



Center for Restorative Justice & Peacemaking

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JUVENILE VICTIM OFFENDER MEDIATION IN SIX OREGON COUNTIES

Final Report

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EXECUTIVE SUMMARY

INTRODUCTION

The focus of this study is juvenile victim offender mediation (VOM): describing how juvenile VOM is practiced in six Oregon counties, documenting participant satisfaction with their mediation experiences, identifying the outcomes of VOM, and examining potential obstacles and barriers for VOM program development.

The philosophy of mediation is widely accepted in Oregon as a guiding principle to assist individuals and neighborhoods to work through conflicts and disputes. The Oregon Dispute Resolution Commission (ODRC) has been established “to support the beneficial and effective use of conciliation, negotiation, mediation, and other collaborative problem solving processes” (ODRC, 2000). A total of 26 Community Dispute Resolution Centers (CDRCs) in 20 Oregon counties handle a variety of types of disputes including neighbor to neighbor, landlord/tenant, employment, consumer, business and manufactured dwelling disputes as well as victim-offender mediation and youth and family issues. Of these, 23 CDRCs receive some funding from the ODRC. Fifteen CDRCs, including two operated by county juvenile justice systems, offer some type of victim offender mediation, and juvenile VOM cases made up approximately 25% of the disputes handled in the CDRCs for fiscal year 1999-2000.

Victim offender mediation is generally regarded as a process that gives crime victims “the opportunity to meet the perpetrators of these crimes in a safe and structured setting, with the goal of holding the offenders directly accountable while providing important assistance and compensation to the victim” (Umbreit, 2001). The vast majority of mediations facilitated in the U.S. consist of property crimes and minor assault crimes, although a number of programs are beginning to bring offenders and victims together in cases of severe violence. Over 1,300 victim offender mediation programs are known to exist primarily in North America and Europe, with approximately 300 programs in the United States (Umbreit, 2001). Roughly 45% of the U.S. VOM programs work exclusively with juvenile offenders and their victims, and another 46% work with both juveniles and adults (Umbreit & Greenwood, 1999). Only 9% of U.S. VOM programs work exclusively with adult offenders.

The practice of VOM may vary in terms of emphasis from jurisdiction to jurisdiction. Most such programs, however, share certain principles. First, in nearly all programs, victims volunteer to meet with the offender who committed an offense against them. In about 80% of programs, offender participation is also voluntary. Second, victims and offenders are encouraged by mediators to share their feelings regarding the impact as well as the facts of the crime event. Third, typically there is an opportunity for offenders to help “make things right” for the victim through working out an agreement which may include a formal apology, restitution, community service, etc. The Oregon Dispute Resolution Commission (ODRC) contracted with the National Organization for Victims Assistance in Washington, D.C., to undertake an evaluation of juvenile victim offender mediation programs in six Oregon counties. A research team at the University of Minnesota Center for Restorative Justice and Peacemaking conducted the study.

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

1. Clackamas County: Clackamas County Juvenile Department Victim Offender Mediation Program [VOMP]
2. Deschutes County: Victim Offender Mediation Program [VOMP]
3. Jackson County: Mediation Works, a Community Dispute Resolution Center, Victim Offender Program [VOP]
4. Lane County: Community Mediation Services, Inc., Restorative Justice Program [RJP]
5. Multnomah County: Resolutions Northwest [RNW], Victim Offender Mediation [VOM]
6. Polk County: Victim Offender Reconciliation Program/Community Mediation Services [VORP/CMS] of Polk County

For purposes of simplicity, when referring to aggregate data and characteristics across all programs, we will use the generic term VOM which is currently most prevalent in the literature.

HOW THE STUDY WAS CONDUCTED Research Questions

Research questions which guided this study are:

1. What differences and similarities exist across the six VOM programs?
2. What is the impact of VOM on juvenile offender attitudes and behaviors?
3. What is the impact of VOM on victim satisfaction?
4. Do differences in VOM programs yield different outcomes?
5. What are the primary obstacles and opportunities for VOM development?

A rather extensive body of empirical research exists regarding victim offender mediation. Roughly one-half of the 42 available studies

are focused on programs serving only juveniles, and another 13 studies report on programs serving both juveniles and adults. The Oregon study parallels these earlier efforts in many ways. A critical piece that is frequently missing in this type of research is a detailed description of the actual mediation process and its organizational context which would allow practitioners and other decision-makers to develop a feel for how victim offender mediation actually works. The proverbial “black box,” that is, what participants experience, is often treated less fully than how they felt about that experience. The rich description of program variations across the six counties in the present study helps fill that gap.

Data Collection

Data collection for this study began in late October 2000 and concluded in early May 2001. Four data sets were developed to address the above questions: stakeholder interviews; victim and offender interviews; record data; and VOM observations.

Fifty-five stakeholders in the county-based programs and juvenile justice systems were interviewed. Program directors, judges, police officers, juvenile corrections personnel and volunteers provided information about the programs, their respective justice systems, and their assessments of how well VOM functioned.

One hundred and four victims and 93 offenders who had participated in VOM since July 1999 were interviewed. Of these, 85 victims and 79 offenders responded to telephone interviews of 15 to 20 minutes, and 19 victims and 14 offenders participated in more in-depth personal interviews of about one hour. Interviews addressed questions of how participants are prepared for the VOM session, participant satisfaction with VOM, the perceived fairness of the mediator, the nature of the agreements, and the extent to which participation was perceived to be voluntary.

Program data files were tapped to develop descriptive statistics including types of cases referred, volume of caseload, and completion of restitution agreements. Limited data on offender recidivism was made available for four programs. In addition to the interview and record data described above, four VOM mediations and three offender VOM intake/preparation sessions were observed.

Overview of Report

Two major products were created for this study: a report on obstacles and opportunities for developing victim offender mediation for juveniles, submitted in December 2000; and a final report submitted in June 2001, containing an analysis of the similarities and differences across the six counties, outcome data from participant interviews and program records, implications and recommendations, composite VOM case scenarios, detailed descriptions of each of the six programs, and sample forms.

SIMILARITIES AND DIFFERENCES ACROSS THE SIX COUNTY JUVENILE VOM PROGRAMS

Similarities

The six juvenile VOM programs were found to be similar in their commitment to restorative justice. The programs share a strong commitment to the restorative justice principles which gave rise to the VOM movement over 25 years ago. The values of restorative justice “emphasize healing and reparation rather than retribution and punishment” (Schiff, 1998, p. 10). Repairing the harm caused by crime is far broader and much more complex than simply establishing an agreed upon restitution amount. Restorative justice encompasses additional hopes and goals for the victim who was harmed, for the youth who offended, and for the community of which they both are members.

Goals for victims included being able to tell their offender the impact of the offense, asking questions about the offense, receiving an apology, having input into how the offender might repair the harm caused by the offense, and moving towards closure. For offenders, goals focused on restoring connections between the youth and other persons in general and between the youth and his or her specific community, increasing empathy, personalizing the consequences of actions, teaching skills of conflict resolution, treating the youth with respect, and offering a chance to be part of the solution. Goals for the community included both the direct contribution of volunteer hours and offender community service hours, and the broader goal of promulgating peaceful means of resolving conflicts and disputes in the community. Staff members hope this happens both through the volunteers who are trained and through the victims and offenders who participate in VOM.

All six sites were found to maintain high professional standards in their training of staff and volunteers and their delivery of victim offender mediation services. They also were each highly regarded by their respective juvenile justice systems. The mediation process employed when victims and offenders are brought together is very similar across the six sites and includes a period of time for each

side to share their experience of the offense and ask questions, followed by a discussion of how the harm can be repaired and the option of formalizing agreements through written contracts.

Differences

There was variation across the six sites in program sponsorship, funding stability, restorative justice emphasis, size, record keeping, types of offenders referred, voluntary nature of participation, preparation for mediation, issues open for decision-making in the mediation session, services for youth whose victims decline to participate, and follow up.

Two programs are entirely sponsored by and housed in their respective juvenile justice system; the remaining four are operated by Community Dispute Resolution Centers but are more mixed in their level of connectedness with their respective justice systems, ranging from being housed entirely in the juvenile justice system buildings, through sharing space and staff for some functions, to being entirely separate.

Two of the six VOM programs are funded as line items in their respective county Juvenile Department budgets. Both of these programs enjoy strong support across the rest of their departments, and their coordinators feel their funding base is reasonably secure. The remaining four programs are lodged in CDRCs of varying size and breadth. All four of these also enjoy strong Juvenile Department support, and all four receive contracted Juvenile Department moneys to fund their VOM programs in part or in full. The remainder of their budgets comes through the Oregon Dispute Resolution Commission, United Way funds, and a variety of smaller grants and donations. The funding base of these four programs varies in its stability.

Across the six sites, the VOM programs differ in their relative emphasis on some or all of the goals of restorative justice. However, in each site they are part of a larger package of programs for victims, offenders and the community, within the referring Juvenile Department, within the sponsoring CDRC, and among other community agencies. To the extent that the entire package provides restorative programming, the individual programs are able to focus their energies on more specific components. This context has resulted in some creative and innovative programming, such as an intensive preparation class for offenders, community service programs in which youth develop their own arrangements with work sites, and VOM programs conceptualized primarily as a service to victims.

There is great variation in program size; the smallest averages only about 25 mediations per year, while the largest two facilitate over 100. Annual budgets for the most recent program year available ranged from \$30,000 to \$176,000. Most programs rely heavily on volunteers to conduct mediations; some also utilize volunteers in case development and preparation, but volunteers are seldom involved in follow up.

Record keeping was a great source of variation in the present study; some count a “case” as any victim-offender combination that might result in a contract, while others simply count an offender as a case. Some keep extensive records and others keep the case files at a bare minimum, often out of concern for the confidentiality of juvenile records. The capacity to aggregate such data as types of offense, characteristics of offenders, reasons for failure to mediate, mediation outcome, types of contracts, and contract completion was different in each site and no site succeeded in tracking all these aspects.

The sites emphasize service for different types of offenders, ranging from youths with several prior offenses who are at risk for institutional commitment to first time minor offenders. In one site there are more felonies than misdemeanors; in the rest, the majority are misdemeanors, although all sites work with both felony and misdemeanor cases.

All six sites emphasize that victim participation is voluntary; the voluntary status of offender participation is more varied, ranging from mandatory in one county to entirely voluntary in others; most counties serve occasional cases where a juvenile has been court ordered to participate in mediation.

Procedures for preparing participants for mediation are widely varied across the six sites. Three sites follow the classic VOM practice of in-person preparation for both victims and offenders; two provide in-person preparation for offenders but conduct most victim preparation over the telephone. And one offers minimal preparation, sending letters with appointment dates and information about mediation to both parties and inviting them to call with questions.

Classically, VOM has been understood to offer victims and offenders an opportunity to negotiate the components which will best repair the harm caused by the crime. Usually among these are direct payment to victims, working for the victim, and contributing service hours to the community. In some counties these components form part of what may be negotiated in the meeting; in others,

parts or all of these components have been already established either through a Formal Accountability Agreement or by a judge's orders. The potential for apologies and other more customized behavioral components in an agreement is present in all six sites.

In four counties, VOM is an option for the offender if the victim is willing; if victims are not willing, the case is referred back to the juvenile department for any further follow up. In two counties, however, the VOM program continues to offer services to the juvenile whose victim declines to participate, and may carry out shuttle mediation or various forms of surrogate mediation as a means of holding the youth accountable.

Level of responsibility for following up on restitution and community service varies chiefly according to whether there was a contract negotiated in the mediation itself or whether the amounts were established elsewhere in the juvenile justice system. Sites vary in their reliance on existing community service programs or their development of their own programs; all sites have mechanisms for youths to earn money towards restitution payments through community service work.

OVERVIEW OF VOM PARTICIPANTS

Of the participants interviewed for the study, nearly 80% of the offenders were male, while victims were divided fairly equally between males and females. The average age of the offender group was 15; for victims it was 38, with a range of 13 to 72. Fifty-eight percent of offenders and 69% of victims identified themselves as Caucasian. Among offenders, approximately 5% identified themselves as African American, 5% as Hispanic, 2% as Asian, and 2% as being of mixed ethnicity. Among victims, 3% identified themselves as American Indian, 2% as of mixed ethnicity, and 1% each as African American, Asian, and Hispanic. Nearly one-fourth of offenders and one-fourth of victims made no ethnic identification. Slightly more than 80% of the offenders and victims were reporting on mediations that involved property crimes; the remainder involved crimes against the person.

Fifty percent of the offenders and 90% of the victims who were interviewed indicated that they had volunteered to participate in VOM. For offenders who felt they had chosen to participate in VOM, the most frequently reported reason was "to take direct responsibility for their own actions," reported by 32%. Twenty percent believed that having the opportunity to apologize to the victim about the harm they caused was most important, and an additional 20% cited paying back victims for losses as the most important reason for their choice to participate. The most frequent reason victims chose to participate was "to help the offender," reported by 28% of participating victims. Seventeen percent of the victims participated because they wanted to express their feelings about the crime to the youth, and an additional 10% participated primarily to get paid back for their losses.

In addition to a mediator or co-mediators, offender(s) and victim(s), other persons were present in nearly 90% of the mediation meetings. From two to three other individuals were usually present, most often including a parent or parents of the offender. Seventy-three offenders (91.3% of those for whom a support person was present) indicated that a parent was with them in the mediation.

IMMEDIATE OUTCOMES OF VOM PARTICIPATION

Participants described their experience of their preparation for participating in VOM, the process of the actual mediation session, the immediate results such as apologies, agreements and contracts, and their overall attitude about the meeting.

Thirty percent of the offenders and 16% of the victims indicated that they had received no preparation before entering the mediation meeting. For victims who did report receiving preparation, the majority indicated it was by telephone. In contrast, the majority of offenders who indicated receiving preparation reported they were prepared in person. Regardless of how they were prepared, nearly 90% of the participants believed that they had been adequately prepared. Being told what was likely to happen during the mediation was described as most helpful by both groups.

Nine out of ten participants experienced the mediator as being fair during the preparation and mediation process. An equal number of victims were satisfied with the mediator and over 80% of the offenders were also satisfied with the efforts of the mediator. Nearly nine out of ten victims and offenders indicated that in their mediation meeting the offender apologized to the victim for the harm the offender caused.

Eighty-six percent of victims and offenders said that a negotiated agreement had been reached during their session. Over 60% of the offenders and over 70% of the victims felt that they had had input into the restitution agreement. Nearly nine out of ten respondents in both groups believed the agreement was fair to the offender and to the victim. Victims who were interviewed reported that monetary pay back was involved in approximately 60% of the negotiated agreements; the median dollar payback they reported was \$400. Work or community service was also included in about 60% of these agreements; victims indicated the work involved a median of twenty-

four hours and offenders indicated that the median was more like thirty-four hours. It should be remembered that community service in some jurisdictions is assigned by the court and is not an actual product of the mediation.

Nearly 80% of victims and offenders report feeling positive about the mediation meeting, about 5% were negative about the meeting, and the remainder had mixed feelings about it.

Short term outcomes described by participants included their satisfaction with the outcome of the mediation meeting, their satisfaction with the justice system handling of their case, and their assessment of the helpfulness of meeting with the other party.

Nearly nine out of ten victims reported feeling satisfied with the outcome of the meeting. Three-quarters of the offenders indicated being satisfied with the outcome. Eighty percent of victims and offenders indicated being satisfied with how the justice system handled their cases. Approximately nine out of ten offenders and victims felt that it had been at least somewhat helpful to meet with the other party involved in their case.

LONG TERM OUTCOMES FOR VICTIMS, OFFENDERS, AND COMMUNITY

Long term outcome refers to consequences of the VOM program beyond the immediate mediation components and resultant agreements.

For victims, an important longer term outcome is that they receive payment for at least some of the losses they have sustained. Data collected from program sites indicated that from 79% to 97% of contracts negotiated in the most recent program year were either completed or in progress. Another important outcome for victims is the extent to which they feel their offenders have been held accountable. Over 70% of victims at the time of interview indicated that they believed the offender had been held adequately accountable for his/her behavior. Nine out of ten victim respondents would choose to participate again and would recommend VOM to other victims.

