation may be rather short. The offender and victim as well as the facilitator have a fairly clear idea of what will be discussed during the meeting. This is part of providing for a safe place. The actual face-to-face meetings typically take two to four hours with breaks. Seldom is more than one meeting necessary. Follow-up is typically completed within a month after the meeting and may involve direct contact with the volunteer or phone contact.

Feedback from victims and offenders to an independent research team is very positive regarding their experience with VOD.

METHODOLOGY

Prior to the initiation of this multi-site study of victim offender dialogue in crimes of severe violence, no other empirical study, other than very small case studies, had been conducted in the United States. Both because of the exploratory nature of this study and the very sensitive and emotionally intense experience of the participants in victim offender dialogue, the primary methodology used was qualitative, drawing heavily upon ethnographic techniques of interviewing and analysis. Ethnography provides a highly effective qualitative research process for understanding subjects in their life context and framework of meaning, rather than applying external conceptual frameworks upon them and placing them in pre-set categories.

Some quantitative data was collected as well. This included characteristics of cases and participants, as well as their overall assessment of the impact of the program through use of several Likert scales.

The study was guided by the following research questions.

1. Who participates in the mediation/dialogue process and why?
2. What is involved in the actual process of victim offender mediation/dialogue?
3. How satisfied are victims/offenders with their experience with mediation/dialogue?
4. What are the outcomes of mediation/dialogue for victims and offenders?
5. What are the benefits and risks of mediation/dialogue for victims and offenders?
6. How was the Victim Services Mediation/Dialogue Program developed and what are the critical issues for replication in other areas?
7. What are the implications for restorative justice theory, based on the findings that emerged from this study?
8. What are the implications for training and practice, based on the findings that emerged from this study?
9. What are the policy implications for other jurisdictions considering a similar initiative?

The following tables identify the sample victims and offenders interviewed in Texas. The average age of the 20 victims interviewed in Texas was 43, with a range of 27 to 61. The 20 victims included 4 men and 16 women. All victims interviewed in Texas were Caucasian, with 3 being Hispanic. The average age of the 19 offenders interviewed in Texas was 34, with a range of 22 to 59. The 19 offenders included 17 men and 2 women. Sixteen offenders [84%] were Caucasian, including 2 Hispanics [11%], and 2 [11%] were African American. Race/ethnicity data was not available on one offender.

The average age of the 20 victims interviewed in Ohio was 41, with a range of 19 to 56. The 20 victims included 6 men and 14 women. Nineteen of the victims [95%], were Caucasian and 1 victim [5%] was African American. The average age of the 20 offenders interviewed in Ohio was 37, with a range of 19 to 64. The 20 offenders included 19 men and 1 woman. Sixteen offenders [80%] were Caucasian and 4 [20%] were African American.

Who was in the research sample?

The present report summarizes results from 79 interviews with persons who participated in 47 mediation/dialogue sessions regarding 46 serious and violent crimes. Exactly half of the crimes were murder or manslaughter; 65% of the crimes resulted in the death of the victims, including both murder/manlaughter and vehicular homicide.

Table 1-ES
RESEARCH SAMPLE: SUMMARY BY CRIME TYPE

CRIME	TEXAS RESEARCH INTERVIEWS			OHIO RESEARCH INTERVIEWS			TOTAL N (%) of crimes
	Victim & offender	Offender Only	Victim only	Victim & offender	Offender only	Victim only	
Murder/manlaughter	12	1	0	4	4	2	23 (50%)
Vehicular homicide	1	0	1	4	0	1	7 (15%)
Felony assault & attempted murder	0	1	0	3	1	1	6 (13%)
Sexual assault	3	1	1	2	1	0	8 (17%)
Theft & burglary	1	0	0	0	1	0	2 (4%)
Total	17	3	2	13	7	4	46

The sample consisted of 20 victims/family members each from Texas and Ohio, 19 offenders from Texas, and 20 offenders from Ohio. The distribution of the crimes for each set of interviewees is given in the table below.

