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Mediation of Criminal Conflict in England: AN ASSESSMENT OF SERVICES IN COVENTRY AND LEEDS

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Acknowledgments

Initiating this study of two victim offender mediation projects in England, as part of a larger cross-national study of similar projects in four states of the United States and four provinces of Canada, required a strong collaborative commitment and effort on behalf of many individuals and agencies. This was particularly so with the English component of the larger study since so few financial resources were available to support the research. From the beginning, the active support and assistance of Marian Liebmann as Director of Mediation U.K., Jean Wynne as a Coordinator at the Leeds Mediation and Reparation Service, and Barbara Tudor as Director at the Coventry Reparation Scheme was absolutely vital. Other staff and mediators at the two projects helped as well. Interviews with local criminal justice officials at the two projects were extremely helpful in gaining a larger understanding of support for the services. Periodic consultation with Tony Marshall at the Home Office and Martin Wright (formerly at Victim Support) added depth and quality to understanding the broader national context of victim offender mediation in England and helpful review of the final report. Research Assistants Boris Kalanj and Rachel Lipkin provided invaluable on-going support for the research. Finally, on-site research assistants in England conducted the actual interviews with victims and offenders and provided the foundation of data upon which the study was based. For all of these individuals, and many others, we want to express our deepest appreciation for your commitment, expertise, and support through the life of this research.

CONTENTS

OVERVIEW OF STUDY AND FINDINGS

	Page
Introduction	1
Overview of Mediating Criminal Conflict	2
Purpose of Study	3
Methodology	3
Research Sites	4
Findings	6
Criminal Justice System Support	14
Conclusions	15
References	20

Overview of Study and Findings

INTRODUCTION

Victim offender mediation and reparation in response to a wide range of criminal offences, at both a pre and post trial basis, has now been conducted in many thousands of cases by more than 300 projects in Europe and North America for two decades, including approximately 20 projects in Britain. Victims of primarily property offences and minor assaults have been able to play an active role in the justice process, to receive direct information about the incident, to express their concerns about the impact of the criminal behavior and to often negotiate a mutually agreeable resolution to the event and any losses incurred. Individuals involved in criminal behavior have been able to gain a far better understanding of the real human impact of their actions, to “own up” to their behavior, and to have the opportunity for making amends directly to the person they affected. Both parties can gain a greater sense of closure and the ability to move on with their lives. Mediation of criminal conflicts is one of the most powerful expressions of restorative justice which emphasizes that crime is relational — not just against the state, that the role of victims in the justice process should be elevated, and that the focus of justice should be upon restoring emotional and material losses left in the wake of crime and building safer communities through active citizen participation (Zehr, 1990).

High levels of client satisfaction with the mediation process and outcome has been consistently found over the years in studies throughout Europe and North America (Coates and Gehm, 1989; Collins, 1984; Dignan, 1990; Fischer and Jeune, 1987; Galaway, 1988; Galaway and Hudson, 1990; Gehm, 1990; Marshal and Merry, 1990; Perry, Lajeunesse and Woods, 1987; Umbreit, 1989a, 1991a, 1993b, 1994a, 1995a; Umbreit and Coates, 1993; Wright and Galaway, 1989), with some studies finding higher restitution completion rates (Umbreit, 1994), reduced fear among victims (Umbreit and Coates, 1993; Umbreit, 1994a), and reduced future criminal behavior (Butts and Snyder, 1991; Schneider, 1986; Umbreit, 1994a). While multi-site studies within England (Marshal and Merry, 1990), the United States (Coates and Gehm, 1989; Umbreit, 1994a) and Canada (Umbreit, 1995a) have been conducted, no cross-national analysis of mediation of criminal offences, using common data collection instruments, has ever been conducted prior to the current initiative. The study reported in this document represents the English component of a much larger cross-national study of victim offender mediation involving four programs in the United States, 4 programs in Canada and 2 projects in England.

The origin of what is today known generically as the “victim offender mediation” field (referred to as criminal court mediation by some) is to be found many years ago in the province of Ontario, Canada. In May of 1974, an experiment began in Elmira, a few miles north of Kitchener, Ontario, that would later trigger the international development of a new justice reform. Two young men pleaded guilty to twenty-two counts of property damage. Their probation officer and a colleague of his with the Mennonite Central Committee in Canada, had the vision and courage to try some basic peacemaking principles in resolving the conflict between these young men and the twenty-two people they victimized.

A recommendation was made to the court that these two offenders go back and meet every single person they victimized and assess how much loss occurred. The judge ordered a one month remand in order to allow these two young men to meet their victims, with the help of their probation officer and his colleague from the Mennonite Central Committee. After meeting with their victims and gaining a more human understanding of the impact of their criminal behavior, the judge sentenced them to probation and required them to pay restitution to the victims. Three months later, the offenders again visited each victim and handed them a cheque for the amount of his or her loss.