Ninety-two percent of the offenders felt they had been held adequately accountable for their behavior. Another potential area of impact on offenders is their attitude towards the persons they have victimized. At the time of being interviewed, seven out of ten offenders indicated that they had a positive attitude toward the victim. Six percent held negative attitudes, and 22% said they felt mixed. Nine out of ten offenders would choose to meet the victim again with a mediator. Given that only one-half reported having a choice to participate in the first place, this is an impressive endorsement. Ninety-six percent would recommend VOM to friends who might get into the same kind of trouble.

Possible dimensions of community impact include the contribution of volunteer mediator hours, the presence in the community of persons trained in peaceful conflict resolution, the community service hours contributed by juvenile offenders, and the potential savings to the community through lower cost processing of juvenile offenses and hopefully, through reduction of subsequent offending behavior. In addition, the presence of the VOM service itself as a community resource was strongly endorsed by the victims and offenders who were interviewed, with over 90% of both groups agreeing that VOM should be routinely offered to others involved in similar crimes.

Limited data on offender recidivism is available for four of the six counties. In two counties, this data was collected and analyzed by outside investigators not affiliated with the present study. For two additional counties, the present investigators collected data from program files and Juvenile Department records. There was no control group for any of the four county recidivism studies. Only one of the four (Multnomah County) attempted to develop a comparison group, but there are important differences between the VOM youth and the comparison group utilized. The remaining three studies compared the participating youths' offense rate in the year prior to their VOM referral to their rate in the following year. Absent a control group, it is not known whether any resulting reduction in offense rates is different than it would be for youth who did not participate.

The Multnomah County recidivism study (Stone, 2000) was conducted by Karin J. Stone as the thesis for her Masters Degree in Administration of Justice from Portland State University. The study reported that 79.7% of the offenders who successfully completed the VOM program at Multnomah County Resolutions Northwest did not re-offend within the following year, compared to 58.4% of youths in the comparison data base. However, the differences between the two groups in the distribution of types of initial offenses committed render these findings inconclusive.

The Lane County Restorative Justice Program [RJP] study was conducted by Sarah Nelson (Nelson, 2000). Overall, Nelson found a 64.6% decrease in the number of referrals for a criminal offense received by youth referred to Lane County VOM in the year

following their referral to RJP for all youth referred, regardless of whether or not they participated in the program. The study then examined recidivism differences according to the experience of the youth within the RJP program, resulting in two findings of statistical significance: juveniles who met with their victim had significantly greater reduction in their one-year re-offense rates than juveniles who met without their victim (80.8% fewer, compared to 65.3%), and juveniles who completed their negotiated agreements had significantly greater reduction than juveniles who did not complete their agreements (76.4% fewer, compared to 54.0%). Promising as these findings appear, the potential contribution of self selection cannot be ruled out. It is not known to what extent youth who meet with their victims may differ from youth who do not, and the possibility that victims are more apt to meet with youth whose offenses are less severe has not been controlled for.

In Deschutes County, data were examined for a one-year period for all juveniles under eighteen who successfully participated in mediation, a total of 32 juveniles. The offenses were 35.7% felonies and 64.3% misdemeanors. Property offenses comprised 67.9% and personal offenses 32.1%. Of the 32 youth, 75% (n=24) did not re-offend in the year following their mediation and 25% (n=8) did. The 32 participating youth committed a total of 44 offenses in the year preceding their mediation, or an average of 1.37 offenses each. They committed a total of nine offenses in the year following their mediation, for an overall reduction of 76.6%. For the eight youth who re-offended, the re-offenses averaged 1.1 per youth.

In Jackson County, the sample consisted of all juveniles under 17 who successfully passed the VOP program in fiscal year 1999, a total of 53 youth. A total of 47.2% of these youth were referred into VOP for felony offenses. Of the 53 total youth, 70% (n=35) did not re-offend in the year following their successful completion of VOP, and 30% (n=18) did. The 53 participating youth committed a total of 97 offenses in the year preceding their VOP participation, or an average of 1.8 offenses each. They committed a total of 31 offenses in the year following their participation, for an overall reduction of 68%. For the 18 youth who re-offended, the re-offenses averaged 1.7 per youth.

These explorations of re-offense rates for juvenile VOM participants are preliminary at best. It is crucial to resist the temptation to conclude that the county with the greatest reduction rate has the best program. Each county is handling a different cohort of youth; definitions of recidivism differ across the data sets; and in no instance is it known to what extent a similar group of youth not exposed to the respective VOM programs would re-offend in a one-year period.

It was initially anticipated that the present study would be able to analyze differences in outcomes across varying program components by aggregating data from several sites sharing a given component. However, the consistently positive participant evaluations across all programs and components rendered this line of investigation impractical; there simply are too few negative responses to permit meaningful statistical analysis of such differences.

Data from studies of victim experience in juvenile and mixed juvenile/adult VOM in the United States, Canada and England were drawn upon to provide perspective on the Oregon Juvenile VOM results. In all instances, the Oregon data either meets or exceeds the range of victims' positive responses across the previous studies. Thus, the six county Oregon victim experience with victim offender mediation documented in the present study appears to be comparable to that of other programs which have been studied.

OBSTACLES AND OPPORTUNITIES FOR DEVELOPING VICTIM-OFFENDER MEDIATION FOR JUVENILES

In preparation for the Obstacles and Opportunities Report, which is included in the final report in the appendix, a total of 35 individuals working within the juvenile justice system and/or VOM programs were asked specific questions about the primary opportunities and obstacles facing juvenile victim offender mediation. These stakeholders were asked what obstacles or barriers they see to the development of VOM in areas where no program exists or the continuation of VOM where there are programs. They were also asked about opportunities in Oregon for juvenile VOM, as well as what strategies for program development they thought may prove helpful.

Findings

There was more agreement about obstacles and opportunities among participants within counties than across counties. These differences in opinion reflect the fact that the ways in which VOM programs are structured and carried out vary considerably county by county. Each county has assessed its own need for bringing juvenile offenders and victims together for mediation and its own resources for supporting such an effort. The existing VOM programs represent, in part, the unique characteristics of each county and that county's expectations regarding victims and juvenile offenders. Most of those interviewed believe that VOM programs are having a positive impact in many ways including allowing the victim's issues to be addressed, assisting juvenile offenders in correcting thinking errors and increasing community involvement.

The most notable potential *obstacles* identified through the interviews are (1) funding and (2) system support. Obtaining funds to respond to new and increasing needs and to keep pace with increasing costs requires constant vigilance. Reliable long-range funding sources are critical for the continuation or expansion of VOM programs. Likewise, without strong support and referrals from the juvenile justice system, these programs could not exist.

The primary *opportunity* identified through the interviews was: improving information and education about victim offender mediation, so that decision-makers in the juvenile justice system understand the benefits of these programs. Other potential obstacles and opportunities identified include: auspices; location; types of cases handled; mediation focus; use of volunteer mediators; and community support.

This report also looked at strategies necessary to establish a VOM program. Five steps were identified as guidelines for establishing a VOM program:

1) Identifying and justifying a need; 2) Assessing available resources; 3) Identifying targets for change; 4) Selection of tactics and strategies; 5) Follow-up.

It was quite evident from the experience of these six Oregon counties that victim offender mediation is being used to serve a number of purposes. There were few, if any, absolute limitations on the development of VOM. Program efforts in these counties were the result, in no small part, of creativity, compassion and courage, which bode well for the development of victim offender mediation programs in other jurisdictions.

IMPLICATIONS

Policy

In Oregon, both private non-profit and public justice system sponsored VOM programs demonstrated creativity and flexibility in finding ways that would help them reach their restorative justice goals. From a policy perspective, there is no basis found in the present study to eliminate one approach in favor of the other. The public-private partnerships observed in these six counties offer considerable hope for the further development of VOM. Funding stability difficulties appeared more pronounced in the private sector VOM programs; however, there was agreement among program staff that attempting to supplement VOM resources through the collection of user fees was both impractical and philosophically undesirable.

Programs in this study that focus on relatively more serious cases yielded the same kind of positive responses from victims and offenders as did those who focus on less serious cases. Given what victims, offenders, program staff, and justice system officials said during the course of this study, there is no basis for excluding, at the policy level, a broad category of offenders. Most of the participants interviewed seem to prefer working out who is eligible to participate on a case by case basis. Victim offender mediation is used at different points in the justice process across the six counties. There is no particular reason, based on the present study, to rule out VOM as diversion response at any point in the justice process.

Program Development

The field has continually struggled with what to call the process of bringing victim and offender together to work through the harm caused by the offense in order for both individuals to move on with their lives. It is clear that in the six counties studied, any narrowly conceived definition of VOM would exclude some very creative VOM options. The data in this study support a flexible, open approach to how mediation is conceived. If there was one fear expressed by many in this study, it was that they would have to do VOM the way some other county was doing it rather than fitting VOM to the perceived needs of their own county. Such an open approach places responsibility on the individual programs to identify their priorities. Very strongly held priorities in one county would not have been accepted in another, but the priorities seemed to be products of working together within a county to devise a program to meet that county's particular needs.

Programs must continue to assess the restorative balance across all the components and services experienced by program participants. In some instances, programs themselves may need to expand or change services to improve the restorative balance. In other instances, feedback and negotiation with other service providers will be the most appropriate way to assure such balance.

In the establishment of any new VOM program, it is important to think through ahead of time exactly what kind of information will need to be gathered and analyzed for what purposes. Oregon juvenile VOM as well as other VOM programs would benefit greatly if

resources were made available for developing and implementing a streamlined data collection system specifically designed for VOM and focused on providing case management, program development, and external report data.

Further Research

The range of missions, target populations and services identified across the six sites have major implications for further research, on these sites or elsewhere. The inherent balance of restorative principles engenders outcome goals for victims, for offenders and for communities. Research conducted on restorative justice programs must avoid the pitfall of emphasizing any single one of these three domains as the hallmark evaluation measure.

The current research effort has provided a snapshot of how victim offender mediation is practiced in six Oregon counties. What is needed now is an ongoing, longitudinal accounting of VOM. Data already being collected in many program sites could form the foundation for such study; adding brief forms for recording questions which are already routinely asked in many intake/preparation sessions would provide useful pre- and post- measures.

The need for comparison groups cannot be understated. At this point, we do not know how the experience of victims and offenders opting to participate in VOM differs from those who do not. It would be useful to develop comparison groups in order to address this question. For participant perception data, if there are sufficient numbers of individuals who are referred but do not participate in VOM, then an effort could be made to conduct brief interviews with those individuals to assess their levels of satisfaction with the criminal justice process. For recidivism data, Oregon's commitment to integrated juvenile and adult criminal justice data, sentencing support tools, and a Public Safety Data Warehouse may provide a more robust means by which to assess the extent to which VOM correlates with reduced recidivism, and for which offenders.

In the end, telling the story of victim offender mediation requires much more than numbers. Whether one is addressing a legislative committee, a town council, or a civic group, while individuals may be interested in numbers and overall patterns, they also want to know what a victim meeting with an offender is really about. There will always be elements of that experience which can only be shared through story. We would encourage program staff to have a volunteer periodically and systematically solicit stories of victim offender encounters.

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SECTION I: INTRODUCTION

A. FOCUS OF THE STUDY

The focus of this study is juvenile victim offender mediation (VOM): describing how it is practiced in six Oregon counties, documenting participant satisfaction with their mediation experiences, identifying the occurrence of long term consequences such as restitution and recidivism, and examining potential obstacles and barriers for program development.

The philosophy of mediation is widely accepted in Oregon as a guiding principle to assist individuals and neighborhoods to work through conflicts and disputes. The Oregon Dispute Resolution Commission (ODRC) has been established “to support the beneficial and effective use of conciliation, negotiation, mediation, and other collaborative problem solving processes” (ODRC, 2000). A total of 26 Community Dispute Resolution Centers (CDRCs) in 20 Oregon counties handle a variety of types of disputes including neighbor to neighbor, landlord/tenant, employment, consumer, business and manufactured dwelling disputes as well as victim-offender mediation and youth and family issues. Of these, 23 CDRCs receive some funding from the ODRC. Fifteen CDRCs , including two operated by county juvenile justice systems, offer some type of victim offender mediation, and juvenile VOM cases made up approximately 25% of the disputes handled in the CDRCs for fiscal year 1999-2000.

Victim offender mediation is generally regarded as a process that gives crime victims “the opportunity to meet the perpetrators of these crimes in a safe and structured setting, with the goal of holding the offenders directly accountable while providing important assistance and compensation to the victim” (Umbreit, 2001). The vast majority of mediations facilitated in the U.S. consist of property crimes and minor assault crimes, although a number of programs are beginning to bring offenders and victims together in cases of severe violence.

Over 1300 victim offender mediation programs are known to exist primarily in North America and Europe, with approximately 300 programs in the United States (Umbreit, 2001). Roughly 45% of the U.S. VOM programs work exclusively with juvenile offenders and their victims, and another 46% work with both juveniles and adults (Umbreit & Greenwood, 1999). Only 9% of U.S. VOM programs work exclusively with adult offenders.

The practice of VOM may vary in terms of emphasis from jurisdiction to jurisdiction. Most such programs, however, share certain principles. First, in nearly all programs, victims volunteer to meet with the offender who committed an offense against them. In about 80% of programs, offender participation is also voluntary. Second, victims and offenders are encouraged by mediators to share their feelings regarding the impact as well as the facts of the crime event. It is believed that this kind of exchange helps humanize the process by “putting a face” on the offender and the victim: offenders see the impact of actions on the persons they harmed, and victims can put a face to the person who has caused pain and loss. Third, typically there is an opportunity for offenders to help “make things right” for the victim through working out an agreement which may include a formal apology, restitution, community service, or some other form of reparation. The Oregon Dispute Resolution Commission (ODRC) contracted with the National Organization for Victims Assistance in Washington, D.C., to undertake an evaluation of juvenile victim offender mediation programs in six Oregon counties. A research team at the University of Minnesota Center for Restorative Justice and Peacemaking conducted the study.

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

1. Clackamas County: Clackamas County Juvenile Department Victim Offender Mediation Program [VOMP]
2. Deschutes County: Victim Offender Mediation Program [VOMP]
3. Jackson County: Mediation Works, a Community Dispute Resolution Center, Victim Offender Program [VOP]
4. Lane County: Community Mediation Services, Inc., Restorative Justice Program [RJP]
5. Multnomah County: Resolutions Northwest [RNW], Victim Offender Mediation [VOM]
6. Polk County: Victim Offender Reconciliation Program/Community Mediation Services [VORP/CMS] of Polk County

For purposes of simplicity, when referring to aggregate data and characteristics across all programs, we will use the generic term VOM which is currently most prevalent in the literature.

B. HOW THE STUDY WAS CONDUCTED

Research questions which guided this study are:

1. What differences and similarities exist across the six VOM programs?
2. What is the impact of VOM on juvenile offender attitudes and behaviors?
3. What is the impact of VOM on victim satisfaction?

4. Do differences in VOM programs yield different outcomes?
5. What are the primary obstacles and opportunities for VOM development?

A rather extensive body of empirical research exists regarding victim offender mediation (Umbreit & Coates, 2001). The first U.S. study was conducted in 1984 and focused on programs in Indiana and Ohio (Coates and Gehm, 1985, 1989). Since that time over 40 studies have been carried out in the U.S. and abroad (Umbreit & Coates, 2001). Roughly one-half of these are focused on programs serving only juveniles, and another 13 studies report on programs serving both juveniles and adults.

The Oregon study parallels these earlier efforts in many ways. The findings presented here are quite consistent with those in other states and countries. A critical piece that is frequently missing in this type of research is a detailed description of the actual mediation process and its organizational context which would allow practitioners and other decision-makers to develop a feel for how victim offender mediation actually works. The proverbial “black box,” that is, what participants experience, is often treated less fully than how they felt about that experience. The rich description of program variations across the six counties in the present study helps fill that gap.

Data collection for this study began in late October 2000 and concluded in early May 2001. Four data sets were developed to address the above questions: stakeholder interviews; victim and offender interviews; record data; and VOM observations.