Table 2-ES

PARTICIPANTS INTERVIEWED						
CRIME	OHIO			TEXAS		
	Events	Victims	Offenders	Events	Victims	Offenders
Murd./Mansl.	10 (42%)	6 (30%)	8 (40%)	13 (59%)	12 (60%)	13 (68%)
Veh. Hom.	5 (21%)	7 (35%)	4 (20%)	2 (9%)	2 (10%)	1 (5%)
Assault	5 (21%)	4 (20%)	4 (20%)	1 (5%)	1 (5%)	0 (0%)
Sex. Assault	3 (13%)	3 (15%)	3 (15%)	5 (23%)	4 (20%)	4 (21%)
Theft/burg	1 (4%)	0 (0%)	1 (5%)	1 (5%)	1 (5%)	1 (5%)
TOTAL	24	20	20	22	20	19

The victim sample consisted of both direct crime victims and family members of direct victims, with some difference across the two states. In Texas, only 10% of the victim interviewees were direct victims; the remaining 90% were surviving family members of a victim who had died. In Ohio, 35% of the victim interviewees were the direct victims.

Table 3-ES

Relationship of Interviewee to direct crime victim	Texas	Ohio	Total
Direct Victim	2	7	9
Family member	18	13	31
Parent	12	7	19
Spouse	2	1	3
Sibling	2	3	5
Child	1	2	3
Grandchild	1		1

FINDINGS

Why do victims and offenders in violent and serious crimes choose to meet?

Victim Offender Mediation developed in response to less serious crimes as a means of offering offenders an opportunity to repair some of the harm their actions had caused and offering victims an opportunity to have questions answered and receive appropriate restitution or compensation for their losses. The impetus to begin to apply the victim offender dialogue process in serious and violent crimes came from victims who learned about the existence of the process and felt it would meet their needs. In the violent crimes covered in the present study, there is no possible repayment for losses the victim has incurred; thirty of the victims were dead as a result of the crime, and the rest had suffered physical and emotional harm as a result of assault. An important question guiding the research was, in the absence of the need to develop a concrete restitution plan, what are the reasons victims and offenders seek or choose to meet with one another in dialogue?

Overwhelmingly, victims/family members seek information or answers. Twenty-three of the forty listed this as one reason for seeking to meet. Often family members are meeting with the last person to have seen their relative alive; they may have questions about actual events, about the offender’s explanations, about what their relative said or experienced, about how the victim was selected.

Showing offenders the human impact of their actions was the next most frequent reason, named by seventeen victims/family members. They want to tell their own story, and they want offenders to know who the person was that was harmed. Having some form of human contact with the person responsible for the crime was the third most frequent reason, named by sixteen. And fourteen spoke of seeking to meet to help themselves heal or move towards closure.

The remaining reasons listed by victims were mentioned by ten or fewer, and included to share forgiveness (9), that it seemed right (7), to hold the offender accountable (7), to learn if the offender is remorseful (7), out of general concern for the offender (7), to prevent further crime (6), to work out a future relationship with the offender (5), to decide whether to fight or support release (3), to hear a twelve-step amends (2), to seek specific restitution (1), and to help other victims (1).

Table 4-ES
Victim/Family Member Reasons for Seeking to Meet with Offenders

	Texas	Ohio	Total
Seek information/answers	13	10	23 (58%)
Show impact of the crime	11	6	17 (43%)
Have a human, face to face interaction	8	8	16 (40%)
Advance victim healing	6	8	14 (35%)
Share forgiveness	5	4	9 (23%)
Seemed right, needed to do it	2	5	7 (18%)
Hold offender accountable	6	1	7 (18%)
General concern for the offender	--	7	7 (18%)
Find out if offender has remorse	--	7	7 (18%)
Prevent further crime	3	3	6 (15%)
Work out future relationship	1	4	5 (13%)
Decide to fight or support release	--	3	3 (8%)
To hear a 12-step Amends	1	1	2 (5%)
To seek specific restitution	1	--	1 (3%)
Help other victims	--	1	1 (3%)

Why would offenders agree to meet? There is no direct benefit to offenders for participation; it does not earn them any rewards within the institution and is not taken into consideration for parole decisions. Yet fourteen of the thirty nine offenders in the present study reported that they themselves had taken steps to try to meet with their victims or family members, and all thirty nine ultimately agreed to participate in dialogue.

Nearly all the offenders interviewed (37 out of 39) focused on benefits to victims in describing their reasons for seeking or agreeing to meet. They wished to apologize (15), to help victims heal (15), to simply do whatever would benefit the victim (10), to answer questions (8), to offer victims the chance to release their anger (5), to make amends (5), to ease their fears (5),

to take responsibility for their actions (4), to listen to whatever the victim needed to say (3), and to prepare for meeting the victim in the community after release (1).