The Kitchener experiment led to the initiation of the first Victim Offender Reconciliation Project (VORP) in North America. Victim offender mediation and reconciliation projects have now spread to more than twenty other jurisdictions throughout Canada, largely as alternative measures programs pursuant to the provisions of the Young Offenders Act of 1984. In addition to VORP, many of the other more than 500 similar programs in Europe and North America identify themselves as victim offender mediation programs; a few identify themselves as criminal court mediation programs.

The first replication of VORP in the United States occurred in 1978 when the Mennonite Central Committee, probation staff, and a local judge in Elkhart, Indiana began accepting cases (Umbreit, 1985; Zehr, 1980). In England, the first victim offender mediation project, as a police-based initiative, began in 1979 in Exeter, Devon. While a handful of small initiatives followed, it

was not until 1985 that victim offender mediation began to receive more widespread attention in England following the Home Office's funding of four experimental projects (including Coventry and Leeds), along with an evaluation component. In both the U.S. and England, experimentation with the concept of mediation in a small number of cases (prior to any major initiative) actually began in the early to mid 1970s. In 1986, there were 12 projects in England and 47 in the United States. By the mid 1990's, there existed a network of approximately 20 projects in England, 150 victim offender mediation or reconciliation programs in the U.S. (Hughes and Schneider, 1989; Fagan and Gehm, 1993; Umbreit, 1994a), and 26 programs in Canada. The field has actually grown more rapidly in Europe, during recent years, with 20 projects in England, 54 in Norway, 40 in France, 293 in Germany, 130 in Finland, 8 in Belgium, and 1 in Scotland (Umbreit, 1994a).

OVERVIEW OF MEDIATING CRIMINAL CONFLICT

Mediation is a process by which a trained neutral third party brings together people in conflict. The parties have an opportunity to talk about the conflict and to negotiate its resolution, if possible. Mediators do not impose settlements. The process is meant to empower both parties.

The field of mediating criminal conflicts is most often generically referred to as "victim offender mediation", even though historically it has often been referred to as victim offender reconciliation. All programs providing mediation services in criminal conflicts, however, do not refer to themselves exclusively as either a victim offender mediation program (VOMP) or a victim offender reconciliation program (VORP). For the purposes of this study, I am defining victim offender mediation as a conflict resolution process that focuses upon criminal conflict (either alleged or confirmed) and that works in cooperation with one or more agencies of the criminal/juvenile justice system. Many similarities and differences exist among victim offender mediation projects.

During victim offender mediation, the parties have an opportunity to talk about what happened and to express their concerns. Offenders have an opportunity to understand the real human impact of their behavior and to "own" their behavior. They can take direct responsibility for their actions by making amends to the person they victimized. Victims are given the opportunity to get answers to questions they have, to express their sense of violation and to negotiate a restitution agreement with the person that violated them.

Most, but not all, victim offender mediation programs employ a relatively similar process consisting of four generic phases: intake, preparation for mediation, mediation and follow-up. Even though the two projects in this study differ somewhat in how they process cases and identify these phases, we will first present the generic model in this section and later highlight differences between the programs.

During the intake phase, case information is logged in and the case is assigned to a mediator. The preparation for mediation phase involves a considerable amount of work. The parties involved in the conflict will be contacted separately and interviewed. In most victim offender mediation programs, the mediator will call and then later meet separately with the victim and the offender. This process of caucusing with individuals prior to the joint mediation session is believed to be essential to the mediator's building trust and rapport with both parties, and to the collection of information that can contribute to later conflict resolution.

The mediation phase consists of the joint victim-offender meeting. The agenda usually focuses first upon clarifying information about the alleged or actual criminal behavior and expressing concerns that one or both parties may have. The second part of the mediation session addresses the issues related to the impact the conflict had on the parties, usually culminating in a discussion of the losses experienced by the complainant/victim and the potential for the accused/offender to compensate the complainant/victim. This often results in the parties negotiating an agreement to restore losses incurred or to address other concerns. Mediation sessions tend to range in length from one to two hours.

In England, the mediation phase consists of two distinct sub-categories: direct and indirect mediation. In direct mediation, a joint face-to-face meeting is facilitated between the victim and the offender, as noted above. In indirect mediation, the mediator meets with both parties separately and exchanges information and needs between the parties, while never facilitating a face-to-face session. In some cases this may require quite a few meetings with the involved individuals before a final resolution of the conflict emerges. In the United States this process of indirect mediation is often called "conciliation." Others sometimes refer to this process as "shuttle diplomacy."