Fifty-five stakeholders in the county-based programs and juvenile justice systems were interviewed. Program directors, judges, police officers, juvenile corrections personnel and volunteers provided information about the programs, their respective justice systems, and their assessments of how well VOM functioned.

One hundred and four victims who had participated in VOM since July 1999 and 93 offenders who had gone through VOM were interviewed. Of these, 85 victims and 79 offenders responded to telephone interviews of 15 to 20 minutes, and 19 victims and 14 offenders participated in more in-depth personal interviews of about one hour. These interviews addressed questions of how participants are prepared for the VOM session, participant satisfaction with VOM, perceived fairness of mediator, nature of agreements, and extent to which participation was perceived to be voluntary.

Program data files were tapped to develop descriptive statistics including types of cases referred, volume of caseload, and completion of restitution agreements. In addition, limited data on offender recidivism was made available for four programs. In two of these counties, the present study drew upon existing studies, and in two others original data was collected from program and county Juvenile Department files. Data maintained in program records across the six program sites varied both in scope and depth. Some keep fairly detailed records and others purposefully maintain a minimal amount of information, chiefly due to concerns about confidentiality of juvenile records.

In addition to the interview and record data described above, four VOM mediations and three offender VOM intake/preparation sessions were observed. These observations, coupled with interview data, were drawn upon to create composite VOM examples, which can be found in Appendix B. One composite case reflects a property crime and the other a personal crime. Together, they demonstrate many of the dynamics common in VOM.

While this monograph draws upon a rich and varied data base enabling us to describe juvenile VOM as it is practiced in six Oregon counties, to document offender and victim experiences with VOM, and to consider ongoing issues of policy and program development from a variety of key participant perspectives, the data is entirely dependent upon the cooperation of program personnel in each of the VOMs. This is the strength of the study, and it is also its limitation. Without the kind of dedicated assistance that we received from persons involved in the day-to-day operation of VOM, this study could not have been completed. However, none of the data sets used in this study come from a sampling frame. In some instances, the pool of possible respondents was exhausted, making sampling a moot point. We must regard these availability sample results with appropriate caution. The data reflect the answers of those individuals who could be reached and who were willing to be interviewed — to what extent they represent the total VOM experience in any one county remains unknown.

The presentation of data in this report is straightforward, hopefully reader-friendly. The lack of sampling and the relatively small numbers when data is broken out county by county and item by item make it unwise to overanalyze these data. Therefore, most of the results reported below consist of aggregated data representing the combined six sites.

Even with this cautionary note, we believe the data are very suggestive of a significant juvenile justice intervention. Consistent with prior studies (Umbreit & Coates, 2001; Umbreit, Coates, & Vos, 2001), victims and offenders assessed their VOM experiences in a most favorable light. Key participants, while pointing out limits and parameters, were quite supportive of VOM being an option within

the juvenile justice response to juvenile offenders and their victims.

C. FORMAT OF REPORT

Following a description of the similarities and differences across the six programs, the main body of this report will focus on the immediate, short term and long term consequences of juvenile victim offender mediation. A report delineating the obstacles and opportunities that key participants identified as important when considering developing juvenile VOM programs is available in Appendix A. Appendix B provides two composite case examples of VOM. A detailed description of each of the six programs is contained in Appendix C.

The main body of the report is divided into the following sections:

- I. Introduction
- II. General Program Descriptions: Similarities and Differences
- III. Who Participates in VOM and Why
- IV. Immediate Outcomes of VOM participation
- V. Short Term Outcomes
- VI. Long Term Outcomes
- VII. Outcomes Across Differing Program Components
- VIII. A Brief National Perspective
- IX. Implications

SECTION II: GENERAL PROGRAM DESCRIPTIONS

A. SIMILARITIES ACROSS PROGRAMS

The six juvenile VOM programs described in the present report share a number of important features in common:

1. Commitment to restorative justice principles
2. High professional standards
3. Strong positive relationships with the juvenile justice system
4. Similar mediation processes

1. Commitment to Restorative Justice Principles

The purpose and mission of each of the six programs is deeply embedded in the restorative justice principles which gave rise to the VOM movement over 25 years ago. The values of restorative justice “emphasize healing and reparation rather than retribution and punishment” (Schiff, 1998, p. 10). Repairing the harm caused by crime is far broader and much more complex than simply establishing an agreed upon restitution amount. Restorative justice encompasses additional hopes and goals for the victim who was harmed, for the youth who offended, and for the community of which they both are members. An overarching restorative principle is that there be an appropriate balance across these three domains; in the words of a VOM staff member, “My goal is to balance the needs of everyone involved. Any time balance gets off, alarm bells ring.”

a. Goals for Victims

All six programs have a range of restorative goals for victims, although the emphasis varies some, to be discussed further in Section II. Among these are being able to tell their offender the impact of the offense, asking questions about the offense, receiving an apology, having input into how the offender might repair the harm caused by the offense, and moving towards closure.

In all six counties feeling was strong among staff, volunteers and victims that monetary restitution, though important, is often not the primary purpose or benefit for victims. Sometimes victims hope to restore relationship with a youth who is already known to them in some way. Often telling their own stories and hearing the accounts of offenders is the most crucial component for victims. Sometimes victims hope to put a youth they’ve never met back on the right path, to make a difference in both the youth’s future and the future of the community.

Victim: “I wanted them to hear my side face to face in a non-threatening environment, and to hear their side, where they felt safe in letting me know.”

Victim: “I wanted to let them know who I am and for me know who they are, and I had some questions.”

Victim: “Reimbursement was not my priority. You think maybe you can make a difference. I was a teacher’s aide in school; I could understand these kids. I’ve had teenage kids myself.”

b. Goals for Offenders

For offenders, program goals often are focused on restoring connections between the youth and other persons in general through increasing empathy and personalizing the consequences of actions, teaching skills of conflict resolution, treating the youth with respect, and offering a chance to be part of the solution and not just part of the problem. Closely related is the goal of restoring the youth’s sense of connectedness with his or her specific community. When community service is negotiated as part of making things right, most are concerned that it not be just “make work”, but that as much as possible it becomes something in which youths can take pride, from which they can learn valuable skills, and through which they can come to feel connected to the larger community where they live.

Justice System Staff: “These are our children. We are still raising them. We as a community need to take responsibility.”

Justice System Staff: “We all have to do this at points in our life. If we don’t learn to face it rather than run from it, we’ll have a society of people who never grow up.”

VOM Program Staff: “Parents of offenders often feel bad about what they’ve raised. No matter where they come in, they get an opportunity to see their kid take one of the worst moments and make it one of the best.”

Victim: “We came into the situation saying “if there’s some way to meet with these kids, let’s find it. We’re a school. What we really need to do is have them understand the course of their actions and become contributing members of society.”

Victim: “I have an eleven year old, and if she ever got in trouble, I hope there’d be this much effort to fix it.”

Victim: “We were going to press charges but the general manager didn’t want to prosecute — he chose mediation because he wanted them to learn.”

Offender: “I felt good that I helped come up with the way we could fix things for them.”

c. Goals for the Community

The third leg of the restorative target population is the community. Victims and offenders are themselves a part of the community and many of the goals just presented contain a community component. All six programs clearly also hope that they have a positive impact on the community beyond the direct impact on the victim and offender. Such impact happens explicitly through such avenues as the volunteer hours contributed in each of the program sites and the community service hours worked by the offenders. Contribution to the community also happens more indirectly through the promulgation of peaceful means of resolving conflicts and disputes, both through the victims and offenders who participate in VOM, and through the volunteers who are trained.

Justice System Staff: “These are disenfranchised youth. They don’t have a sense of belonging and they don’t feel connected to the harm they cause; they don’t have a community — this [VOM] creates community.”

Volunteer: “The goal is everybody’s healing and finding the common community. Because of the crime, there’s a barrier to community — I’d like to see it removed. Community connectedness heals.”

Victim: “I also believe in community service, giving back to the community they were helping to destroy.”

Victim (representing municipal employer): “I tell them our company goals, our actual costs. That can change youth attitude: they take ownership, this is your community, part of where you live.”

Ultimately it would prove difficult to come up with an exhaustive list of restorative justice goals and objectives. Perhaps the comments of a VOM program coordinator best summarize the commitment shared across the six sites: “Restorative means will generate restorative ends. The processes and how they are shaped will be restorative. The challenge for the system is becoming too “outcome” focused. The greatest dilemma is that the more restorative a process becomes, the more time consuming it is.”

2. High Professional Standards

The six programs enjoy the benefits of a strong and positive mediation climate at the state level. Staff and volunteers in CDRCs all receive basic mediation training. Those working in juvenile VOM are additionally trained in the specifics of victim offender mediation, which differs from community dispute resolution in both its goals and process. Training is readily available across the state at both levels; some of the six sites operate their own while others chiefly recruit volunteers who are trained by outside sites. All

utilize an intensive period of volunteer internship after the training, in which volunteers first observe mediations and then participate in extensive co-mediation before being asked to mediate alone. In all six counties, persons interviewed from the respective referring justice systems commented on the high quality and professionalism of the staff and volunteers to whom they refer juveniles.

3. Strong Positive Relationships with The Juvenile Justice System

In all six counties, the victim offender mediation program enjoys strong support and high regard from across the juvenile justice system. There is support at the conceptual level for the goals and processes of the VOM programs, and there is trust in the particular personnel who carry them out. This level of support is evident both among system staff responsible for other services to the same youth, such as juvenile counselors and community service program directors, and among those responsible for referring youth into the VOM programs. Such support clearly derives from considerable effort on the part of VOM staff and volunteers, both to deliver quality services, and to maintain close contact with justice system personnel. Time spent developing these relationships was not documented in the present study. However, comments from those interviewed suggest that the larger the county, the more time and effort must be devoted to this latter undertaking. Moreover, nurturing and sustaining these relationships may be more time consuming for programs not housed in justice system locations than for those who share space, regardless of sponsorship. These issues were discussed in more detail in the first report from the present study, contained in Appendix A.

4. Similar Mediation Processes

All six sites try to convene the victim, the offender, the offender's parents in most instances, and occasional support persons in a comfortable setting where eye contact is possible around the room, whether or not there is a table. Most sessions last at least an hour and range from one to three hours in length. There may be one or two mediators. Support persons and parents may be seated behind the participants and asked simply to observe until their comments are invited towards the end of the meeting. Mediators all begin with introductions explaining who they are, why they have gathered, what the ground rules are, and what will take place. Ground rules typically have to do with treating one another with mutual respect and not interrupting.

Conditions and limits of confidentiality are explained, and the agreement to mediate, including the confidentiality agreement, is signed. In all instances confidentiality extends to the content of the mediation meeting with the exception of threat of harm to self or others, or any report of abuse. Notes taken during the meeting by participants or observers are collected and destroyed.

All six sites then offer an opportunity for participants to share their experience of the offense. Most elect to have the offender start this process, though the reasons vary. For some, it is simply chronological. A typical statement from the mediator to the offender might be, "This incident started with you, so I'd like you to say as much as possible about what happened." Others make this choice because they feel it increases the chances of a productive mediation. "For victims who might berate, that would shut down a mediation, and it would be hard to recover" (VOM staff member). "I always want to have the youth go first. Otherwise they get on the defensive. It opens up doors, and I can ask, where in the process could you have met your needs with a different choice?" (Victim representing municipal employer). There is also a feeling that victims are better served by receiving the fresh, unreactive account of the offender. Some sites leave the mediator discretion to vary the order of participants based on what may work best in a given situation.

Mediators typically take a background role in the narrative phase, though sometimes they may help draw the story out through questions. Usually once each side has completed an initial account, the participants may simply develop a dialogue, asking and answering questions. This Once the narrative and question and answer components seem to have run their course, mediators typically suggest that the conversation turn to what can be done to repair the harm, though there is some variation depending on whether restitution and community service is already established or is still to be negotiated. All programs, however, offer the option of apologies, and most also offer other potential agreement components such as behavioral contracts or work to be performed directly for the victim. For those cases where a formal contract is negotiated in the session, the mediator writes down the terms of the agreement on program forms and all parties to the contract sign it.

B. VARIATIONS ACROSS THE SIX SITES

Clearly the six sites offer restorative justice programs which fall under the broad rubric of Victim Offender Mediation. In spite of the similarities just presented, there is wide variation among the sites along the following parameters:

1. Program Sponsorship
2. Funding Stability
3. Restorative Justice Emphasis

4. Size
5. Record Keeping
6. Types Of Offenders Referred
7. Voluntary Nature Of Participation
8. Preparation For Mediation
9. Issues Open For Decision Making
10. Services For Youth Whose Victims Decline To Participate
11. Follow Up

In the discussion which follows, several charts will be presented offering opportunities for cross site comparison. **All such charts need to be interpreted with great care: the six sites are referred different types of offenders at different points in the process, log referrals differently, count cases differently, use different case development and preparation procedures, have differing objectives, and offer different types and amounts of services in addition to the mediation session.**

1. Program Sponsorship

Of the six VOM programs studied, the two in Clackamas and Deschutes are completely under the auspices of their respective county Juvenile Departments and the remaining four function within private non-profit Community Dispute Resolution Centers [CDRCs]. The distinctions across the six are more blurred than this dichotomy would suggest. For example, the CDRC in Multnomah County is housed entirely within its county juvenile justice complex. While it maintains its own case files and functions autonomously, it benefits greatly from the easy access, collegiality and information sharing facilitated by this arrangement. The Jackson County CDRC, although housed separately, conducts all of its preparation for offenders in groups held at the county juvenile facility. In addition to the CDRC staff and volunteers who facilitate the class, a probation officer is always present for this four-session two week empathy and thinking errors course. The remaining two CDRC VOM programs are more classically separate from their county Juvenile Departments.

2. Funding Stability

Two of the six VOM programs are funded as line items in their respective county Juvenile Department budgets. Both of these programs enjoy strong support across the rest of their departments, and their coordinators feel their funding base is reasonably secure. The remaining four programs are lodged in CDRCs of varying size and breadth. All four of these also enjoy strong Juvenile Department support, and all four receive contracted Juvenile Department moneys to fund their VOM programs in part or in full. The remainder of their budgets comes through the Oregon Dispute Resolution Commission, United Way funds, and a variety of smaller grants and donations.

The funding base of these four programs varies in its stability. In one county, the Juvenile Department has used the Governor's Crime Prevention Funds to contract for the entire VOM program. A recent shift in emphasis to allocate these funds only for programming for zero to eight-year-old children has sent both the Juvenile Department and the CDRC scrambling to develop alternative funding sources. In another CDRC program, a drop in revenues has cut overall Juvenile Department funds, leading the department to reduce its projected VOM contract budget for the coming year by nearly 30%. Where CDRC VOM programs are less dependent on a single source, considerable time must be invested each year in cultivating and maintaining the wide range of funding sources.

3. Restorative Justice Emphasis

Across the six sites, the VOM programs vary in their relative emphasis on some or all of the goals of restorative justice. But they do not operate in a vacuum. In each site, they are part of a larger package of programs for victims, offenders and the community, within the referring Juvenile Department, within the sponsoring CDRC, and among other community agencies. To the extent that the entire package provides restorative programming, the individual programs are able to focus their energies on more specific components.

These emphases do not always line up with what might be expected. Nationally, many VOM proponents are suspicious of VOM programs operated under correctional auspices or mediated by correctional staff (Umbreit, 2001, p. xlii), anticipating that such programs will inherently be focused more on offender needs than on those of victims. Yet the Deschutes County VOMP program, operated by the Department of Community Justice, has "meeting the needs of victims" as its primary goal, and the most explicitly offender-oriented program of the six, the Jackson County VOP Program, is operated by a private non-profit CDRC. In each of those instances, the narrow focus of the VOM program is backed up by other services which create the restorative balance. In Deschutes County, the Department has invested major resources in developing creative and restorative services and work opportunities for juveniles, freeing the VOMP program to emphasize the needs of victims. In Jackson County, a very active Victims' Assistance

Program Coordinator meets with victims, helps with their loss statements, accompanies them to court if they wish to attend, and relays information about contract completion from victims to probation officers. The VOP program in this context can focus on teaching their Juvenile Department’s relatively more advanced offenders the skills of taking responsibility, accepting consequences for behavior, correcting thinking errors and developing empathy.