Offenders were asked more explicitly if they hoped for benefits to themselves, and 29 of the 39 responded positively. The most frequent benefit to themselves was their own rehabilitation and recovery, named by 13. This was followed by hoping to change the victim or family member’s view or opinion of themselves (8), general spiritual reasons (7), hoping to receive forgiveness (6), wanting to explain what happened or change the family member’s perception about the crime (4), wanting to learn who the victim was (3), and wishing to apologize because it would make them feel better (2).

Table 5-ES
Offender Reasons for Agreeing to Meet with Victims/Family Members

	Texas	Ohio	Total
General/because it’s right	5	--	5 (13%)
Benefits to victim	17	20	37 (95%)
Apologize [to benefit victim]	7	8	15 (38%)
Help them heal	7	8	15 (38%)
General benefit to victim	2	8	10 (26%)
Answer questions	5	3	8 (21%)
Help them release anger	3	2	5 (13%)
Make amends	--	5	5 (13%)
Reassure nothing to fear from Offender	3	2	5 (13%)
Take responsibility	4	--	4 (10%)
Listen to victim	3	--	3 (8%)
Prepare for meeting on outside	--	1	1 (3%)
Benefits to self	16	13	29 (74%)
Rehabilitation, healing	8	5	13 (33%)
Give info re self /change victim view	3	5	8 (21%)
Spiritual reasons	6	1	7 (18%)
Seek forgiveness	4	2	6 (15%)
Explain the truth	3	1	4 (10%)
Learn who victim was, get story	3	--	3 (8%)
Apologize [to feel better]	--	2	2 (5%)

Participant Comments on their reasons for seeking to meet:

I woke up one morning and said, he’s getting out, and I need to go talk with him. [victim]

We had got to the point that we were tired of hearing second, third and fourth hand information. [family member]

I wanted to see what plans he had for getting back into the community. [family member]

I am here to try to make this person human instead of an animal. Because the anger they have left me is killing me, so not only are they doing time, I’m doing the worst time. [family member]

I wanted to do basically anything that I could to help them deal with what had happened. [offender]

I wanted them both to know that I am taking responsibility and I don’t take any of this lightly. [offender]

To allow them to tell me whatever it is they felt they had to tell me, regardless it was good or bad, I just felt that I had to listen. [offender]

There is an important finding hidden in the above data: For any given reason, there were a significant number of participants who reported *not* having that reason. Among the forty victims/family members, a total of seventeen did not seek answers, and over half did not talk about hoping or planning to share the impact of the crime as a reason to meet. For example, both of the victims who wished to hear an amends were themselves twelve step participants and simply wished to permit a fellow traveler

to make an important step in his own journey. One of these sessions, in Ohio, was the shortest meeting across the entire research sample, lasting less than an hour.

Outside of the general hope that victims would benefit, offenders were even more scattered than victims in their range of motives for meeting, with fewer than half reporting any given reason. Contrary to general practice in VOM with lesser crimes, not all offenders had admitted to everything they had been charged with; some specifically hoped to change the victim’s understanding of what had happened. This wide range of motives for seeking to meet means programs need to be flexible and responsive to individual participant needs.

How Do Participants Evaluate Their Preparation For the Meetings?

As described elsewhere, the length and extent of the preparation process is one of the distinguishing features differentiating the Texas program from that in Ohio. Texas preparation averaged 16 months and ranged from 2 months to 35 months. The Texas program did not report data on the number of face-to-face preparation meetings held with participants but according to both victim/family members and offenders there were numerous such meetings, often held monthly. Ohio preparation averaged 4.5 months and ranged from 1 to 15 months; contact hours were tracked [including both face to face and telephone contact] and averaged 4.8 hours for victims and 3.9 hours for offenders.

Participant satisfaction with the manner in which they were prepared for the dialogues was high in both programs: 35 Ohio participants and 36 Texas participants reported being “very satisfied” and another 4 Ohio and 2 Texas participants reported being “somewhat satisfied” with their preparation process. Only a single participant, a Texas victim, was “somewhat dissatisfied.” This participant, one of the two who wished only to hear an amends, felt that the preparation materials and the length of preparation required were much too involved and elaborate for that simple goal. Additionally, one Ohio participant reported having received no preparation, despite program records, which documented otherwise. Thus across the entire research sample, a total of 77 participants (97%) were satisfied with their preparation.