The follow-up phase consists of monitoring completion of any negotiated restitution that was agreed upon, intervening if additional issues arise or conflict develops between the parties, and scheduling joint follow-up meetings between the involved parties when appropriate, although this is seldom done.

Mediation services (also called “schemes” or “projects” in the U.K. and “programs” or “Projects” in the U.S.) work with juvenile or adult offenders and victims, and accept referrals from Juvenile, Magistrate and Crown Courts, police, prosecution solicitors, defense solicitors, or probation officials, at both a pre and post conviction level. Most projects in Europe and the United States use trained volunteer mediators from the community, along with staff. While the Leeds project follows this pattern, in the Coventry project only staff serve as mediators.

PURPOSE OF STUDY

The examination of the development and impact of two victim-offender mediation projects in Great Britain is part of a larger cross-national study of victim offender mediation being conducted by Dr. Umbreit, involving 4 programs in the United States, 4 programs in Canada, and 2 projects in England. While several projects in England, including Coventry and Leeds, have been thoroughly studied (Dignan, 1990; Marshal and Merry, 1990), as well as programs in the United States and Canada (Coates and Gehm, 1989; Collins, 1984; Fischer and Jeune, 1987; Galaway, 1988; Galaway and Hudson, 1990; Gehm, 1990; Perry, Lajeunesse and Woods, 1987; Umbreit, 1989a, 1991a, 1993b; 1994a; 1995b; Umbreit and Coates, 1993; Wright and Galaway, 1989), this cross-national study represents the first effort to use common data collection instruments and analysis across victim offender mediation projects in three countries. With extremely limited resources available to support the English component of this cross-national study, only two sites could be included. Coventry and Leeds were selected because they represent two of the most well developed projects in England and both were interested in participating in the cross-national study. Much of the data collected is descriptive of the projects, although both qualitative and quantitative data that emerged from the interview schedules will be thoroughly compared to the North American sites in a subsequent report. This document will specifically report on the findings of only the English component of the cross-national study.

METHODOLOGY

Research Design

Considering that the British research was conducted with limited resources, the need for a valid and reliable design had to be balanced with practical issues related to administering a low-budget study. Despite the limited resources, the use of a comparison group was critical. Employing a true experimental design, however, was not feasible given the limited number of referred cases available for random assignment and the time and complexity of negotiating such arrangements. Therefore, the study uses a quasi-experimental design including quantitative and qualitative data collection and analysis.

Phone and in-person interviews with victims and offenders were conducted following either direct or indirect mediation, or the disposal of a case by a prosecutor, court, or related agency. Three groups were obtained for a comparative study approach:

- . Those who went through a direct mediation experience
- . Those who went through an indirect mediation experience
- . Those who were referred to mediation but did not go through mediation

The language in the interview schedules was adapted to fit the context of Great Britain. Interviews with key criminal justice officials and organizations were conducted, along with extensive review of program materials. Several Likert scales were used, as well as open-ended questions with probes. Descriptive statistics related to respondent characteristics were also used.

Samples

Participants in the study were from the Coventry Reparation Scheme and the Leeds Mediation and Reparation Service. A total of 123 interviews were conducted, involving 70 victims and 53 offenders. Thirty-four interviews were made in Coventry and 89 in Leeds, as noted in Table 1.

Table 1
English Sub-samples

	Direct Mediation		Indirect Mediation		No Mediation		Total Victims and Offenders		Combined Total
	Vict.	Off.	Vict.	Off.	Vict.	Off.	Vict.	Off.	Vict. + Off.
Coventry Project	8	7	9	4	4	2	21	13	34
Leeds Project	11	9	16	10	22	21	49	40	89
Total	19	16	25	14	26	23	70	53	123

Sixty percent of the victims studied were male. While men made up only 52% of the indirect mediation sample, they represented 58% of the direct mediation sub-sample, and as much as 70% of the no-mediation sub-sample of victims. The average age of victims was 40. Those who went through direct mediation had an average age of 35. Those who went through indirect mediation had an average age of 46. Those who did not go through the mediation experience averaged 38 years old.

Ninety-four percent of offenders studied were male. All three female offenders were part of the no-mediation sub-sample. The average age of offenders was 24. Those who went through direct mediation averaged 19 years, those who went through indirect mediation averaged 27; and those who did not go through mediation were, on average, 25 years.

Research Questions

The study was guided by the following questions:

1. What are the characteristics of victims and offenders who participate in a mediation process (direct or indirect) as opposed to those who do not?
2. How does the mediation process work in the two British projects?
3. How do mediation participants evaluate the mediation process?
4. What are the immediate outcomes of the mediation process?
5. To what extent is fairness experienced by offenders and victims who participate in mediation?
6. What do criminal justice system officials think about the mediation projects?