4. Size

The six programs vary in size on a number of parameters, summarized in Table I below. Figures are given for the most recent program year for which data was available. To help with placing these numbers in context, national figures for 1996 (the most recent year available) were as follows: VOM programs across the United States had an average annual budget of \$55,077, averaged 2.3 FTE staff positions and 37 volunteers, and were referred an average of 136 juvenile cases annually of which about half came to mediation (Umbreit & Greenwood, 1999).

As will be discussed below, these six programs track referrals differently and are attempting to carry out different goals with different types of cases in different contexts. **Using the proportion of cases mediated to cases referred as an outcome measure would be inappropriate without taking these differences into account.**

5. Record Keeping

Keeping meaningful records of VOM mediation cases and processes is a problem that plagues the VOM field across the nation. A given offense taking place in the community might result in a VOM program having to track offenders, victims, cases, mediation sessions and/or contracts. That single incident might have a different total under each of these five headings, and for some purposes any one of the five may be useful. As an example, all six sites deal with groups of youths who have vandalized several cars in a neighborhood. A single hypothetical incident in which four youths damaged cars of three neighbors could result in 12 cases referred (each victim/offender combination). If one victim declines to participate but the other two consent, eight cases have come to mediation. Most likely a single mediation session will be held. If one youth then doesn’t agree to the terms worked out in the meeting, six cases have settled, probably necessitating six contracts, and two mediated cases remain unresolved, in addition to the four unmediated cases. If offenders are the unit of measurement, 75% have reached resolution. The percentage of victims who have reached resolution is 66.7%. If the unit is cases, only 50% have done so.

Great care has been necessary in the production of this report to clarify, for example, when a program is reporting “cases” and when it is reporting “participants.” For three of the four CDRC programs which utilize the Oregon mediation tracking software, “MadTrack,” most data is reported out by the “case,” which typically is any victim/offender combination that could

TABLE 1: SIZE OF VOM PROGRAMS

	Clackamas	Deschutes	Jackson	Lane	Multnomah	Polk
County Population	327,000	107,000	175,000	315,000	647,000	60,000
# VOM	1 position	1 position	1 position	1 position	4 positions	3 positions
Staff	.8 FTE	.5 FTE	.625 FTE	.75 FTE	2.83 FTE	2.65 FTEa
VOM Budget	\$84,000	\$100,000a	\$42,714	\$30,000	\$176,000	\$71,300a
# VOM Volunteers	15	3	20	18	57a	20
Volunteer Hours	150	9	558	n. a.	798a	900
Volunteer	co-mediate	mediate	assist in	conduct much	conduct all	conduct much
Tasks	most	occasionally	offender preparation & mediation	preparation & mediation	mediation	preparation & mediation
Staff Tasks	Conduct all case	Conduct all case	Conduct offender	Conduct some case	Conduct all case	Conduct some case

	development & preparation, co-mediate all, follow-up all	preparation, mediate most, follow up all	preparation class, mediate most	development, preparation & mediation, and follow up all	development and follow up all	development, preparation & mediation, and follow up all
# Cases Referred	135b	99b	95b	115	432	241
# Cases	57b	24b	69b,c	82c	113	109
Mediated	(42.2%)	(24.2%)	(72.6%)	(71.3%)	(26.2%)	(45.2%)

a. figure is for entire office, not broken out for VOM component

b. number of offenders rather than number of cases

c. Victim not always present

n. a.: not available

The four CDRC VOM programs experience some difficulty fitting their VOM data into the MadTrack software, which was designed primarily to handle community dispute resolution. A case in point is the MadTrack category “parties declined.” In many community situations, it may not matter which of two disputing parties was responsible for keeping a given dispute from coming to the mediation table. In tracking the flow of VOM cases, however, programs need to be able to discern whether it was a victim or an offender who refused to participate. For programs that value voluntary participation of offenders, a low refusal rate can indicate possible problems in this area. Information on victim willingness has been viewed as an important indicator of the community’s interest in and need for VOM.

Characteristics of referred cases or offenders that are tracked vary across the six sites. Among the possible options are the proportions of felonies versus misdemeanors, the proportion of diverted versus adjudicated cases, whether or not offenders were on probation of any kind, the numbers of prior offenses, and the ratio of offenses against persons to offenses against property. No single program keeps all of these categories of data; clearly the relevance of the categories varies across the differing programs and contexts. Some programs have some of the information available in case files but do not enter it in computer files.

Differences in outcome across programs even using the same measures need to be interpreted with care. “Success” rates depend as much on how categories are defined as on actual performance. In Deschutes County, for example, all police reports come across the VOMP Coordinator’s desk, and criteria for referring to VOMP at that stage are quite broad. “If there’s both a victim and an offender, I’ll enter it in the log book and try to develop it” (Deschutes County VOMP Coordinator). This is done to minimize the chances of overlooking an appropriate case, but it can make the “mediation” rate for the program look lower than if cases were screened before being entered.

A similar risk is run when a program tries something new and its numbers change. Because of its success rate with diverted Class C felony property cases in obtaining restitution agreements and collection, the Multnomah County RNW program was asked by its referring Juvenile Department to expand its focus and offer mediation in adjudicated cases. In part because of the newness of these procedures within the Juvenile Department, a higher proportion of these cases at present do not reach the mediation table. This willingness to experiment and reach out to meet a need can negatively impact “success” rates on paper, and yet may very much be a useful first step in further program development.

One final difference of import across the six programs was the response of VOM programs to minor assault cases in which both parties may be at fault; one justice system intake worker commented, “back when I was in school, we just called these ‘fights.’” In some counties, these are referred into the VOM program; this may mean that in spite of the murkiness of the situation one youth has been charged, though sometimes charges have been issued to both. In Deschutes, for example, six of the mediated cases for the calendar year 2000 (26.1%) were of this nature. In several other counties the difficulty is referred into what the CDRCs call their “school mediation” program. This means that in those counties, the overall VOM referral rate is reduced by these cases — or, alternatively, in Deschutes, it may be swelled by them. In both situations, the youths may be receiving appropriate services from the same entities; they are simply being counted differently.

6. Types of Offenders Referred

In Table 2, it will be obvious that not every index is available from every county, as discussed above. Nevertheless it seems important to try to convey the trends in types of offenders served across the six sites. Cases referred into the six programs vary in the severity of

offense, the prevalence of prior offenses, the level of penetration of youths into the justice system, and the extent of supervision exercised by the system. The purest form of diversion among the six is practiced in the Lane County program; nearly all of these youth have no formal or informal justice system supervision. They are simply diverted without any intake from the Department of Youth Services [DYS] to the Lane County RJP and incur no record for the present offense if they complete the RJP program. However, most of these youths have one or two prior offenses; Lane County DYS typically only sends a letter to parents for first time misdemeanor offenses and may refer to other programs for second misdemeanors, usually reserving RJP referrals for the third misdemeanor.

In all five of the remaining programs youths are typically on some type of supervision through the Juvenile Department, though often it is informal. Oregon has developed a diversion option called “Formal Accountability Agreement” [FAA] in which if a youth admits to the offense, a set of conditions is offered and the case will not be referred to court (hence, “diverted”) if the youth complies with the conditions. Referral to VOM is often offered as one of the conditions of an FAA. Youth can elect to agree to the conditions of the FAA, or they can elect to be referred to court.

In Jackson County, youth typically have a number of prior offenses and about half the cases have already been adjudicated. For both the adjudicated and the diverted/FAA cases, restitution amounts and community service hours have almost always already been established before referral into the VOP program. In Multnomah County, the RNW VOM program was initially established as a diversion option for first time Class C felony cases; thus the 41.8% of the cases listed as “diverted” are mostly first time offenders. At the request of the Juvenile Department, RNW recently added VOM services for a different class of cases being referred to court for adjudication. Most of these new cases have been referred for misdemeanors, and they may have prior offenses. They are being referred specifically to work out a restitution amount with the victim, which will be entered as part of the disposition at the adjudication.

TABLE 2: TYPES OF OFFENDERS REFERRED

	Clackamas FY 1999	Deschutes CAL 2000	Jackson FY 1999	Lane FY 1999	Multnomah CAL 2000	Polk FY 1999
Total referrals last year	135a	99a	95a	115	432 337a	241
Felonies	58.5%	22.2%	36.8%	n. a.	n. a.	24.9%
Misdemeanors	41.5%	77.8%	60.0%	n. a.	n. a.	75.1%
Crimes against property	84.4%	58.6%	68.5%	60.0%	90.7%	66.8%
Crimes against person	15.6%	41.4%	31.5%	40.0%	9.3%	28.2%
Diverted/not on supervision	n. a.	n. a.	0	95%	few	n. a.
Diverted/ informal supervision on FAA	most	most	under half	5%	41.8%a	most
Referred to court for adjudication; mediation contract to be entered	n. a.	n. a.	0	0	58.2%a	0
Already adjudicated, referred to VOM to negotiate restitution	3.0%	n. a.	0	0	0	> 5%
Already adjudicated, restitution already set.	0	a few (20.1% of mediations)	over half	0	0	0
First time offenders	n. a.	n. a.	20.0%	rarely	most diverted cases	n. a.

a. Number of offenders rather than number of cases
b. restitution and community service already set
n. a. = not available

7. Voluntary Nature of Participation

A hallmark of the victim offender mediation process since its inception has been its voluntary nature. Especially as regards victims, it is considered crucial that they not be required to expend further energy to repair a harm they did not cause or to meet in person with the individuals who harmed them. All six programs follow these guidelines for victims closely.

The programs vary some in the extent to which they regard it as appropriate to encourage victim participation. For the programs which offer in-person preparation for participants, sometimes the meeting with the offender can be used to gather information which, when offered to victims, may increase their interest in participating or reduce some of their fears. A VOM volunteer offered the following comment: "Victims in our county call this a victims rights program because the case doesn't settle until the victim is happy. If a victim has to go to court instead of through VOM, they will be a witness, they don't meet the offender, they can't say how much money they will receive, they don't get to say what else they might want for themselves or for the offender, they have no control, and it will likely take up more time." In some counties the Victims' Assistance office suggests VOM as one option for victims and conveys information about the experience of other participants. Other VOM programs make clear that persuading the victim is not their job: "I'm not selling it. They're comfortable or they're not, then they have questions. They're spending enough time already; it's not up to me to persuade them" (VOM Program Coordinator).

The voluntary nature of participation for offenders is historically more clouded. Everyone always has a choice. In many instances, however, for offenders the choice is between VOM and being referred to court for their offense. In the Jackson County VOP program, all referred youth are "required" to attend, and if they fail the course the first time they may be referred back to complete it as many as two or three times until they pass it. For about half of these youth, however, the "requirement" is no more stringent than in the other five programs: it is part of the FAA to which they have agreed in order to avoid a court referral. The other half have been ordered to participate as part of their disposition after adjudication; again, they still have a choice, as any offender does with the terms of probation: comply, or be returned to the court for violation of probation. In FY 1999, a total of 15 (15.2%) of the 99 youth referred into the Jackson County VOP program made this choice and were referred back to the courts.

In two counties, referrals into VOM are handled in person by the juvenile counselor (Jackson County) or the VOMP Coordinator (Deschutes County) rather than by letter. The remaining four counties make their initial contact with offenders by letter. Copies of these letters are presented in Appendix E. In the words of one VOM coordinator, "I truly believe that the mediation will be better for all if I can acknowledge publicly at the mediation that everyone is there voluntarily. It particularly gives the offender some pride and instant respect that he/she is willing to do this and be responsible for his/her actions." Outcome data to be presented below in Section III will shed some light on the extent to which participants across all six sites experience their participation as voluntary or required.

8. Preparation for Mediation

Each of the six sites utilizes a slightly different combination of preparation procedures for participants before bringing them together in mediation. Clackamas, Lane and Polk most closely follow the classic VORP model of having the mediator(s) conduct relatively extensive in person interviews first with the offender, and then if the offender is willing to mediate, with the victim. Offender preparation sessions typically include the parents as well as the offender and are most often held at the VOM program offices. Victim preparation in these programs may be either at the office or in the victim's community at a location of their preference. In some instances, victims prefer simply to have their questions answered by phone.

The remaining three counties are more varied in their preparation procedures. In Deschutes County, the mediator conducts intake/preparation sessions in person with the offender but carries out most of the victim preparation by telephone. Jackson County conducts extensive offender preparation through the four session class already described; victim preparation is chiefly by telephone, usually by the person who will convene the meeting. Multnomah County sends letters simultaneously to the victim and the offender offering an appointment time and enclosing a program brochure and fact sheet about mediation; participants are asked to call the VOM case manager with any questions as well as to confirm or change the appointment. A major reason for this arrangement is to maintain the neutrality of the mediator. For the same reason, mediators do not handle case development and receive only minimal background information before mediating the case.

TABLE 3: PREPARATION PRACTICES ACROSS SITES

Preparation	Clackamas	Deschutes	Jackson	Lane	Multnomah	Polk
Offender	in person with mediator, about an hour	in person with mediator, about an hour	in person: eight hour class with mediator, volunteers and a probation officer	in person with mediator or mediators, about an hour	brief phone contact with VOM case manager	in person with mediator, about an hour
Victim	in person with mediator	usually phone; occasionally in person with mediator	Usually phone	in person with mediator or mediators, about an hour	brief phone contact with VOM case manager	in person with mediator, about an hour

Contact with victims and offenders prior to the mediation meeting serves differing purposes across the six programs. Typically, the in-person contacts with offenders in Clackamas, Deschutes, Lane and Polk Counties are used to hear the offender’s account of the incident; to determine the offender’s level of accountability and appropriateness for mediation; to get some sense of what they may be willing or interested in doing to repair the harm caused; and finally to obtain their decision about whether or not to participate. Staff and volunteers from these programs emphasize the importance of this pre-mediation contact with the offender for building a relationship of trust which can be drawn upon during the mediation process. “Trust is part of what makes mediation work. To know where people are coming from, to know what the emotion is so we can plan what to do with it. If they vent with me, then it’s often smooth in the session” (Volunteer). Staff and volunteers in these programs also had a different perspective on mediator neutrality: “If I can meet with them beforehand, I have the opportunity to recognize if I have a problem. I can see if it would be harder for me to control my dislike for this kid, I can figure out how to be helpful and useful rather than judgmental. Sometimes that’s when I use a co-mediator” (Volunteer).

In Clackamas, Lane and Polk Counties, in-person contact with victims similarly elicits the victim’s story, including any loss or damage sustained; ascertains what the victims might hope for in a mediation session; and assesses any safety concerns the victim may have about the potential meeting. Sometimes several follow-up contacts (usually by phone) will be needed to arrange for the conditions that will enable a victim to feel safe. One volunteer, for example, reported arranging for the offender to receive no identifying information about an assault victim. With those conditions satisfied, the victim very much wished to meet with the offender, ask questions and work out an agreement.

9. Issues Open for Decision Making

As outlined above in Section II A, the broad mediation process is similar across the six sites: participants tell their stories, ask and answer questions, and process how the harm can be repaired. There is variation across the six sites in the components of such reparation which can be negotiated in the mediation meeting.

In four of the six counties (Clackamas, Lane, Multnomah and Polk), monetary restitution has typically not been established before the victim and offender meet in mediation and thus it can form part of the focus of the meeting. Community service hours are usually not pre-established in Clackamas, Lane and Multnomah Counties, but in Polk County such hours have usually been set before the youth is referred to VORP. In about half the property cases in Deschutes County, both restitution amounts and community service hours have usually been established either by a judge or through an FAA. In Jackson County, nearly all necessary monetary restitution and community service has already been established through FAA’s or a judge’s orders.

When restitution and/or community service hours have already been established, the focus of the meeting is to process any other concerns of the victim. This may include additional contract components not already mandated. In Jackson County, the focus of the meeting is nearly entirely on having the offender take responsibility, tell his or her story, hear the victim’s account, and share the apology which has been developed through participation in the class. Only rarely are contract components negotiated in the meeting, which is called a “clarification session.”