Table 6-ES

Satisfaction with Preparation for the Meeting				
	OHIO		TEXAS	
	Victims	Offenders	Victims	Offenders
Very Satisfied	19 (95%)	16 (84%)	17 (85%)	19 (100%)
Somewhat Satisfied	1 (5%)	3 (16%)	2 (10%)	0
Somewhat Dissatisfied	0	0	1 (5%)	0
Very Dissatisfied	0	0		0
	20	19*	20	19

*One offender reported not having received preparation so was not asked to evaluate it

Mediator relationship qualities topped the list of helpful preparation elements, named by 31 participants. Offenders in particular commented about being treated with respect and consideration. Bringing information back and forth about participants during the preparation phase [27 participants] and explaining procedures and what to expect [21 participants] were the two next most helpful components common to both programs. The Texas program preparation process involved an extensive packet of reading materials and questionnaires not used by the Ohio program. These materials in general received high marks from Texas participants, 24 of whom named them as helpful, and 12 of whom further specified that the materials helped uncover important feelings. Other components common to both programs and named as helpful by fewer than ten participants included planning goals and what to say, offering choices, envisioning risks, assuring safety, and mediator neutrality. The Texas components of coaching, role-play and watching videos were also named as helpful. Two victim/family members and two offenders, all from the Texas program, added that the preparation alone had been instrumental in their healing process even if they had never gotten to have a meeting.

Consistent with the high satisfaction levels, few participants had changes to recommend. Changing the paperwork topped the list; 7 participants, across both programs, suggested reducing its complexity and making it more flexible and responsive to individual situations. Providing more specifics about what to expect (5 participants), using photographs, with participant permission, to prepare for what one another looked like (3 participants), allowing participants to assess their own readiness (3 participants), and reducing the length of the preparation process (3 participants) were the remaining suggested changes.

Participant comments on their preparation:

One of us would have blown up if there hadn't been preparation. [family member]

She told me it was basically my ball game. It made me feel good. It gave me some sense of, I hate to say, of control, but I had such a sense of losing control over all of this, from the moment I got word that he had been murdered. [family member]

We'll meet in the parking lot, you'll be checked for bombs, firearms, there won't be a screen – they really laid it out exactly so when we got there we weren't frightened. [family member]

She pointed out stuff I've never really thought of, like, my people, I destroyed their lives, too, like my Mom. Cause I don't think she ever knew she would raise a murderer. [offender]

Relaying anything I wanted to share with them, things to let them know I care, or let me know this is what they were thinking. [offender]

Saying so far we never had no one attack their offender, even if she does go off, it won't be nothing violent, she's got to go through a preparation just like you do. [offender]

What is the meeting like?

Across the board, victims/family members and offenders described the process of the meeting as a conversation. The interaction was respectful, for the most part voices were not raised, participants did not interrupt one another, and much of the time the conversation simply flowed back and forth among participants unaided by any mediator action. Offenders in particular were surprised by the lack of shouting or rageful behavior on the part of victims and family members.

Table 7-ES
Mediation/Dialogue Characteristics

	TEXAS		OHIO	
	Range	Average	Range	Average
Length of time, crime to dialogue	2.3 years to 27 years	9.5 years	2 years to 19 years	9.6 years
Length of dialogue meeting	3 hours to 8.5 hours	5.5 hours	1 hour to 8 hours	2.5 hours
Persons present for meeting [excluding camera personnel]	3 to 5 persons	3.4 persons	3 to 8 persons	5.6 persons

Participant comments on the mediation process:

We each talked about the same amount. I had some things I wanted to say up front and then he joined in very quickly with talking to me. [family member]

I think he came into the room expecting to be verbally beat up. And I think he was very surprised that that's not what happened. [family member]

I don't know what it was, but we were really able to communicate, me and her. [offender]

She was real respectful to me in the sense that she let me speak my mind, too. I didn't know if I would get to say anything, but I did. [offender]

We were able to laugh and share little jokes, like, I told her she had a captive audience. [offender]

What Does the Mediator Do?