RESEARCH SITES

Coventry Project

The Coventry Reparation Scheme was established by the West Midlands Probation Service (WMPS) in 1985, as part of an experimental project involving four projects and funded by the Home Office. Serving a population of 300,000, the project in Coventry was initially designed to work with less serious offenders (following a guilty plea) referred by the Magistrates Court. Both the offender and the victim are given the choice to participate in the project. Within a year, the Coventry Reparation Scheme began working with the local Juvenile/Youth Liaison Panel. By 1987, the project was also accepting referrals from the Crown Court.

During the first two years of operation, the Coventry Reparation Scheme had a total of 196 referrals, representing: 158 cases from the Magistrates Court; 26 cases from Juvenile Court; and 12 cases from Crown Court. The total of 196 referrals involved 196 offenders and 223 victims. The type of cases referred were primarily property offences (burglary and theft) and minor assaults. Approximately 50% of these referred cases ended up with some type of action being taken by the project, including: 58 cases in direct mediation; 41 cases in indirect mediation. During this initial two year period, only 16 agreements for practical reparation or voluntary compensation resulted from the mediated cases. The project had the full time equivalent of 2.75 staff to manage its services.

The project continued to refine its policies and procedures following review of its first years of operation. During the two year period of 1992-1993, the Coventry Reparation Scheme had a total of 170 referrals, representing: 75 cases from the Magistrates Court; 22 cases from Juvenile Court; and 73 cases from Crown Court. The total of 170 referrals involved 171 offenders and 179 victims. The type of cases referred continued to be primarily property offences (burglary and theft) and minor assaults, although a number of more serious cases were referred. Similar to its first two years of operation, approximately 50% of these referred cases ended up with some type of action being taken by the project, including: 17 cases in direct mediation; 70 cases in indirect mediation. During this two year period, 70 agreements for practical reparation or voluntary compensation resulted from the mediated cases. It is particularly worth noting the changes that occurred between its first two years of operation and the two year period of 1992-1993: total case referrals decreased by 13%; referrals from the Crown Court increased by more than 500%, from 12 to 73; the percent of referrals from the Magistrates Court decreased from 81% (1986-1987) to 44% (1992-1993); the percent of direct mediation conducted decreased from 58% of all mediations in the first two years to only 20% in 1992-1993; and the percent of agreements reached in mediation for practical reparation or voluntary compensation increased from only 16% in the first two years to 80% in 1992-1993.

Leeds Project

The Leeds Mediation and Reparation Service was initiated by the West Yorkshire Probation Service (WYPS) in 1985 as one of the four experimental projects funded by the Home Office. The project was initially referred to as the Leeds Reparation Project and later changed to its current name in 1987. Serving a population of 500,000, the project in Leeds was designed to work with more serious and persistent criminal offenders in the Crown Court. Participation in the Leeds Mediation and Reparation Service is voluntary for both the victim and the offender. Today, the project also receives referrals from the Juvenile/Youth Liaison Panel and the Magistrates Court.

A total of 272 cases were referred to the project during the first two years, representing: 201 cases from Crown Court; 62 cases from Magistrates Court; and 9 cases from Juvenile Court. Burglary was the most frequent offence referred to the project, representing nearly half of all referrals. Theft and assault were the other two most frequently referred cases. A third of the referred cases (n =95) resulted in mediation, including 35 in direct mediation (37% of mediated cases) and 60 in indirect mediation (63% of mediated cases). A total of 42 agreements for practical reparation or voluntary compensation resulted from the mediated cases during this initial two year period. Agreements were far more likely to occur in direct mediation (80% of the total) than in indirect mediation (20% of the total). The Leeds Mediation and Reparation Scheme had a staff of four.

At the end of the initial two year funding from the Home Office, a plan was developed to expand the mediation and reparation services throughout the county of West Yorkshire. By late 1995, mediation services were operating in all five divisions of the West Yorkshire Probation area.

During the two year period of 1992-1993, the Leeds Mediation and Reparation Service had a total of 358 referrals, representing: 187 from the Crown Court; 63 from the Magistrates Court; 31 from the Juvenile Court; 32 cautions; 32 post-sentence; and 13 either from an unknown source or a victim referral. Burglary, assault, and robbery were the most frequently referred cases. The number of referred cases that resulted in mediation increased from about a third in the initial two years of the project to nearly half of all cases during 1992 and 1993. The number of direct mediations, however, decreased from 37% during the first two years to 13% during 1992-1993. Of the 174 cases involved in mediation during 1992-1993, 87% (n =151) were indirect mediation. In 1993 alone, 172 cases were referred and 49% (n =84) participated in mediation. The referrals were primarily from probation officers and occurred at all stages: caution, pre-sentence, and post-sentence. The proportion in direct mediation increased slightly, from 11% during 1992 to 16% in 1993.