Monetary restitution often turns out not to be the victim's major concern. Contracts often contain behavioral components, sometimes including no further harm or disrespect for the victims, but more often focusing on enhancing the youth's future through school performance or broader behavior requirements.

10. Services for Youth Whose Victims Decline to Participate

In four of the six counties (Clackamas, Deschutes, Multnomah and Polk), offenders who have expressed willingness to participate but whose victims have declined are referred back to the Juvenile Department for further services and handling of their case. For those cases that were referred as diversion cases, juvenile departments typically refer the youth into other diversion programs or services. Any restitution or community service plan will be developed and followed up within the Juvenile Department rather than through the VOM program.

In Jackson and Lane Counties, efforts are made within the respective VOM programs to provide an appropriate alternative mediation experience for these offenders. In Jackson County, the nature of the program for the offenders creates a time delay that may deter victims from participating. When a victim is unwilling, the clarification session may take place with the offender's parent(s) and focus on having the youth take responsibility for the ways in which his or her actions have harmed the parent(s). Surrogate community victims, most often VOM program volunteers, are also sometimes used, and in some instances the clarification session consists simply of a meeting with the VOP Coordinator who facilitated the class. Always the youth is asked to be accountable for his or her offense and to share the apology letter. The letter will be sent to the victim after the meeting if the victim is not present.

Lane County makes more extensive use of surrogate victims, typically community members, who can talk about both how the crime affects the community and how they would have felt if they had been the victim. "Sometimes if we feel we need a victim's voice at the table, we'll have a community mediation; the offender can invite an adult or two, and we'll have another victim present. The victim's voice is so important to the offender's understanding." (Volunteer). Shuttle mediation is another approach sometimes utilized in Lane County. A goal in both of these programs is that the youth can successfully complete the program whether or not the victim chooses to participate.

11. Follow Up

The six sites vary in their responsibility for follow up after the completion of mediation, although all six sites report back to the referring Juvenile Department on the outcome of the youth's participation in their program. Usually such reports are confined to a copy of any contract negotiated, periodic progress reports on compliance with the terms of the contract, and a final report when the terms have been fulfilled or breached.

Level of responsibility for following up on restitution and community service varies chiefly according to whether there was a contract negotiated in the mediation itself or whether the amounts were established in the juvenile justice system. The Jackson County program has almost no responsibility for any follow up with either victims or offenders other than sending the apology letter to the victims. It reports back to the Juvenile Department on the youth's level of participation and whether or not the youth has passed the class. In Deschutes County, where restitution and community service hours have been set in nearly half the cases, the VOMP Coordinator tracks contract compliance for components negotiated in the mediation sessions, and the youth's juvenile counselor handles the remainder. In some instances, the youth may make payments directly to the victim, so the Coordinator may not be actively involved unless the victim reports a problem.

Typically VOM staff keep records of payments and/or community services hours and make phone calls in cases where the youth has fallen behind to see if there is a problem and determine how it can be solved. Most wait until there has been no effort and no contact for at least several months before referring the case back to court. In all of the programs that track contract compliance, there is a delicate balance between facilitating the youth's success and promoting the youth's responsibility for compliance. In part, this rises from the overarching quest for balance between victim and offender needs: victim needs are better met if they receive the agreed upon reparation in a timely manner. Volunteers and justice system staff both commented in interviews that the "worst" cases are those in which agreements are made and then completely breached. One victim advocate stated her most satisfied victims are those who have been through VOM and had successful resolution, and the least satisfied are those who took the time and energy for VOM and still did not receive restitution.

All six county Juvenile Departments offer community service programs in which youths can earn money to be paid to their victims for restitution. These programs are especially helpful for younger youths or other youths who may have difficulty obtaining and holding a job on their own. All of the five sites in which restitution may be negotiated as part of the VOM meeting use these resources in at least some instances. Programs in Clackamas County and Deschutes County rely heavily on these programs, both of which have been

developed along restorative principles and attempt to provide meaningful work from which youth can learn useful skills. In Lane County, the RJP program encourages and assists youth to create their own community service opportunities. The entity for whom they then work tracks the hours, the RJP coordinator submits them, and a check is issued to the victim.

Program staff from each of the counties identified a pool of victims and offenders who had completed mediation processes for possible interviews for the present study. In some counties, all participants for the time period under study were contacted. In some counties, the pool was smaller than expected, and some potential research subjects declined to participate. Typical reasons for declining to participate in this study included: too much time had elapsed since the event; they had put it behind them and did not want to re-visit it; and they simply did not want to take the time to be interviewed. Only rarely did potential subjects indicate they were declining because they were upset with the program or the process. Still, the reader should be aware that the subjects interviewed for this study were initially identified by program staff and then self-selected themselves into the study.

SECTION III: WHO PARTICIPATES AND WHY

A. CHARACTERISTICS OF RESPONDENTS

Distribution of victims and offenders by county are as follows: Clackamas – 17 victims and 18 offenders; Deschutes – five victims and four offenders; Jackson – eight victims and 11 offenders; Lane – 20 victims and 20 offenders; Multnomah – 25 victims and 14 offenders; Polk – 29 victims and 25 offenders. Characteristics of those interviewed are summarized in Table 4 on the following page.

Nearly 80% of the offenders were male, while victims were divided fairly equally between males and females. The average age of the offender group was 15; for victims it was 38 with a range of 13 to 72. Fifty-eight percent of offenders and 69% of victims identified themselves as Caucasian. Among offenders, approximately 5% identified themselves as African American, 5% as Hispanic, 2% as Asian, and 2% as being of mixed ethnicity. Among victims, 3% identified themselves as American Indian, 2% as of mixed ethnicity, and 1% each as African American, Asian, and Hispanic. Nearly one-fourth of offenders and one-fourth of victims made no ethnic identification.

Slightly more than 80% of the offenders and victims were reporting on mediations that involved property crimes; the remainder involved crimes against the person. Nearly half the victims knew the offender before the commission of the crime; of these, half said the offender was a friend, acquaintance or neighbor. Nearly 60% of the victims in this study had been victimized before. In descending order, victims indicated that the most important effect of the crime on them had been a feeling of powerlessness, damage to property, and fear.

TABLE 4: CHARACTERISTICS OF INTERVIEWED VICTIMS AND OFFENDERS

	Offenders % (N)	Victims % (N)
County		
Clackamas	19.6% (18)	16.3% (17)
Deschutes	4.3% (4)	4.8% (5)
Jackson	11.8% (11)	7.7% (8)
Lane	21.8% (20)	19.2% (20)
Multnomah	15.2% (14)	24.0% (25)
Polk	27.2% (25)	27.9% (29)
Total	100.0% (93)	100.0% (104)
Gender		
Female	21.2% (18)	48.0% (48)
Male	78.8% (67)	52.0% (52)
Total	100.0% (85)	100.0% (100)
Average Age	15	38
Type of Offense		
Personal	19.3% (16)	17.6% (18)
Property	80.7% (67)	82.4% (84)
Total	100.0% (83)	100.0% (102)

Ethnicity		
Caucasian	58.1% (54)	69.2% (72)
American Indian	2.2% (2)	2.9% (3)
African American	5.4% (5)	1.0% (1)
Asian	2.2% (2)	1.0% (1)
Hispanic	5.4% (5)	1.0% (1)
Mixed	2.2% (2)	1.9% (2)
Did not identify	24.7% (23)	23.1% (24)
Total	a100.2% (93)	a100.1% (104)
Knew Offender		48.1% (50)
Previous victim of a crime		58.4% (48)

a. percentages do not total 100% due to rounding

B. REASONS FOR PARTICIPATION IN VOM

Ninety percent of the victims and half the offenders who were interviewed indicated that they had volunteered to participate in VOM. The lower percentage for offenders reflects the practice of judges in some jurisdictions to order youth to participate as part of a sentence or in lieu of a formal sentence. A few victims felt that they had little choice but to participate either because of their understanding of instructions from the justice system/VOM program or because, in cases of institutional victims, an employer may have told them to represent the store or institution.

Additional data on victim participation rates is available from program record data. For those programs in the present study which were able to track victim participation rate, the range of victims contacted in unresolved cases who agreed to participate in VOM was from 42.2% to 100%. The most frequent reason victims chose to participate was “to help the offender,” reported by 28% of participating victims. Seventeen percent of the victims participated because they wanted to express their feelings about the crime to the youth, and an additional 10% participated primarily to get paid back for their losses.

TABLE 5: WHY PARTICIPANTS CHOOSE VOM

	Offenders % (N)	Victims % (N)
Participation was Voluntary		
Yes	51.1% (45)	91.2% (93)
No	48.9% (43)	8.8% (9)
Total	100.0% (88)	100.0% (102)
Most Important Reason for Participating		
To pay/to receive payback of losses	19.5% (8)	9.7% (9)
To tell feelings about the crime	7.3% (3)	17.2% (16)
To apologize/receive apology	19.5% (8)	2.2% (2)
To receive answers to questions		4.3% (4)
To help the offender		28.0% (26)
To take direct responsibility	31.7% (13)	
Other	29.0% (9)	38.7% (36)
Total	100.0% (41)	a100.1% (93)

a. percentages do not total 100% due to rounding For offenders who felt they had chosen to participate in VOM, the most frequently reported reason was “to take direct responsibility for (their) own actions,” reported by 32%. Twenty percent believed that having the opportunity to apologize to the victim about the harm they caused was most important, and an additional 20% cited paying back victims for losses as the most important reason for their choice to participate.

Comments made by victims and offenders reflected these same reasons for participating.

- Victim: "It was the right thing to do for kids this age."
- Victim: "I felt to sit across the table would be a good part of the experience for them."
- Victim: "I needed him to look me in the eye and tell me why he stole from his friend."
- Victim: "People see your company as personal, not just a business."
- Victim: "I thought it would be a good experience for me."
- Victim: "Actually I wanted the SOB in jail 'til age 18, huge fine, and parents to pay me."
- Offender: "Didn't want a felony on my record."
- Offender: "Judge ordered it but (VOM staff person) talked to me about it and thought it would be a good idea. So did I."
- Offender: "To get it over with. No one likes being in trouble. And I want to keep my record clean."
- Offender: "I wanted to tell him I was sorry. It was a prank gone wrong."
- Offender: "I think it's a good thing; you shouldn't be able to blow it off."

C. OTHER PERSONS PRESENT

In addition to a mediator or co-mediators, offender(s) and victim(s), other persons were present in nearly 90% of the mediation meetings. From two to three other individuals were usually present, most often including a parent or parents of the offender. Seventy-three offenders (91.3% of those for whom a support person was present) indicated that a parent was with them in the mediation. In some programs, the presence of a parent is required, particularly if a youth under the age of 17 may be asked to sign a contract. Victims who were juveniles also often had a parent present. It was less common for adult victims to have a support person present.

TABLE 6: ADDITIONAL PARTICIPANTS IN VOM

	Offenders % (N)	Victims % (N)
Support Persons Present for Mediation		
Yes	90.9% (80)	85.3% (81)
No	9.1% (8)	14.7% (14)
Total	100.0% (88)	100.0% (95)
Support Persons were Important		
Yes	72.8% (48)	93.9% (31)
No	27.2% (18)	6.1% (2)
Total	100.0% (66)	100.0% (33)
Comfortable with # of Persons Present		
Yes	95.5% (84)	96.0% (95)
No	4.5% (4)	6.1% (2)
Total	100.0% (88)	100.0% (97)

About three-quarters of the offenders and over 90% of the victims who had asked a support person to be present felt that having such persons with them at the meeting turned out to be important. For the offender, the most significant support person was a parent; for the victim, it was a parent or relative. Of the minority of offenders who wished another person had been there with them, nearly 40% indicated a parent. Slightly over half of the 39 victims who wished another person had been present indicated the missing person was an offender. These instances most likely reflect no shows in cases where crimes were committed by multiple youths.

Nine out of ten offender and victim participants were comfortable with the number of persons present for their mediations. Victim comments point to how differently the presence of offender parents can be perceived.

- Victim: "Wish I could have spoken with parents alone."
- Victim: "The neighbor boy came by himself because his mom (had an obligation she couldn't get out of); I thought that was very brave. But I wish his mother had been there."
- Victim: "I don't care for the fact that his parents were there; they made excuses for him."
- Victim who has represented an institution on numerous occasions: "Parents are often there. I prefer when parents don't pay, when it's up to the kid. And some parents are too harsh – I don't think the kid should have double jeopardy."

Offenders had little to say about support persons. A related concern which came up in several responses was the need for the presence of all offenders and victims involved in an incident. As one offender put it, "At every mediation you should have everybody there."

Everybody has to say their part.” Often this concern looms large as agreements are made and responsibility for paying back victims is decided.

Participants described their experience of their preparation for participating in VOM, the process of the actual mediation session, the immediate results such as apologies, agreements and contracts, and their overall attitude about the meeting.

SECTION IV: IMMEDIATE OURCOMES OF VOM PARTICIPATION

A. PREPARATION

Thirty percent of the offenders and 16% of the victims indicated that they had received no preparation before entering the mediation meeting. For victims who did report receiving preparation, the majority indicated it was by telephone. In contrast, the majority of offenders who indicated receiving preparation reported they were prepared in person.

TABLE 7: PREPARATION REPORTED BY PARTICIPANTS

	Offender s % (N)	Victims % (N)
Preparation Type		
No Preparation	29.9% (26)	15.1% (14)
Received Letter	2.3% (2)	2.2% (2)
Telephone Preparation	14.9% (13)	57.0% (53)
In Person Preparation	49.4% (43)	18.3% (17)
Multiple types	3.4% (3)	7.5% (7)
Total	a99.9% (87)	a100.1% (93)
Sufficiently Prepared		
Yes	89.7% (78)	86.0% (80)
No	10.3% (9)	14.0% (13)
Total	100.0% (87)	100.0% (93)

^{a.} percentages do not total 100% due to rounding

Regardless of how they were prepared, nearly 90% of the participants believed that they had been adequately prepared. Being told what was likely to happen during the mediation was described as most helpful by both groups.

A victim explained that a mediator had come to the work site “and told me what to expect, that I’d be the only one there as the victim. I asked for support persons, and that was fine.” Another indicated that preparation was done over the phone “because of the distance; they did a very fine job.” And another stated, “They called us and gave us step by step, told us to be prepared with requests. I think we were well prepared.” Sometimes best intentions, however, don’t yield positive results. A victim complained, “I was clueless about what to expect. My boss didn’t pass on any info. There was no choice in time – I missed a Blazers game.”

The juvenile offenders were more likely to report in-person preparation, sometimes just before the mediation session. One juvenile thought that the meeting with his mom and a mediator was held partly “to be sure I wasn’t going to pop off, and to see how I wanted to handle it.”

About nine out of ten victims and offenders thought that the meeting time and location were convenient. More than half of each group felt that they had had a voice regarding scheduling, while less than half of each group indicated having such a voice regarding the location of the meeting. One victim expressed surprise and pleasure that “they came here to the store and held it in my office; that was very helpful. They fit it into my day, I didn’t have to go anywhere.”

B. MEETING DYNAMICS

The flavor of these encounters is conveyed by the comments of victims and offenders:

Victim: “They (the offenders) hung their heads when I came in and smiled at them; it was very quiet.”

Victim: “The two kids had no clue; they thought they were just goofing around. We got to have a teachable moment.”

Victim: "I told my story – it was good. It gave a face to 'victim.' I don't like labels – that made it a personal process."

Victim: "I was pretty surprised how straight she was, not trying to blame it on anyone."

Offender: "We spoke one at a time, no interruptions. They listened to us; it felt like they believed us."

Offender: "I went first. It was good; I wanted to get it off my chest. It made me feel better. She believed me; we could end the rumors."

Offender: "She wanted to see serious remorse. I'd spent five days in juvy, a month in lockdown. I've paid them back; I'd dealt with it. Three months later I didn't feel all that sorry for them. I hurt them -- I'm sorry for that, but some people blew it all out of proportion. I tried to appeal to their logic; I think they wanted emotions. About half way through I sensed that and made things up."

1. Mediator Actions

Nine out of ten participants experienced the mediator as being fair during the preparation and mediation process. An equal number of victims were satisfied with the mediator and over 80% of the offenders were also satisfied with the efforts of the mediator.