When they were asked to describe the role of the mediator, many participants seemed surprised and appeared not to have thought about mediator activity. It was as if the mediator faded into the background and was, for the most part, unnoticed. All

sixty-four participants who commented on the mediator role described it as relatively silent. Mediators were quiet and stayed out of the way. Offenders and victims/family members alike deeply appreciated this unobtrusiveness. The mediator’s background role meant participants could own the process and could be sure that no one else had pushed for certain things to be said or accomplished. Participants were clear that this did not mean the mediators’ presence was unnecessary. They felt reassured that mediators would intervene if things “got out of hand” and would ensure participants’ safety. Offenders and victims/family members commented on feeling the support and encouragement of the mediator. They felt connected to the mediators, and it was important to them that the other participants also felt connected. Mediator “neutrality” was more than a passive not taking sides. Rather, it involved forging a supportive and trustworthy relationship with each side.

There was broad agreement on what kinds of actions mediators did take when they got involved. They helped remind participants of topics they had wanted to bring up, they helped steer the conversation if it lagged or got stuck, they asked questions, they supported the expression of feelings, they monitored participant needs and suggested breaks when appropriate, and they challenged offender avoidance. Participant comments made clear that they did all these things in a manner that left choices up to participants, rather than in the hands of the mediators.

Participant comments on the mediator’s role:

It wasn’t their meeting, it was our meeting. And that’s exactly how they dealt with it. It was great. [family member]

The only time [the mediator] spoke was when she found the offender was rambling in circles and going nowhere. [family member]

He kind of said, ‘Well, don’t you want to ask him about this?’ He helped me get out of some situations where I was nervous. [victim]

He said, it’s okay to feel. I let my guard down more. [offender]

He reminded her about something, I don’t know how he phrased it, but she came out with a question. [offender]

If I didn’t quite explain it and he knows where I’m capable, he would re ask the question. [offender]

What Do Participants Talk About in their Dialogue Meetings?

During the course of the research interviews, 37 victims/family members and 32 offenders described what they themselves shared during the meetings. For victims and family members, the major focus was the impact of the crime: on themselves, on the direct victim (if different), and on other family members and persons connected to the victim. Participants in Texas, 18 of whom were family members, spoke in addition of telling the story of their own experience of the crime; Ohio participants did not distinguish telling the story from sharing the impact. A smaller subset of victim/family member participants reported asking questions and focusing on the offender. In three Ohio cases where the offender had not taken full responsibility, participants reported that they gave detailed information about the crime. Among offenders, sharing information about the crime headed the list, followed by information about their life before the crime. Smaller numbers reported taking ownership, apologizing, sharing other information about themselves, and assuring the safety of the victim/family member.

Table 8-ES
What Victims/Family Members Reported Sharing

	TEXAS	OHIO	TOTAL
Impact on victim	14	10	24
Impact on family member	13	6	19
Experience of the crime	16		16
Information about victim’s life	9	6	15
Asked questions	9	4	13
Expectations for offender’s future behavior	8	4	12
Information about the crime		3	3
Opinion about offender’s punishment		2	2

Table 9-ES
What Offenders Reported Sharing

	TEXAS	OHIO	TOTAL
Information about the crime	11	6	17
Information about their life before the crime	7	5	12
Took ownership/were accountable	6		6
Apologized	1	5	6
Shared feelings	3		3
Assured victim/family member safety	1		1

Participant comments on what they shared in the meeting:

I took a small photo album of our daughter, and I gave it to him, I said I want you to see and touch what you've taken from us.
[family member]

After a few questions I said I had written down how being shot had affected my life, and would he be interested in hearing that, and he said yes, and so I told him all those things. [victim]

I said you have paid your debt according to what the law said you should have done. And I'm okay with that. And I told him I would be very, very disappointed if I ever hear of him hurting another person. [family member]

Basically just getting it out in the open, accepting the fact that I did this, I caused this – it was like walking through a fire.
[offender]

I hope I got through to her that I never went there to hurt anybody. It was one of those things, in ten seconds, it wrecked your whole life, when you're drinking. [offender]

I said I don't have any problem with the protest that you've doing to me all these years, because I've got a step-dad out there, if someone had killed him like I had killed your father, I would be doing the same thing. [offender]

Do Participants Care about Forgiveness?