In 1993, the Leeds Mediation and Reparation Service, in conjunction with the Save the Children organization, published a very comprehensive and practical victim offender mediation training manual. The Victim Offender Mediation Handbook provides a helpful resource to other communities as the practice of victim offender mediation further develops in England.

Table 2
1993 Program Characteristics by Site

	Leeds	Coventry
Program Start	1985	1985
Current annual budget(British pounds)	£97,000.00	£87,000.00
1993 Staff (FTE'S)	4 (3 coordinators, 1 secretary, and 10-12 sessionally-paid mediators)	4 (Manager, secretary, and 2.25 FTE staff mediators)
Total Cases Referred to Project	172	79
Total Cases in Mediation	84 (49%)	32(41%)
Direct Mediation	13 (16%)	5 (16%)
Indirect Mediation	71 (84%)	27 (84%)

FINDINGS

A. CLIENT SATISFACTION WITH CRIMINAL JUSTICE SYSTEM

VICTIMS

A-1 Victim Mediation vs. No-mediation Samples

In both Leeds and Coventry, the majority of victims in both samples (mediation: 62% and no-mediation: 58%) expressed an overall satisfaction with the criminal justice system. The experience of satisfaction from participation in mediation is well expressed by a victim who stated “I have gained a sense of security from mediation ... it helped to see the offender’s face ... the most helpful was to talk about the offence ... my viewpoint was listened to and I felt less like a crime statistic.”

Consistent with the combined sites data, victims in mediation in Leeds were somewhat more likely to express satisfaction with the justice system. 62% of the victims who went through mediation (direct or indirect) were satisfied, and 38% were dissatisfied, while 55% of those who did not go through mediation were satisfied, and 45% were dissatisfied.

Table A-1
Victim Satisfaction With Criminal Justice System
(Comparing Mediated and Non-Mediated Cases)

Victim Satisfaction with Criminal Justice System	Combined Sites	
	Mediated	Non-Mediated
Satisfied Victims	62 %	58 %
Dissatisfied Victims	38 %	42 %
n =	42	26

A-2 Victim Direct vs. Indirect Mediation Samples

Differences were also examined between those who took part in direct mediation and those who were involved in indirect mediation. Although no significant differences were found in satisfaction between direct and indirect mediation samples of victims, victims who went through direct mediation showed consistently greater satisfaction and less dissatisfaction than those who went through indirect mediation. For the combined sites, 68% of victims in direct mediation were satisfied compared to 57% of victims in indirect mediation.

Table A-2
Victim Satisfaction with Criminal Justice System
(Comparing Direct and Indirect Mediation Cases)

Victim Satisfaction with Criminal Justice System	Combined Sites	
	Direct Mediation	Indirect Mediation
Satisfied Victims	68 %	57 %
Dissatisfied Victims	32 %	43 %
n =	19	23

OFFENDERS

A-3 Offender Mediation vs. No-mediation Samples

Although there appear to be obvious differences between mediation and no-mediation offender samples, there were no significant differences in their expression of satisfaction with the justice system’s response to their case. The closest to

significance were the differences within the combined sites sample. Overall, offender satisfaction was greater among the offenders who went through mediation (79%) than among those who did not (55%). Very similar to these overall proportions were those in Leeds (78% and 55%). In Coventry, while those offenders who went through mediation indicated an even higher level of satisfaction (82%), the sample of no-mediation offenders was too small to infer any valid conclusions.

Offender satisfaction with mediation is captured by the following statement: “Mediation made me feel better ... I was able to apologize and reimburse the victim ... helped me come to terms with it and put the crime behind me.”

Table A-3
Offender Satisfaction With Criminal Justice System
(Comparing Mediated and Non-Mediated Cases)

Offender Satisfaction with Criminal Justice System	Combined Sites	
	Mediated	Non-Mediated
Satisfied Offenders	79 %	55 %
Dissatisfied Offenders	21 %	45 %
n =	29	22

A-4 Offender Direct vs. Indirect Mediation Samples

While English victims seemed to show slightly higher satisfaction with direct than with indirect mediation, offenders showed the opposite result. This finding clearly suggests that a face-to-face meeting with the person they victimized is not an easy or preferred response for offenders. A direct mediation session is likely to be an uncomfortable experience for many offenders, even though they are quite satisfied with the process when it is completed.