"He was on all of our sides," said a victim. An offender stated, "It was mostly up to me and the victim. They (the mediators) asked some questions to get us started." Victims indicated that the most important tasks of a mediator are being good listeners, allowing plenty of time for victim and offender to talk to each other, and creating a mediation environment which is comfortable and safe.

TABLE 8: PARTICIPANT PERCEPTIONS OF MEDIATOR

	Offenders % (N)	Victims % (N)
Mediator Was Fair		
Yes	97.7% (86)	95.0% (96)
No	2.3% (2)	5.0% (5)
Total	100.0% (88)	100.0% (101)
Satisfied with Mediator		
Satisfied	85.6% (77)	91.1% (93)
Dissatisfied	5.5% (5)	4.9% (5)
Don't Know	8.9% (8)	3.9% (4)
	100.0% (90)	99.9% (102)

^a percentages do not total 100% due to rounding The following participant comments indicate the range of skills required for this kind of mediation.

Victim: "The offender was very ashamed and crying. The mediator helped her speak without leading."

Victim: "The mediator made me comfortable; it was formal but relaxed."

Victim: "Mostly it was up to us; they were just right there. They did help us turn some corners."

Victim: "The mediator sat back and let each one tell the story, and then summed it up and clarified."

Victim: "The mediator was very clearly in control. If people spoke out of turn (some parents did), they were reminded of the process and told they'd have an uninterrupted chance later."

Offender: "The mediator helped me figure out how I could pay restitution." Offender: "The mediator kept the meeting organized and had to keep parents under control."

Offender: "She was amazing. When my dad exploded she said, 'I'm the boss and you don't go beyond my boundaries.' She was not rude, but she was clear."

2. Offender Apology

Nearly nine out of ten victims and offenders indicated that in their mediation meeting the offender apologized to the victim for the harm the offender caused. Victims expressed a range of surprise and dismay at the juveniles' apologies. "Each kid took ownership; they weren't blaming," reported a victim. Another indicated that the offender's "lack of conscience scared the snot out of me. He wasn't admitting to the full amount and wanted me to lower the restitution. But he told me he was sorry." Another had hoped for more: "I wanted him to look me in the eye and give me some sense he wasn't gonna repeat. He didn't look me in the eye." Still another said: "I think she really felt remorse. She could hardly talk through her tears."

TABLE 9: PARTICIPANT REPORT OF APOLOGIES

	Offenders % (N)	Victims % (N)
Offender Apologized		
Yes	94.8% (73)	87.8% (72)
No	5.2% (4)	12.2% (10)
Total	100.0% (77)	100.0% (82)

3. Negotiated Agreements

Information on the numbers and types of agreements negotiated in the six sites is available both from the participant interviews and from program record data. Eighty-six percent of victims and offenders said that a negotiated agreement had been reached during their session. Over 70% of the victims and 60% of the offenders felt that they had had input into the restitution agreement. Nearly nine out of ten respondents in both groups believed the agreement was fair to the offender and to the victim.

TABLE 10: PARTICIPANT REPORT OF NEGOTIATED AGREEMENTS

	Offenders % (N)	Victims % (N)
Negotiated an Agreement		
Yes	77.2% (71)	78.8% (78)
No	22.8% (21)	21.2% (21)
Total	100.0% (92)	100.0% (99)
Had Input Into the Agreement		
Yes	61.2% (41)	73.7% (56)
No	36.8% (26)	26.3% (20)
Total	100.0% (67)	100.0% (76)
Agreement Fair to Offender		
Yes	86.7% (65)	93.0% (80)
No	13.3% (10)	7.0% (6)
Total	100.0% (75)	100.0% (86)
Agreement Fair to Victim		
Yes	85.9% (67)	87.6% (78)
No	3.8% (3)	12.4% (11)
Don't Know	10.3% (8)	0.0% (0)
Total	100.0% (78)	100.0% (89)

Table 11 below provides the record data available from the six sites for mediation outcomes. As discussed in Section II B, the issues that are brought to the mediation table for decision-making vary across the six sites.

TABLE 11: MEDIATION OUTCOMES BY COUNTY

	Clackamas FY 1999	Deschutes CAL 2000	Jackson FY 1999	Lane FY 1999	Multnomah CAL 2000	Polk FY 1999
Cases Mediated	57	24	69a	82a	113	109
Cases Resolved	98.2% (N=56)	95.7% (N=22)	100% (N=69)b	100% (N=82)	90.3% (N=102)	99.1% (N=108)
Contracts	96.5% (N=55)	50% (N=12)	0	100% (N=82)	73.5% (N=83)	n. a.

No Contract Necessary	1.8% (N=1)	41.7% (N=10)	—	0	n. a.	n. a.
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n. a. Not Available ^{a.} not all cases met with victim ^{b.} youths meet for Clarification Session only if they have passed the class and written an appropriate apology letter

Victims who were interviewed reported that monetary pay back was involved in approximately 60% of the negotiated agreements; the median dollar payback they reported was \$400. Work or community service was also included in about 60% of these agreements; victims indicated the work involved a median of 24 hours, and offenders indicated that the median was more like 34 hours. It should be remembered that community service in some jurisdictions is assigned by the court and is not an actual product of the mediation.

Not all program sites kept statistics on the agreement components negotiated in their mediation sessions. Among those that did, Clackamas County reported that in FY 1999, 33% of the contracts involved only restitution, 15% included working directly for the victim, 13% were solely behavioral, 6% were community service alone, and 6% were mixed; contract type was unavailable for the remaining 27%. In Lane County for the same period, 49% of the contracts contained a mix of monetary and behavioral components, 24% were community service alone, 22% were behavioral alone, and only 5% were solely monetary restitution. Of the 12 new contracts negotiated in 2000 in Deschutes County, half were behavioral and half involved monetary restitution.

Reflections by victims and offenders are indicative of tension involved in shaping creative payback agreements.

- Victim: "We asked \$1000 from each of the two kids -- far less than our out of pocket -but we wanted it to be something they could accomplish."
- Victim: "I had thought their parents might pay since they're too young to have jobs. I was surprised by the option for community service."
- Victim: "They offered to do work at my house, but I told them they broke my trust."
- Victim: "I asked them to help with the soccer team I coach."
- Victim: "I went with one of the offenders to present about this at a school."
- Offender: "Seemed fair. Maybe we got off easy. I was glad it was something I could pay."
- Offender: "I think it didn't cost them as much as they asked for. So it was little bit unfair."
- Offender: "I don't think it was fair. Some people got off easy. We split the rest of the cost equally no matter who came and how much they worked (to repair the property damage)."

4. Overall Attitude About Meeting

Nearly 80% of victims and offenders report feeling positive about the mediation meeting; about 5% were negative about the meeting; and the remainder had mixed feelings about it.

TABLE 12 PARTICIPANT ATTITUDE ABOUT THE MEETING

	Offenders % (N)	Victims % (N)
Attitude About the Meeting		
Positive	77.6% (66)	79.0% (79)
Mixed	18.8% (16)	16.0% (16)
Negative	3.5% (3)	5.0% (5)
Total	99.9% (85)	100.0% (100)

^{a.} percentages do not total 100% due to rounding

- Victim: "I'm truly pleased with that program for everyone involved. One kid moved away, but the other one had no trouble the whole next year."
- Victim: "Overall I'm very impressed. Law enforcement has to get involved, but we need this program for kids like this."
- Victim: "VOM has tremendous potential to make a difference."
- Offender parent: "The concept is good. Court isn't always just."
- Offender: "I had a good result. It's easier and cheaper than going through court."
- Offender: "A weight just fell off my shoulders. It's not permanently on my record. I was glad to get it all done."

Short term outcomes described by participants included their satisfaction with the outcome of the mediation meeting, their satisfaction with the justice system handling of their case, and their assessment of the helpfulness of meeting with the other party.

SECTION V: SHORT TERM OUTCOMES

A. SATISFACTION WITH OUTCOME

Satisfaction with outcome has been measured in many ways across a variety of studies. In addition to the simple question asking the degree to which participants are satisfied with the outcome of their mediation, questions also include: their satisfaction with how the justice system handled their case, their perception of how helpful the meeting was, and for offenders, whether or not they feel better having met the victim.

Nearly nine out of ten victims reported feeling satisfied with the outcome of the meeting. Three quarters of the offenders indicated being satisfied with the outcome.

TABLE 13: PARTICIPANT PERCEPTION OF SHORT TERM OUTCOME

	Offenders % (N)	Victims % (N)
Satisfaction with Outcome		
Satisfied	76.1% (67)	89.0% (89)
Dissatisfied	23.9% (21)	11.0% (11)
Total	100.0% (88)	100.0% (100)
Satisfaction with How Justice System Handled Case		
Satisfied	81.8% (63)	81.7% (85)
Dissatisfied	18.2% (14)	18.3% (19)
Total	100.0% (77)	100.0% (104)
Was it Helpful to Meet with Victim/Offender		
Very Helpful	54.1% (46)	68.0% (68)
Somewhat Helpful	32.9% (28)	23.0% (23)
Not Helpful	12.9% (11)	9.0% (9)
Total	a99.9% (85)	100.0% (100)
Do you Feel Better Having Met the Victim		
Yes	93.7% (64)	
No	7.2% (5)	
Total	a99.9%	

^{a.} percentages do not total to 100% due to rounding

Victim: "I feel I might have helped her out. The whole thing helped me, knowing she's helping elderly people."

Victim: "I think it gave them closure. It was more personal and hopefully had a stronger impact for future choices."

Victim: "It was harder to face me than do community service."

Victim: "She (the offender) found different friends, turned her life around, and is normal in the neighborhood and is friends with my daughter again."

Victim: "She (the offender) sees our store as a person, not just a huge store."

Offender: "I got to resolve it without a lawyer, without going to court. It's a federal offense and won't show up on my record."

Offender: "For me, it was empty space."

Offender: "We're friends now. We got the whole thing resolved. They let us talk and didn't stand in our way. I wouldn't have had the guts to go up to him myself and work it out."

Offender: "I think it made the victims feel better."

B. SATISFACTION WITH JUSTICE SYSTEM HANDLING OF CASE

Eighty percent of victims and offenders indicated being satisfied with how the justice system handled their cases. “It’s more cost effective to us,” claimed a store representative, “to seek the money that way than through civil processes.” Others noted that the VOM process allowed them to “get my say in a way I never could in a courtroom.” Some felt the time lapse between the crime event and mediation was too long. One victim thought it would have been better to meet sooner, but then added “that length of time gave us a chance to recover and not be so volatile.”

C. HELPFULNESS OF MEETING WITH VICTIM/OFFENDER

Approximately nine out of ten offenders and victims felt that it had been at least somewhat helpful to meet with the offender or victim involved in their case. As one victim stated, “I got paid back and I got to meet them, and now I’m less frightened.” Sometimes the personal impact of meeting the offender is more mixed: “It took me a while because it was upsetting seeing him – we didn’t agree and he wasn’t owning everything he did, but even so I feel at peace. It helped to say it.”

Long term outcome refers to consequences of the VOM program beyond the immediate mediation components and resultant agreements. As outlined in Section II, VOM staff, Justice System staff and often even victims and offenders have hopes that the impact of the mediation process reaches beyond the immediate experience and carries through over time.

SECTION VI: LONG TERM OUTCOMES FOR VICTIMS, OFFENDERS AND COMMUNITIES

A. FOR VICTIMS

An important longer term outcome for victims is that they receive payment for at least some of the losses they have sustained. Data on contract completion provided by the five sites in which contracts are negotiated is provided in Table 14; not all sites kept aggregate statistics on all components. It should be noted that the Clackamas data includes both contracts completed and contracts still in progress at the end of the program year; when these figures are added, the projected completion rate for the Clackamas program is 91%.

TABLE 14: FOLLOW UP ON NEGOTIATED AGREEMENTS BY COUNTY

	Clackamas FY 1999	Deschutes CAL 2000	Lane FY 1999	Multnomah CAL 2000	Polk FY 1999
Contracts Fulfilled	37 (67.3%)	15 (88.2%)	65 (79.3%)	76a (84.4%)	97%
Contracts in progress	13 (23.6%)	1 (5.9%)			
Contracts Partly met	1 (1.8%)		10 (12.2%)	14a (15.6%)	
Contracts Breached	2 (3.6%)	1 (5.9%)	7 (8.5%)		3%
Other	2 victims changed mind 3.6%	—	—	—	—
Restitution Paid	51 youth \$7892.03	n. a.	n. a.	76 youth \$17,401	\$1266.93
Work for Victim	148 hours	n. a.	n. a.	n. a.	n. a.

n. a. = not available

a. Figure is based on contracts open at any point during the year

Victim: “One youth did community service to pay me, rode his bike to work. I was really impressed with that.”

Victim: “They worked every Sunday for four Sundays each for the window and the windshield. I don't know where they worked. They got it done quickly, buckled down and took care of it right away.”

Victim: “My contractor estimated damage at over \$5000. The kids came up with the idea of repairing as much as they could themselves. Then they split the balance of \$350 each.”

Another important outcome for victims is the extent to which they feel their offenders have been held accountable. Over 70% of victims at the time of interview indicated that, looking back on their entire experience, they believed that the offender had been held adequately accountable for his/her behavior. Nearly 30% did not believe that such was the case.

Victim representing merchant: “I think for 80% of them it makes a difference. They have to sit across the table and look me in the eye, by personally being accountable to me.”

Victim: “I think it made a difference for three of them, at least.”

Victim: “More accountability. It was a stupid thing to do; she really regretted it, and I don't think she'll do it again.”

Victim: “Mainly it was a means of understanding the consequences of their actions, for themselves and how this all fits into society.”

TABLE 15: PARTICIPANT PERCEPTION OF LONG TERM OUTCOME

	Offenders % (N)	Victims % (N)
Was the Offender Held Accountable		
Yes	92.2% (71)	72.6% (61)
No	7.8% (6)	27.4% (23)
Total	100.0% (77)	100.0% (84)
Attitude toward Offender/Victim		
Positive	71.4% (55)	50.0% (42)
Mixed	22.1% (17)	31.0% (26)
Negative	6.5% (5)	19.0% (16)
Total	100.0% (77)	100.0% (84)
Would Meet Again		
Yes	89.9% (80)	91.9% (91)
No	10.1% (9)	8.1% (8)
Total	100.0% (89)	100.0% (99)
Would Recommend to Others		
Yes	96.7% (87)	94.9% (93)
No	3.3% (3)	5.1% (5)
Total	100.0% (90)	100.0% (98)
VOM Should be Routinely Offered to Others in Similar Circumstances		
Yes	94.8% (73)	89.3% (75)
No	2.6% (2)	6.0% (5)
Don't Know	2.6% (2)	4.8% (4)
Total	100.0% (77)	100.0% (84)

Perhaps two of the strongest indicators of overall response to victim offender mediation are participants' willingness to choose to mediate in any similar future situation, and whether they would recommend such a meeting to other victims of crime. Nine out of ten victim respondents would choose to participate again and would recommend VOM to other victims.

Victim: “I'd recommend it to others so the victim can be heard.”

Victim: “So often nobody does, and they're frustrated.”

Victim: “I've been a victim before but never had an opportunity like this – it was a pleasure to get my frustrations out. It made me feel a lot better. It's a wonderful program, even if it helped only one out of 50.”

B. FOR OFFENDERS

In addition to victims, offenders were also asked if they felt they had been held adequately accountable for their behavior. Ninety-two percent of the offenders answered yes to this question. "It taught me responsibility and kept me from having a felony," explained one juvenile offender. "I grew a lot by accepting responsibility for my actions and doing 200 hours of community service." Another offender stated, "I learned how one action can affect so many people, and it wasn't just a little slap on the hand." And at least occasionally, there are additional benefits beyond taking responsibility and being held accountable. One offender reported that she did her community service at an animal shelter and loved it; she now wants to be a veterinarian.

Another potential area of impact on offenders is their attitude towards the persons they have victimized. At the time of being interviewed, seven out of ten offenders indicated that they had a positive attitude toward the victim. Six percent held negative attitudes, and 22% said they felt mixed.