Issues of forgiveness are often a flashpoint of controversy among victim advocates and victim services staff. Both the Texas and the Ohio programs make quite clear that forgiveness of the offender is not a goal of the program and that such decisions are left up to the victim. Over half of the research sample made some mention of forgiveness issues during their interview. Of the 24 victims/family members who spoke of forgiveness, a total of 15 reported that they had come to forgive their offender, either prior to meeting with them [10 participants] or during the meeting itself [5 participants]. Another 8 reported that they had not forgiven the offender; 5 felt they never would, while 3 had moved towards forgiveness and left open the possibility that they might some day do so.

Among offenders, 10 of the 25 who mentioned forgiveness issues reported that their victim/family member had shared forgiveness with them during the meetings. This experience was quite moving for all of them. An additional 4 reported changes in how the victim/family member felt towards them that led them to feel they had come close to being forgiven. Remaining comments focused on whether or not offenders could forgive themselves, feeling they needed God's forgiveness, and hoping for forgiveness from their victim.

Table 10-ES
 Forgiveness Issues Named by Participants

	TEXAS		OHIO		TOTAL
	VICTIMS	OFFENDERS	VICTIMS	OFFENDERS	
No mention	9	6	7	8	30
Mentioned	11	13	13	12	49
Has forgiven Offender	6		9		15
Prior to meeting	4		6		10
During meeting	2		3		5
Hasn't forgiven	5		3		8
Doesn't expect to	2		3		5
Might	3		0		3
Unclear			1		1
Reported receiving forgiveness		7		3	10
Reported almost receiving forgiveness				4	4
Can forgive self		1		1	2
Can't forgive self		1		1	2
Need God's forgiveness				3	3
Hoped for forgiveness		4		4	8

Participant comments on forgiveness:

[I forgave him] right after I saw him. Cause I got drunk drivers in my family, it could have been my family doing the same thing to his family. Why should I not forgive him? [family member]

He said 'I wish you could forgive me. I shouldn't expect you to.' ... I said, 'You are going to have to pray to God to give you that forgiveness. I know my son has forgiven you because he is in heaven. But I'm human. I'm not that good of a person. To me, forgiveness means it is all right what you did to me.' Maybe when I'm taking my last breath, and they say you can't come up here unless you forgive him, maybe then I will. [family member]

I told her, I'm not asking you for forgiveness. I don't even forgive myself, I don't expect anyone else to. [offender]

I never expected her to forgive me, but when she did, it just made me feel so good. If she wouldn't have forgiven me, I don't know how I woulda changed. [offender]

If you murder somebody's child, and they forgive you, if she can forgive me, I can forgive. I made a commitment. I'm not gonna mess up. [offender]

Was it a life-changing event?

Overall life changes were assessed using both a closed-ended Likert scale question, asked of 73 participants, and open-ended questions probing changes in internal feelings, healing and well being, and spiritual outlook, asked of all 79 participants. A total of 63 interviewees, or 80% of the research participants, reported that their participation in the mediation/dialogue program had a profound effect on their lives. Victims/family members and offenders alike reported feeling more at peace and better able to cope with their lives. For the 30 victims and family members, letting go of hate, obtaining answers, placing the anger where it belongs, having a human encounter, and/or experiencing the offender's ownership and remorse have been important factors. The 33 offenders pointed to being accountable, seeing their victim as a person, understanding the impact of their actions, being able to give something back, feeling the victim/family member's opinion of them had changed for the better, and being more open to feelings.

Table 11-ES
Participants report of major life changes

	TEXAS		OHIO		TOTAL
	VICTIMS	OFFEN- DERS	VICTIMS	OFFEN- DERS	
Number who reported “yes” on Likert Scale Question: “Has your overall outlook on life changed since meeting the offender?”	11/15	13/18	8/20	17/20	49/73
“Definitely more positive and at peace with the circumstances I am faced with”	11	11	6	13	41
“Somewhat more positive and able to cope with my life”		1	2	2	5
“Other positive change in outlook”		1		2	3
Additional participants who listed positive life changes	7	2	4	1	14
Total number of participants reporting major life changes	18	15	12	18	63/79 80%