In a combined sites sample, 86% of offenders who went through indirect mediation, and 73% of those who went through direct mediation expressed satisfaction with the criminal justice system. In Leeds, those differences were quite pronounced, although not statistically significant: 90% of the offenders who went through indirect mediation and only 62% of those who went through direct mediation expressed satisfaction with the criminal justice system response to their case. In Coventry, more offenders who went through direct mediation (86%) expressed satisfaction than those who went through indirect mediation (75%). However, the Coventry sample was quite small.

Table A-4
Offender Satisfaction With Criminal Justice System
(Comparing Direct and Indirect Mediation Cases)

Offender Satisfaction with Criminal Justice System	Combined Sites	
	Direct Mediation	Indirect Mediation
Satisfied Offenders	73 %	86 %
Dissatisfied Offenders	27 %	14 %
n =	15	14

B. CLIENT SATISFACTION WITH OUTCOME OF MEDIATION

VICTIMS

B-1 Victim Direct vs. Indirect Mediation Samples

Nearly 75% or more of victims in direct and indirect mediation were satisfied with the outcome of their mediation sessions. Direct mediations resulted in considerably higher satisfaction with the outcome among victims than indirect mediations. At the combined sites, those victims participating in direct face-to-face mediation were satisfied in 84% of the cases, while those

participating in indirect mediation were satisfied in 74% of the cases. These differences, however, were not statistically significant.

Table B-1
Victim Satisfaction With Outcome of Mediation
(Comparing Direct and Indirect Mediation Cases)

Victim Satisfaction with Outcome of Mediation	Combined Sites	
	Direct Mediation	Indirect Mediation
Satisfied Victims	84 %	74 %
Dissatisfied Victims	16 %	26 %
n =	19	19

OFFENDERS

B-2 Offender Direct vs. Indirect Mediation Samples

Offenders expressed an even stronger sense of satisfaction with mediation outcomes than did victims in mediation. There was not a single offender who participated in a direct mediation that was not satisfied with its outcome (100% satisfied). 79% of offenders who were involved in an indirect mediation said they were satisfied with the outcome; the 21% who said they were dissatisfied all came from Leeds.

Table B-2
Offender Satisfaction With Outcome of Mediation
(Comparing Direct and Indirect Mediation Cases)

Offender Satisfaction with Outcome of Mediation	Combined Sites	
	Direct Mediation	Indirect Mediation
Satisfied Offenders	100 %	79 %
Dissatisfied Offenders	0 %	21 %
n =	15	14

C. VOLUNTARY PARTICIPATION IN MEDIATION

C-1 Victim Direct vs. Indirect Mediation Samples

The vast majority of victims perceived their participation in mediation as voluntary. However, in Coventry and the combined sites samples, significant differences were found in perceptions of voluntary participation between victims who participated in direct mediation and those who participated in indirect mediation. Overall, 95% of the victims who went through direct mediation (18 out of 19) felt their participation was their choice, while 70%, (14 out of 20) of the victims who went through indirect mediation reported their participation was voluntary.

Table C-1
Victim Perception of Voluntary Participation in Mediation
(Comparing Direct and Indirect Mediation Cases)

Victim Perception of Voluntary Participation in Mediation	Combined Sites *	
	Direct Mediation	Indirect Mediation
Voluntary Participation	95 %	70 %
Involuntary Participation	5 %	30 %
n =	19	20

* Finding of statistical significance

C-2 Offender Direct vs. Indirect Mediation Samples

An overwhelming majority of offenders perceived their involvement in mediation as voluntary. The differences between direct and indirect mediation samples were much less pronounced among the offenders than among the victims. In fact, in Leeds, the two groups of offenders had virtually the same proportion of those who said mediation was their choice (89% and 90%), while in Coventry, 100% of the direct-mediation offenders and only 50% of indirect-mediation offenders felt that way. However, we cannot attribute much meaning to the finding of a significant difference between the two Coventry groups, because of a very small overall Coventry sample size (n =11).

Table C-2
Offender Perception of Voluntary Participation in Mediation
(Comparing Direct and Indirect Mediation Cases)

Offender Perception of Voluntary Participation in Mediation	Combined Sites	
	Direct Mediation	Indirect Mediation
Voluntary Participation	94 %	79 %
Involuntary Participation	6 %	21 %
n =	16	14

D. PERCEPTIONS OF FAIRNESS IN JUSTICE SYSTEM

VICTIMS

D-1 Victim Mediation vs. No-mediation Samples

Victims at the combined sites who participated in mediation were somewhat more likely to express a perception fairness in the justice system response to their case (59% at the combined sites) than similar victims who were referred to mediation but never participated in mediation (50% at the combined sites.) None of the differences were statistically significant.

Victim's sense of fairness in the mediation process was expressed in the following statements: "I experienced fairness ... he paid up ... Fairness to me means that the offender gets the opportunity to make amends."