Offender recommendation of the program for themselves or others in a similar situation was quite high. As was the case with victims, nine out of ten offenders (n = 80) would choose to meet the victim again with a mediator; given that only 45 offenders reported having a choice to participate in the first place, this is an impressive endorsement. Ninety-six percent (n = 87) would recommend VOM to friends who might get into the same kind of trouble. The following are comments offenders made regarding their reasons for recommending VOM to friends:

Offender: "It's easier and cheaper than going through court."

Offender: "It's a good way to figure out restitution."

Offender: "It's mainly you and the victim talking to come up with the solution."

C. FOR THE COMMUNITY

As discussed in Section II, there are a number of potential avenues for VOM programs to have an impact on their community. The contribution of volunteer mediator hours, the presence in the community of persons trained in peaceful conflict resolution, the community service hours contributed by juvenile offenders, and the potential savings to the community through lower cost processing of juvenile offenses and hopefully, through reduction of subsequent offending behavior are all possible dimensions of community impact. In addition, the presence of the VOM service itself as a community resource was strongly endorsed by the victims and offenders who were interviewed, with over 90% of both groups agreeing that VOM should be routinely offered to others involved in similar crimes.

Victim: "VOM has tremendous potential to make a difference. This is something Mom can't bail kids out of."

1. Contribution of Volunteer Hours

As reported in Section II, most VOM programs studied in the present investigation rely heavily on volunteers. In four of the six counties, volunteers conduct or assist in the vast majority of mediations. In three counties, they also are heavily involved in case development and preparation of participants. In some counties, they are the primary record keepers, entering data and generating reports.

Volunteer: "I can't tell you how often victims and offenders tell me how grateful they are that someone cares enough to spend their personal time helping them in this way."

2. Promulgation of Conflict Resolution Skills

It is a goal of ODRC, the CDRCs and the VOM programs to promote peaceful resolution of conflict in their communities and to help make the necessary skills readily available to the general public. Most programs offer training both for volunteers and for the general public in a number of formats and venues. In addition to the presence in the community of staff and volunteers with such training, program personnel hope that the experience of victims and offenders themselves in bringing a troubling situation to a satisfactory resolution through their VOM programs will also carry over into other conflictual life situations. As the CDRC Executive Director in one county commented, "Our goal is not just resolving a situation, but showing another way."

Evidence that such carry-over may occur is anecdotal at best. For example, a volunteer in one county spoke of being asked by a fellow employee to mediate a rapidly escalating harassment situation. He was pleased that the resultant process uncovered a simple

communication problem between the parties, and the situation was resolved without either employer reprimand or police involvement. In another county, a teen who participated in VOM as an offender later returned to the CDRC and requested family mediation for problems at home.

3. Community Service Hours Contributed by Offenders

In Deschutes, Jackson and Polk Counties, community service hours are typically set by the respective Juvenile Departments or Courts. These hours are not monitored or tracked by the county VOM programs. The VOM programs in Clackamas, Lane and Multnomah Counties do typically include community service hours as a potential component to be negotiated in mediation and are responsible for monitoring completion. As described in Section II above, in all six counties, there are a number of creative and innovative options for youth to perform community service. Only three of the participating counties reported aggregate totals for numbers of community service hours contributed by youth through their program. These were: Clackamas, 114 hours in FY 1999; Multnomah, 604 hours in FY 1999; and Polk, 62 hours in 1999. It should be noted that the Polk County hours include only those negotiated in mediation, and do not include the much larger number of hours established before the youths were referred into VORP.

4. Changes in Offender Behavior: Recidivism

In addition to their obvious function as a possible index of program impact on the offenders, recidivism rates also serve as an indicator of community impact. Recidivism studies of juvenile VOM programs across the nation are reporting VOM offender recidivism rates ranging from 21% to 105% lower than that of comparison groups (Umbreit, Coates & Vos, 2001, p. 136). In the present study, limited data on the extent to which offenders who participated in VOM continue to offend is available for four of the six program sites. For Multnomah and Lane Counties, recidivism data was collected and analyzed by outside evaluators not affiliated with the present study (Nelson, 2000; Stone, 2000), and the reports were made available to the present investigators. For Jackson and Deschutes Counties, the present study collected offense data from program and Juvenile Department records.

a. Understanding Recidivism Data

Great caution needs to be exercised in the interpretation of reported recidivism rates. Offense rates which are abstracted from police or juvenile department records are always a combined measure of juvenile behavior and community response. Many factors impact whether or not a given youth is apprehended in the community, referred to the juvenile department, or further processed for the alleged offense. Recidivism may be defined at any one of those stages; that is, one might count how often a youth is apprehended by police, how often the youth is referred by police to the juvenile department, and how often the department further processes the youth for the offense rather than dropping or dismissing charges without further investigation or action. There are inherent risks in each of these definitions. The earlier stage approach runs the risk of overestimating actual offense rates, and the later stage approaches similarly run the risk of underestimating actual occurrence of offenses. What is crucial in any comparison is that the definitions be the same for all groups and time periods being compared.

The recidivism data that is available in the present report has additional important limitations. To demonstrate that any program has had a given impact, the most convincing research design would create a control group to which youth are randomly assigned from the same pool as youth who participate in the program. Such control groups are designed to be similar to the participating youth on as many characteristics as possible. None of the recidivism data reported here had the advantage of such a control group.

The next most convincing design is the use of a comparison group. Only one of the data sets reported here (Stone, 2000) reports to have utilized a comparison group. Any time comparison groups are used, it is important to assess the extent to which youth in the comparison group are alike or different from youth who participated in the program. As will be discussed below, there are important differences between the VOM youth and the comparison group reported in the Stone study.

An additional research strategy is to look at the offense or referral rate of program youth before and after the program intervention. This method was employed in three of the four counties for which data is available. For this approach to be maximally informative, it would be important to know the rate at which similar youth typically are re-referred regardless of any intervention. Absent a comparison group, such rates remain unknown.

The final caveat of importance for the interpretation of this recidivism data is that in nearly all instances, VOM is not the only intervention these youth received. Any subsequent change in their re-offense or re-referral rates may be due to a number of other program components as well as to their participation in VOM. One of the four data sets reported here (Nelson, 2000) was able to rectify this problem somewhat through comparing the behaviors of youth with differing levels of participation in the program. However, even this added design component does not rule out the potential contribution of self-selection, to be discussed below.

b. Recidivism data from four counties

The Multnomah County recidivism study (Stone, 2000) was conducted by Karin J. Stone as the thesis for her Masters Degree in Administration of Justice from Portland State University. It is the only one of the four being reported here to have attempted to utilize a comparison group. Using Resolutions Northwest and Multnomah County records, Stone developed a sample of 251 juveniles under the age of 18 who successfully completed VOM at RNW between 1996 and 1997. The Stone study then utilized a secondary data pool developed from the Tri-County Juvenile Information System database through the Casey Foundation Juvenile Detention Alternative Initiative [JDAI]. Cases from this data set were included if they fell within the same time frame as the RNW cases and if they committed original offenses which were on the list of RNW youth initial offenses. A total of 4,442 cases met these criteria and were included. However, there is an important difference in distribution of original offenses between the two data sets. Overall, a much higher portion of the RNW initial offenses were felonies (83.7%) than was the case in the JDAI pool (31.5%).

The Stone study then collected data on the re-offense rate for the two offender groups for a one-year period following either the RNW mediation or the referral into the justice system. In both data sets, status offenses and traffic violations were removed from the one-year offense data.

Beyond that, the report does not clarify what definition of “re-offense” was used. The study reported that a larger portion of RNW youth (79.7%) did not re-offend within one year than JDAI youth (58.4%). However, the differences between the two groups in the distribution of types of initial offenses committed render these findings inconclusive.

The second outside evaluation of recidivism rates for VOM offenders was conducted at the Lane County Restorative Justice Program [RJP] by Sarah Nelson (Nelson, 2000). Rather than utilize a comparison group, this study compared the juveniles' offense rates in the first year following their referral into VOM to their rates in the one year prior to their referral. “Offense” was defined to be “the number of misdemeanors and felonies for which a juvenile has been referred” (Nelson, 2000, p. 6). Excluded from the sample were juveniles over the age of 16 at the time of referral, juveniles with incomplete or missing records, and juveniles from outside the county. The final sample consisted of 150 youth referred to RJP between July 1996 and November 1998 (Nelson, 2000, p. 7). Overall, Nelson found a 64.6% decrease in the number of referrals for a criminal offense received by these youth in the year following their referral to RJP for all youth referred, regardless of whether or not they participated in the program.

TABLE 16: LANE COUNTY RJP JUVENILE RECIDIVISM RATES

RJP Program Experience of Youth	Criminal offense re-referral rate one year following referral into RJP
All juveniles referred into RJP	64.6% fewer than in year prior to referral
Juveniles who refused to participate in RJP	32.2% fewer than in year prior to referral
Juveniles who met without their victim	65.3% fewer than in year prior to referral
Juveniles who met with their victim	**80.8% fewer than in year prior to referral (significant, compared to juveniles who met without their victim)
Juveniles who fully completed their agreements	*76.4% fewer than in year prior to referral (significant, compared to juveniles who did not complete any part of their agreement)
Juveniles who did not complete any part of their agreement	54.0% fewer than in year prior to referral

Lane County RJP (Nelson, 2000)

* p <.05

**p<.01

The study then examined recidivism differences according to the experience of the youth within the RJP program, resulting in two findings of statistical significance: juveniles who met with their victim had significantly greater reduction in their one-year re-offense rates than juveniles who met without their victim (80.8% fewer, compared to 65.3%), and juveniles who completed their negotiated agreements had significantly greater reduction than juveniles who did not complete their agreements (76.4% fewer, compared to 54.0%).

Promising as these findings appear, the potential contribution of self-selection cannot be ruled out. It is not known to what extent youth who meet with their victims may differ from youth who do not, and the possibility that victims are more apt to meet with youth whose offenses are less severe has not been controlled for. Similarly, self-selection may contribute to the difference in re-offense rate between youth who complete their agreements and youth who do not. It is quite possible that youth who are prone to re-offend are the same youth who are prone to breach their contracts.

The present study was neither designed nor funded to conduct a formal evaluation of recidivism in the six program sites. However, once the two existing recidivism studies became available, the investigators explored whether within the constraints of time and budget some additional recidivism data could be collected. To have done so at all four remaining sites would have proven prohibitive. Site selection criteria revolved around ease of data collection and representativeness of program type. Jackson County was selected because of the uniqueness of its offender preparation classes and the availability of participant prior offense records. Of the two programs operated by county justice systems, Deschutes was selected because its relatively smaller size made data collection more manageable. Time and budget constraints further contributed to the decision to follow the general format of the Lane County evaluation (Nelson, 2000) comparing prior and subsequent offenses for the program participants, rather than developing a comparison group.

In Deschutes County, data were examined for a one-year period for all juveniles under 18 who successfully participated in mediation. The year selected was the most recent 12-month period for which a one-year subsequent record would be available; inclusive dates of the mediations were May 1, 1999 through April 30, 2000. A total of 32 juveniles participated in Deschutes County Juvenile VOMP during this time period. Data is available on the type of crime committed for 28 of the 32 youth; four of the records have been expunged. The offenses for which these 28 youth were referred to VOMP included ten felonies (35.7%) and 18 misdemeanors (64.3%). There were nine offenses against persons (32.1% - all misdemeanors) and 19 against property (67.9%).

Of the 32 youth, 75% (n=24) did not re-offend in the year following their mediation and 25% (n=8) did. The 32 participating youth committed a total of 44 offenses in the year preceding their mediation, or an average of 1.37 offenses each. They committed a total of nine offenses in the year following their mediation, for an overall reduction of 76.6%. For the eight youth who re-offended, the re-offenses averaged 1.1 per youth.

In Jackson County, the sample consisted of all juveniles under 17 who successfully passed the VOP program in fiscal year 1999, a total of 53 youth. A total of 47.2% of these youth were referred into VOP for felony offenses. Of the 53 total youth, 70% (n=35) did not re-offend in the year following their successful completion of VOP, and 30% (n=18) did. The 53 participating youth committed a total of 97 offenses in the year preceding their VOP participation, or an average of 1.8 offenses each. They committed a total of 31 offenses in the year following their participation, for an overall reduction of 68%. For the 18 youth who re-offended, the re-offenses averaged 1.7 per youth.

These explorations of re-offense rates for juvenile VOM participants are preliminary at best. It is crucial to resist the temptation to conclude that the county with the greatest reduction rate has the best program. Each county is handling a different cohort of youth; definitions of recidivism differ across the data sets; and in no instance is it known to what extent a similar group of youth not exposed to the respective VOM programs would re-offend in a one-year period.

SECTION VII: OUTCOMES ACROSS DIFFERING PROGRAMS

Initially, it was expected that data from the six program sites would allow us to sort out the differential impact of program components. The ability to do so empirically has been diminished by the consistently favorable responses reported by participants across specific program characteristics. The outcome data is routinely so positive that too few negative cases emerge to permit meaningful analysis. To illustrate this point we will briefly consider the nature of preparation for victims.

Table 17 below presents data regarding type of preparation, county program, and selected victim responses. The number of

respondents in each cell rapidly diminishes once preparation by any means other than phone conversation is considered. In the cross tabulation comparing how victims were prepared to whether or not they felt sufficiently prepared for the mediation, only 13 individuals reported feeling insufficiently prepared. The tiny numbers resulting under the various types of preparation make it hazardous to attempt meaningful interpretation. Likewise, the table compares the type of preparation with how satisfied victims are with outcomes of mediation meetings and whether they would choose to do mediation again. The small total of negative responses (11 and eight respectively) distributed across the various types of preparation makes any interpretation that one type of preparation is better than another foolhardy.

TABLE 17: PREPARATION FACTORS AND VICTIM RESPONSES

	Type of Preparation Reported by Victims					
	None	Letter	Telephone	In Person	Multiple	Total
County						
Clackamas	1	0	8	6	0	15
Deschutes	0	0	4	0	0	4
Jackson	1	0	4	1	1	7
Lane	2	1	8	4	3	18
Multnomah	7	0	14	0	1	22
Polk	3	1	15	6	2	27
Total	14	2	53	17	7	93
Felt Sufficiently Prepared						
Yes	9	2	46	13	6	76
No	4	0	5	3	1	13
Total	13	2	51	16	7	89
Satisfied with Meeting Outcome						
Yes	12	2	46	14	7	81
No	2	0	6	3	0	11
Total	14	2	52	17	7	92
Would Choose to Meet Again						
Yes	12	2	48	14	7	83
No	1	0	4	3	0	8
Total	13	2	52	17	7	91

While we cannot make a judgment that one approach is better than another, it seems reasonable to suggest that preparation of victims needs to be flexible, taking into account the wishes and circumstances of individual victims. The qualitative data supports this line of reasoning. Some victims indicated that they did not want to drive a great distance or disrupt their schedules to meet with a mediator before a meeting; these individuals preferred a telephone conversation. Others wanted face-to-face contact with a mediator as well as having more input into where and when the meeting would take place.

It is clear from interviews with program staff, volunteers, and justice system personnel that each program in this study works within the context of its county to meet the specific needs of persons in that county. Thus, there are some differences as well as similarities across these county-based programs which we have described in Section II above. Within the limits of this study, there is no empirical basis for saying that one program or one program component is better than another. Each yields a high level of positive outcomes. Each is apparently meeting at least some of the objectives desired by program and county officials.

SECTION VIII: A BRIEF NATIONAL AND INTERNATIONAL PERSPECTIVE

A brief look at data from other assessments of juvenile VOM will assist in placing the findings of the present study in context. Many of these studies incorporated comparison groups and most had the benefit of a longer period of study than the present investigation. Below is a summary chart of studies of victim assessments of mediating with juvenile offenders across the United States, Canada and England (Umbreit, Coates & Vos, 2001). The chart presents the range of responses found in these studies across seven key variables. The percentage of Oregon victims responding positively to these questions is also included in the chart, allowing for a visual depiction of where the Oregon response fits within the ranges of these earlier studies.