Table 12-ES
Victim/Family Member Report of Types of Life Changes

Types of Life Changes	TEXAS	OHIO	TOTAL VICTIMS
Contributed to personal growth and healing	14	10	24 (60%)
Changed feelings about offender for the better	13	10	23 (58%)
Change in outlook for the better	11	8	19 (48%)
Changed or strengthened spirituality	9	8	17 (43%)

Table 13-ES
Offender Report of Types of Life Changes

Types of Life Changes	TEXAS	OHIO	TOTAL OFFENDERS
Contributed to rehab/personal growth and healing	15	17	32 (82%)
Outlook on life	13	17	30 (77%)
Changed or strengthened spirituality	12	12	24 (62%)
Think victim feelings about them changed for the better	12	6	18 (46%)

Participant Comments on the Impact of their Participation in the Program:

You can tell the police officers, you can tell your friends, you can tell other people that have lost somebody, you can tell your therapist, your psychiatrist, this is how I feel and this is what he’s done to me, but there’s no describing that feeling when you finally get to look at him eye to eye and say, ‘this is what you’ve done, she was a real person.’ [family member]

It started out a confusion, and it’s cleared up a bunch, but there’s still a lot of confusion in your life. My daughter’s dead. But I know I’m better, I can sleep at night, I know it’s a good feeling not to hate some monster, and I know my daughter didn’t give him any reason to kill her. [family member]

I had a hard time sleeping at night. After the meeting I felt relieved. It’s had a major impact. [victim]

Now I'm more geared towards helping others than I ever was. 'Cause maybe I can touch somebody the way she touched me.
[Offender]

For me it was a life-changing event. I can't see how anybody could go through that program and not be a changed person.
[Offender]

If I didn't do this [meet with the victim], I think there would be a good chance of me coming back. I don't want that to happen.
I've got something planned for my future. [Offender]

Do Participants Want to Have Future Contact?

Persons unfamiliar with the dialogue process in serious and violent crime are often surprised at the degree of interconnectedness some victims and offenders report after meeting together. There is an important precursor to this phenomenon: the crime itself has created the connection. In cases where the victim has died, the offender is often the last one to have seen the family member alive. Further, violent crime is inherently traumatic, and victim and offender are forever linked by the mutual experience of trauma, even if they have never met.

What the dialogue apparently accomplishes for a subset of participants is to personalize and humanize this link. Eight victims and seven offenders across the research sample are already in some type of personal contact with one another. One pair met following the offender's release without the involvement of a mediator. Several are exchanging letters. If the offender is still in prison, letters are usually sent through the mediator. For offenders who have been released, the letter exchange is direct. Two victims made efforts to help their offender obtain parole and have stayed in contact. An additional six victims/family members spoke of possibly being friends or having informal contact later on, including making joint presentations to prevent crime or promote mediation/dialogue. In all these instances, victims who seek or maintain contact do so primarily out of concern for the offender.

Participant Comments on future contact:

I had another meeting with him, ... because now I care about him. I want him to have a good life. [victim]

I might write to him. I still have concern for him as a person. [victim]

I wouldn't mind being [the offender's] friend. I wouldn't want him to come to my house because of my family, because I don't know how my family would react. [family member]

She wrote me back and she feels a lot better, a lot of the things that she could never get from nobody in this world, she got from me, questions and answers, and it helped her a whole lot. I want to see her again just as much as she wants to see me. [offender]

We decided to write each other. We're so close, she feels like a second mother to me. [offender]

Are Participants Satisfied?

All but one of the 78 participants who were asked about their satisfaction with their participation in the program reported that they were satisfied, with 71 selecting the highest rating, "very satisfied." In addition, 73 participants were asked how helpful they found the meeting to be; all 73 found it helpful, and 68 gave it the highest ranking, "very helpful."