Table D-1
Victim Perceptions of Fairness in Criminal Justice System
(Comparing Mediated and Non-Mediated Cases)

Victim Perceptions of Fairness in Criminal Justice System	Combined Sites	
	Mediated	Non-Mediated
Fair	59 %	50 %
Unfair	41 %	50 %
n =	34	20

D-2 Victim Direct vs. Indirect Mediation Samples

Victims who took part in direct mediation were more likely to have a perception of fairness in the criminal justice system (71% at the combined sites) than those victims who took part in indirect mediation (50% at the combined sites.) None of these differences reached statistical significance, although they approached significance more than between mediation and no-mediation samples (above).

Table D-2
Victim Perceptions of Fairness in Criminal Justice System
(Comparing Direct and Indirect Mediation Cases)

Victim Perceptions of Fairness in Criminal Justice System	Combined Sites	
	Direct Mediation	Indirect Mediation
Fair	71 %	50 %
Unfair	29 %	50 %
n =	14	20

OFFENDERS

D-3 Offender Mediation vs. No-mediation Samples

Offenders who participated in mediation were significantly more likely to express a perception of fairness in the justice system (89% at the combined sites) than similar offenders who did not participate in mediation (56% at the combined sites).

The offender’s experience of fairness is represented by the following statement: “Mediation is a good thing ... it helps the offender to understand how the victim feels ... the agreement was fair to both.”

Table D-3
Offender Perceptions of Fairness in Criminal Justice System
(Comparing Mediated and Non-Mediated Cases)

Offender Perceptions of Fairness in Criminal Justice System	Combines Sites *	
	Mediated	Non-mediated
Fair	89 %	56 %
Unfair	11 %	44 %
n =	27	23

* Finding of statistical significance

D-4 Offender Direct vs. Indirect Mediation Samples

Offenders who participated in indirect mediation seemed to perceive the justice system as somewhat more fair (100% at the combined sites) than those who participated in direct mediation (80% at the combined sites.) None of these differences, however, reached statistical significance.

Table D-4
Offender Perceptions of Fairness in Criminal Justice System
(Comparing Direct and Indirect Mediation Cases)

Offender Perceptions of Fairness in Criminal Justice System	Combined Sites	
	Direct Mediation	Indirect Mediation
Fair	80 %	100 %
Unfair	20 %	0 %
n =	15	12

E. IMPORTANT CONCERNS

VICTIMS

E-1 Importance of Victim Receiving Answers

Victims who participated in mediation were significantly more likely to find it important to receive answers from their offenders about what happened (80% at combined sites) than similar victims who did not participate in mediation (36% at combined sites). In Leeds, these differences were found to be statistically significant.

Table E-1
Importance of Victim Receiving Answers
(Comparing Mediated and Non-Mediated Case)

Importance of Victim Receiving Answers	Combined Sites*	
	Mediated	Non-mediated
Important	80 %	36 %
Unimportant	20 %	64 %
n =	41	25

* Finding of statistical significance

E-2 Importance of Telling Offender the Impact

Victims who participated in mediation were significantly more likely to consider it to be important to tell the offender the impact the crime had upon them (90% at the combined sites) than similar victims who did not participate in mediation (64% at the combined sites.) Within program sites, a significant difference was also found among the Leeds sample of victims.

Table E-2
Importance of Telling Offender the Impact
(Comparing Mediated and Non-Mediated Cases)

Importance of Telling Offender the Impact	Combined Sites *	
	Mediated	Non-mediated
Important	90 %	64 %
Unimportant	10 %	36 %
n =	41	25

*Finding of statistical significance

E-3 Importance of Receiving Apology

Victims who participated in mediation were significantly more likely to find it important to receive an apology from their offenders (73% at the combined sites) than similar victims who did not participate in mediation (48% at the combined sites.) These differences were not significant at the individual sites' samples.

Table E-3
Importance of Receiving Apology
(Comparing Mediated and Non-Mediated Cases)

Importance of Receiving an Apology	Combined Sites *	
	Mediated	Non-mediated
Important	73 %	48 %
Unimportant	27 %	52 %
n =	37	24

*Finding of statistical significance

E-4 Importance of Negotiating Restitution

Victims who participated in mediation seemed more likely to find it important to negotiate restitution with their offenders (65% at the combined sites) than similar victims who did not participate in mediation (42% at the combined sites.) However, these differences were not statistically significant.