TABLE 18: RANGE OF VICTIM RESPONSES ACROSS STUDIES OF JUVENILE VOM

	Participation was Voluntary	Adequately/Sufficiently Prepared	Would Refer Self or Others	Satisfied with Outcome	Satisfied with Mediator	Outcome/Agreement was Fair	Satisfied with Criminal Justice System
Range:	83% to 100%	67% to 98%	80% to 100%	56% to 97%	90%	76% to 90%	50% to 79%
# of Studies:	10 studies	5 studies	9 studies	6 studies	1 study	6 studies	7 studies
Oregon Victim Responses	91%	86%	92%	89%	91%	88%	82%

In all instances, the Oregon data either meets or exceeds the range of victims' positive responses across the previous studies. Thus, the six-county Oregon victim experience with victim offender mediation documented in the present study appears to be comparable to that of other programs that have been studied. Satisfaction levels reported across the studies are quite high, ranging from 50% to 100%. Participants in the present study, including both victims and juvenile offenders, reported satisfaction levels of 76% to 91%. On perhaps two of the best indicators of participant overall assessment of the process and its outcomes -- willingness to recommend to others or to choose to participate again -- responses from participants in this study range from 90% to 97%, compared with a range of 80% to 100% across existing studies.

SECTION IX: IMPLICATIONS

A. POLICY

This study sheds light on a number of policy issues that impinge upon the practice of victim offender mediation in other states as well as in Oregon.

1. Public or Private Sponsorship

Although the roots of victim offender mediation are firmly planted in the private sector, it is clear that, in Oregon, public sector officials including judges, corrections administrators, and probation staff can be found who firmly support and attempt to implement principles of restorative justice on a day-to-day basis. These principles involve attempting to humanize the justice process, providing meaningful roles to victims in correcting the harm done to them, involving the community, and helping offenders take responsibility for their actions while providing them with experiences that hopefully make recidivating less likely. Programs within the public sector as well as those within the private sector demonstrated creativity and flexibility in finding ways that would help them reach their restorative justice goals. There are strengths and limitations to both public and private locations which have been discussed above in Section II as well as in the report on Opportunities and Obstacles, presented in Appendix A. From a policy perspective, there is no basis found in the present study to eliminate one approach in favor of the other. The public-private partnerships observed in these six counties offer considerable hope for the further development of VOM.

2. Sources of Funding

As noted in Section II, funding sources and stability varied across the six programs. The larger issue of how communities ought to fund mediation services for offenders and their victims remains unsettled across the nation. County and state governments fund the court systems as well as the correctional services and institutions aimed at protecting the community from further harm through rehabilitation and/or confinement of the offender. A national survey of both juvenile and adult VOM programs conducted in 1996 (Umbreit and Greenwood, 1999) found that 43% of the programs were operated by private community-based agencies, 23% were church-based, and the remaining 35% were operated by the justice system, including probation, corrections, district attorney's offices, victims services, police departments and residential facilities. Even the non-government-sponsored programs, however, identified their primary funding source as government funds, either state or local, chiefly obtained through contracts for services. None of the

programs surveyed in this national study reported collecting any fees from either victims or offenders for their VOM service.

In the present study, most staff and volunteers who were interviewed expressed strong opposition to the idea of fees on both philosophical and practical grounds. A major source of philosophical opposition to charging a fee is the extensive use of volunteers to deliver the service. VOM is envisioned in most settings as a service *for* the community *by* the community. Additionally, Responses to the appropriateness of asking offenders to pay for VOM were more varied and complex. Juvenile Departments sometimes require offenders to pay for a variety of services, including probation supervision, detention, discovery, and many treatment services. None of these fees cover the total cost of the service. The logic cited is that the youth has caused the need for the service through committing the offense and should be required to help cover the cost. VOM programs, however, are offering a service to victims as well as to offenders, and are committed to maximizing offender participation as a service to victims. If youth are required to pay for the mediation service in addition to any other restitution, there is a concern that they may be less likely to elect to mediate, or that they may do so grudgingly. Either outcome could have a negative impact on victim experience and restoration of harm.

The practical components of the opposition stem from an awareness of the population being served. In Oregon as across the nation, youth apprehended for crime come disproportionately from lower income families. Further, to the extent that youth commit crimes in their own neighborhoods and schools, victims are also likely to over represent struggling lower income families. Program directors are concerned that most participants could not afford to pay, and that the time involved in negotiating, collecting and tracking fees at this level would cost far more than any revenues which might be collected. One VOM program director commented, “Some of these families are struggling just to provide food and clothing for their kids; sometimes we have to find a donor even for gas money for a parent to drive a youth to a class like anger management. Asking these families to pay for mediation isn’t good for the program or the families.”

3. Types of Offenders

Historically, victim offender mediation programs worked with the least serious property offenders such as vandalism and petty theft. As the field has garnered more experience with this way of working through conflict, more attention has been focused on more serious property crimes such as burglary and shoplifting. Today, increasing attention and resources are being devoted to adapting victim offender mediation practices in more serious crimes against the person. And in a few states, victim offender dialogue is being offered to victims of severe violence (Coates & Umbreit, 1999; Umbreit & Bradshaw, 1995; Umbreit & Vos, 2000). In the present study, about 20% of the cases fell under the official category of crimes against persons, although, as one respondent noted, “Any crime (however defined by the system) is a crime against a person.” Programs in this study that place more attention on working with youth who have committed such offenses yield the same kind of positive responses from victims and offenders as did those who focus on “less serious” cases. Given what victims, offenders, program staff, and justice system officials said during the course of this study, there is no basis for excluding, at the policy level, a broad category of offenders. Most of the participants interviewed seem to prefer working out who is eligible to participate on a case-by-case basis.

4. VOM as a Diversion Program

Victim offender mediation is used at different points in the justice process across the six counties. In some counties, VOM represents a fairly “pure” form of diversion from the justice system where successful completion of the program results in erasing the record of a particular offender. In other counties, the youth have already penetrated the system further; that is, they have a number of prior offenses and court appearances. Officials may see participation in VOM as a last effort at diverting the youth from institutional placement. Failure to satisfactorily complete the VOM program will result in additional sanctions. There is no particular reason, based on the present study, to rule out VOM as diversion response at any point in the justice process.

As with any diversion program, there is worry about the potential for widening the net such that youth are exposed to programs and restrictions which would not have occurred if it were not for the existence of the program. The counter argument, of course, is that if a diversion program such as VOM can turn around a percentage of youth before they get into further trouble, then the exercise of social control is worth the effort. Much of this debate likely turns on whether or not youth who fail to complete the diversion program further penetrate the justice system as a consequence of the original offense.

B. PROGRAM DEVELOPMENT

1. Defining Mediation

The field has continually struggled with what to call the process of bringing victim and offender together to work through the harm caused by the offense in order for both individuals to move on with their lives. It has been named Victim Offender Reconciliation Program, Victim Offender Dialogue, Victim Offender Mediation, and Victim Offender Mediated Dialogue; no doubt the possible list

of names is yet to be exhausted. The difficulty experienced in naming the process suggests that it does not easily fit into existing modalities of mediation.

If we have learned one thing from looking at the six Oregon programs, it is that any narrowly conceived definition of VOM would exclude some very creative VOM options, for exclusion is a natural end product of a narrow definition. In this study, we have described mediation efforts that cast the role of mediator in different ways : neutral gatherer of parties, teacher, and proactive negotiator, among others. Some programs have participants come to a central location; others will meet in libraries, churches, victims' homes, or victims' places of business. Some prefer only the victim, offender and mediator to be present. Others want parents and other support persons for offenders and victims to have a place in the meeting. When support persons are present, some mediators encourage those individuals to remain quiet while others urge their active participation. In this study, it was more normative to have support persons present than not. In the developmental days of victim offender mediation, the presence of persons other than victim and offender was resisted. In recent years, it has been encouraged, showing how VOM is changing and adapting.

The data in this study support a flexible, open approach to how mediation is conceived. If there was one fear expressed by many in this study, it was that they would have to do VOM the way.

2. Establishing Priorities

While the six county programs operate restorative juvenile VOM programs, they do not share the same restorative justice goals across the board. Some focus primarily on restitution; some pay little attention to restitution. Some focus on repairing the relationship between victim and offender, while for others any such repair is a byproduct. Some focus on changing the lives of offenders, and others do not. What seems most important to us is that program administrators, staff and justice personnel are clear on their own priorities. There was a lot of internal consistency among the stakeholders interviewed within each county. Very strongly held priorities in one county would not have been accepted in another, but the priorities seemed to be products of working together within a county to devise a program to meet that county's particular needs. This kind of clarification of priorities likely goes a long way toward developing the working partnerships that were observed between program staff and other justice personnel.

3. Packaging VOM

Closely related to establishing priorities is the need for VOM program components to be packaged in such a way that the whole program is restorative in nature. As one VOM staff person noted, "Restorative means will generate restorative ends." In all sites studied, the VOM programs are but one of a collection of programs and services being made available to juvenile offenders and their victims. As noted above, individual programs may focus on some restorative goals more than on others. Programs must continue to assess the restorative balance across all the components and services experienced by program participants. In some instances, programs themselves may need to expand or change services to improve the restorative balance. In other instances, feedback and negotiation with other service providers will be the most appropriate way to assure such balance.

The wide variety of community service programs across the six sites is a case in point. Viewing community service simply as a punishment for youth can result in negative experiences in which the youths feel put upon and resentful. The goal of helping the youths contribute to and become invested in their community over the long haul is seldom served by such an approach. Creating work in which youths can take pride, experiences in which they can directly observe the positive impact of their contribution, and opportunities for them to develop skills in job hunting and/or job performance serve the dual goal of paying the community directly and potentially restoring the youth as a contributing member of the community.

4. Record Keeping

As always in service programs and particularly among programs operating with minimal budgets and high reliance on volunteer support, staff and volunteer investment in delivering service far exceeds the investment in doing paperwork. In the establishment of any new VOM program, it Some types of information are especially crucial for the daily tasks of running the program. For example, case files and tracking forms need to provide information at a glance for program administrators, volunteer coordinators and volunteers to know when a case was referred, what for, and where it is in the case development process. Other information is often required by outside funding sources: total numbers and types of referrals, the numbers and outcomes of mediations, and the evaluation of participants are frequent requirements at this level. A third use of information is for internal review and program development. Here, it might be helpful to know, for example, whether the program is having more success with one type of youth or offense than another type, how long cases typically must wait to come to mediation, or whether participants receiving one type of preparation are more or less satisfied than those receiving another type.

As an example, all six programs collect some type of evaluation data from participants, either at the conclusion of the mediation session or through contacting them after a short time lapse. Questions asked on these forms vary; some are simply fill-in-the-blank, and others have space for open-ended responses. Some programs have resources to tally these forms, or parts of them, on a regular basis. Others use them chiefly for the satisfaction figures required by ODRC report formats. Participant evaluation data collected by three of the program sites is reported in Appendix D.

Many of these forms could be further developed in ways which would provide more useful program monitoring information, making it more cost effective to program administrators to expend the time and resources needed to analyze them. Program personnel are appropriately sensitive to confidentiality issues in the collection of such forms, frequently resulting in the omission of any personal data. Adding an optional section to collect some such data if participants are willing would enable useful comparisons to be made. Simply having respondents self identify their role (victim, offender, or support person for either) is one such potential alteration. Additional characteristics which would be useful to know include the type of offense and the age, gender and ethnicity of the respondent.

Over time, the aggregation of such exit questionnaires may provide a more accurate picture of participant evaluation of the mediation process than periodic outside evaluations such as the present report. Response rates tend to be higher, reducing the potential for self-selection bias, and possibly resulting in data which is more closely representative of the total population served.

The more kinds of information that are required, the greater the potential for inordinate staff and volunteer time to be spent recording and analyzing them. Creative solutions to streamline the record keeping process are essential. In Lane County, for example, a one-page form has been developed for volunteers to fill out throughout the process of case development. All basic information needed for ODRC funding requirements as well as for tracking the case within the program is available at a glance, in a check-off format where possible, greatly reducing both volunteer record keeping hours and data entry hours.

MadTrack, the Oregon system for recording and aggregating community mediation data, was a frequent source of practitioner frustration across the four sites that utilize it. Its advantage is that it collects and aggregates precisely the data needed for the ODRC program reports required of programs receiving ODRC funding. Its primary disadvantage is that it was created for a different type of mediation program than VOM. One staff member commented, "It seems that we put more time into MadTrack than we get out of it." As mentioned in Section II, it either does not support or makes difficult the collection and analysis of a number of characteristics of participants and mediations unique to VOM. Programs wishing to have access to these additional types of information must either track them by hand, as some do, wait for an outside researcher to tally them (if they are available in case files), or forego the information altogether.

Oregon juvenile VOM as well as other VOM programs would benefit greatly if resources were made available for developing and implementing a streamlined data collection system specifically designed for VOM and focused on providing case management, program development, and external report data.

C. FURTHER RESEARCH

1. Focus of Research

The range of missions, target populations and services identified across the six sites have major implications for further research, on these sites or elsewhere. The inherent balance of restorative principles engenders outcome goals for victims, for offenders and for communities. Research conducted on restorative justice programs must avoid the pitfall of emphasizing any single one of these three domains as the hallmark evaluation measure. Further, in investigating program impact across these domains, measures must be sensitive to the broad array of goals envisioned. A narrow focus only on offender recidivism, or only on victim reparation dollar amounts, for example, cannot succeed in measuring the program outcome goals of balanced and restorative victim offender mediation programs.

It is especially crucial to circumvent the temptation to focus only on recidivism data, or even on recidivism and restitution payment. These can be important measures of offender behavior, though even here recidivism is also partly an index of community and justice system behavior relative to who is arrested and how they are charged. But there are other impacts programs and participating victims hope to have on offenders: they hope offenders develop empathy, they hope offenders understand the impact of their actions more fully, and they hope offenders feel more connected to their communities. Recidivism and restitution payment are not the only or even the best index of whether or not these goals for offenders have been accomplished.

2. Longitudinal Assessment

The current research effort has provided a snapshot of how victim offender mediation is practiced in six Oregon counties. What is needed now is an ongoing, longitudinal accounting of VOM. Some of these programs are particularly well suited to undertake such an effort, perhaps with a volunteer or with a faculty liaison at a college and a college student. As described above, It would be fairly simple to devise a pre-mediation data sheet focused on as few as six items, such as why victims and offenders desire to mediate and their expectations regarding outcome. These are no doubt questions routinely asked at intake whether it is done by phone or in person. This would allow for some pre-post measures with essentially existing data. In order to obtain a substantial number of victims and offenders for analysis, the longitudinal time frame may very well require two or three years, but essentially this effort would mainly involve systematically recording what is already being done.

3. Comparison Groups

At this point, we do not know how the experience of victims and offenders opting to participate in VOM differs from those who do not. It would be useful to develop comparison groups in order to address this question. If there are sufficient numbers of individuals who are referred but do not participate in VOM, then an effort could be made to conduct brief interviews with those individuals to assess their levels of satisfaction with the criminal justice process.

Comparison groups are crucial when it comes to studying recidivism. In developing this comparison group, there is no need to do interviewing. The focus is on matching each offender going through VOM with a juvenile who goes through the traditional process. They would be matched at least on type of offense, prior offenses and gender. Each individual is followed for the same period of time using the same definition of recidivating behavior. In the future, Oregon's commitment (1997 Or Laws Ch. 433) to integrated juvenile and adult criminal justice data, sentencing support tools, and a Public Safety Data Warehouse may provide a more robust means by which to assess the extent to which VOM correlates with reduced recidivism, and for which offenders.

4. Vignettes

Telling the story of victim offender mediation requires much more than numbers. Whether one is addressing a legislative committee, a town council, or a civic group, while individuals may be interested in numbers and overall patterns, they also want to know what a victim meeting with an offender is really about. There will always be elements of that experience which can only be shared through story. We would encourage program staff to have a volunteer periodically and systematically solicit stories of victim offender encounters. As one victim told us about her participation in VOM, "There are so few times you can make a difference – this did." Numbers are important, but they can only augment the words of persons involved in sorting out, resolving, and healing conflict.

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