Table 14-ES
Satisfaction with Involvement in the Program

	TEXAS		OHIO		TOTAL
	VICTIMS	OFFENDERS	VICTIMS	OFFENDERS	
Very Satisfied	19 (95%)	18 (100%)	20 (100%)	14 (70%)	71
Somewhat Satisfied	1 (5%)	0	0	5 (25%)	6
Somewhat Dissatisfied	0	0	0	1 (5%)	1
Very Dissatisfied	0	0	0	0	0
TOTAL	20	18*	20	20	78

*One offender was not asked this question

Table 15-ES
Helpfulness of the Meeting

	TEXAS		OHIO		TOTAL
	VICTIMS	OFFENDERS	VICTIMS	OFFENDERS	
Very Helpful	15 (100%)	18 (100%)	14 (70%)	18 (90%)	65
Somewhat Helpful	0	0	6 (30%)	2 (10%)	8
Not at all Helpful	0	0	0	0	0
TOTAL	15*	18*	20	20	73

*this question was not asked in the first five Texas Victim interviews and one Texas Offender interview

Participant comments on their satisfaction:

On a scale of one to ten, it's a hundred. [family member]

It was worth every moment of preparation, every second of the process, to just have that information. [victim]

There aren't any words that would adequately express what I feel, I just feel good [family member]

Tremendously satisfied. You don't have enough levels there. [Offender]

I know one thing, it's the program. I don't know how it affects other people, but I know how I feel and it's just been the most realistic thing I've ever been through in my life. [Offender]

I'm telling you, it was a day I'll never forget. It was an incredible meeting. It changed my life. [offender]

Conclusion

It is clear that the principles of restorative justice can be applied in selected cases of severe violence, particularly through the practice of victim offender mediation and dialogue. A far more intense case development process is required and the "dialogue-driven" humanistic model of mediation offers a more victim sensitive process that is also likely to engage the offender in a dialogue about the full impact of the offense. Data from this multi-site exploratory study in Texas and Ohio indicates exceptionally high levels of client satisfaction with the process and outcome of victim offender mediation and dialogue in crimes of severe violence. This bodes well for the future development of this emerging restorative justice intervention.

While this study provides important preliminary data related to the impact of the mediation and dialogue process in crimes of severe violence, particularly homicide, they are suggestive at best. Far more rigorous studies involving larger samples are required before any conclusions can be drawn. A great deal of caution, however, must be exercised in applying restorative justice principles in such cases. There have already been numerous examples of well intentioned criminal justice officials and individual mediators who are too quick to refer or facilitate the use of mediation and dialogue in crimes of severe violence without having first secured advanced training and mentoring. Many unintended negative consequences could result from such initiatives, including a significant re-victimization of the victim.

There remain many unanswered questions, as well. For whom, under what circumstances, and when is the use of victim offender mediation in crimes of severe violence most appropriate? How extensive should the case development process be? Is there significant variance in the degree and length of pre-mediation case preparation based on characteristics of individual cases? What type of crime victim and offender respond best to such an intervention? How can victim offender mediation/dialogue services, in crimes of severe violence, be offered as a voluntary restorative justice intervention on a larger scale and in a cost effective manner? How extensive should advanced training be? To what extent should families and other support persons be routinely involved in the process, at what points, and to what degree? Can state victim compensation laws cover the cost related to victims of severe violence who request this intervention? While nearly all cases to date are victim initiated, is there a place for offender-initiated cases without triggering the unintended consequence of re-victimizing the victim? Far more rigorous longitudinal, qualitative and quantitative studies are clearly needed in this emerging area that holds the potential for exceptionally high positive impact on participating parties while also including significant risks as well.

At its core, the process of victim offender mediation and dialogue in crimes of severe violence is about engaging those most affected by the horror of violent crime in the process of holding the offender truly accountable, helping the victim(s) gain a

greater sense of meaning, if not closure, concerning the severe harm resulting from the crime, and helping all parties to have a greater capacity to move on with their lives in a positive fashion. This emerging restorative justice practice certainly warrants further development and analysis, along with an attitude of cautious and informed support.

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The Mediation/Dialogue Sessions

	Texas VOM/D Program	Ohio VOD Program
Average time to reach dialogue	9.5 years	9.5 years
Range of time to reach dialogue	2 to 27 years	2 to 17 years
Average length of preparation	16 months	4.5 months
Range of length of preparation	2 to 35 months	1 to 15 months
Average amount of preparation contact	Not available	4.4 hours
Range of amount of preparation contact	Not available	30 minutes to 11 hours
Average length of dialogue	5.5 hours	2.5 hours
Range of length of dialogue	3 to 8.5 hours	1 to 8 hours
# of people present at dialogue	3.6	5.5
Range of people present at dialogue	3 to 8 people	3 to 9 people
Single versus co-mediators	2 of 22 sessions co-mediated [9%]	16 of 24 sessions co-mediated [67%]