Table E-4
Importance of Negotiating Restitution
(Comparing Mediated and Non-Mediated Cases)

Importance of Negotiating Restitution	Combined Sites	
	Mediated	Non-mediated
Important	65 %	42 %
Unimportant	35 %	58 %
n =	37	24

OFFENDERS

E-5 Importance of Offender Telling Victim What Happened

Offenders who participated in mediation were significantly more likely to indicate that it was important to be able to tell their victims what happened (93% at the combined sites) than similar offenders who did not participate in mediation (59% at the combined sites.) Within program sites, a significant difference was also found between the Leeds samples of offenders.

Table E-5
Importance of Offender Telling Victim What Happened
(Comparing Mediated and Non-Mediated Cases)

Importance of Offender Telling Victim What Happened	Combined Sites *	
	Mediated	Non-mediated
Important	93 %	59 %
Unimportant	7 %	41 %
n =	29	22

*Finding of statistical significance

E-6 Importance of Offender Negotiating Restitution Settlement With Victim

Offenders who participated in mediation were more likely to have found it important to negotiate restitution settlement with their victims (62% at the combined sites) than similar offenders who did not participate in mediation (40% at the combined sites). None of the differences, however, were found to be statistically significant.

Table E-6
Importance of Offender Negotiating Restitution Settlement With Victim
(Comparing Mediated and Non-Mediated Cases)

Importance of Offender Negotiating Restitution with Victim	Combined Sites	
	Mediated	Non-mediated
Important	62 %	40 %
Unimportant	38 %	60 %
n =	24	20

E-7 Importance of Offender Apologizing to Victim

Offenders who participated in mediation seemed somewhat more likely to have found it important to apologize to their victims (90% at the combined sites) than similar offenders who did not participate in mediation (74% at the combined sites.) None of the differences were found to be statistically significant.

Table E-7
Importance of Offender Apologizing to Victim
(Comparing Mediated and Non-Mediated Cases)

Importance of Offender Apologizing to Victim	Combined Sites	
	Mediated	Non- mediated
Important	90 %	74 %
Unimportant	10 %	26 %
n =	29	23

E-8 Offender Apologized to Victim

Offenders who participated in mediation were significantly more likely to have apologized to their victims (80% at the combined sites) than similar offenders who did not participate in mediation (27% at the combined sites.)

Table E-8
Offender Apologized to Victim
(Comparing Mediated and Non-Mediated Cases)

Offender Apologized to the Victim	Combined Sites *	
	Mediated	Non-mediated
Yes	80 %	27 %
No	20 %	73 %
n =	30	22

*Finding of statistical significance

F. VICTIM AFRAID OF REVICTIMIZATION

Victims who participated in mediation were less likely to remain afraid of revictimization by the same offender (16% at the combined sites) than similar victims who did not participate in mediation (33% at the combined sites).

Table F-1
Fear of Revictimization
(Comparing Mediated and Non-Mediated Cases)

Fear of Revictimization	Combined Sites	
	Mediated	Non-mediated
Afraid	16 %	33 %
Not Afraid	84 %	67 %
n =	43	24

Victims who participated in direct mediation were less likely to remain afraid of revictimization by the same offender (11% at the combined sites) than similar victims who participated in indirect mediation (21% at the combined sites).

Table F-2
Fear of Revictimization
(Comparing Direct and Indirect Mediation Cases)

Fear of Revictimization	Combined Sites	
	Direct Mediation	Indirect Mediation
Afraid	11 %	21 %
Not Afraid	89 %	79 %
n =	19	24

CRIMINAL JUSTICE SYSTEM SUPPORT

A total of 13 criminal justice system officials were interviewed at the two sites examined in this study. In Leeds, 7 individuals were interviewed, consisting of: 1 Crown Court judge, 1 magistrate, 3 probation officers, 1 police inspector, and 1 solicitor. The 4 women and 3 men interviewed ranged in age from 31 to 62 years old and their experience in the criminal justice system ranged from 3 to 40 years.

In Coventry, 6 individuals were interviewed, consisting of: 1 magistrate, 1 chief clerk to justices in Magistrate Court, 1 senior probation officer, 1 probation officer, 1 police sergeant/youth liaison officer, and 1 social worker. The age for the 2 women and 4 men interviewed ranged from 35 to 63 years old. Their experience in the criminal justice field ranged from 4 to 47 years.

SUPPORT FOR PROJECT

Eighty-three percent of those interviewed at both sites indicated they supported the development of the project from the very beginning. Only one person at each site indicated that they did not support the mediation program from the beginning. One of these non-supportive individuals remained essentially non-supportive at the time of these interviews, many years later, while the other expressed a change of attitude and is now quite supportive. When certain criminal cases are referred to mediation, virtually all of the respondents indicated their hope that it will have a positive impact on offenders by holding them accountable through facing the reality of what crime is about. Over half of the respondents expressed hope that the mediation process would benefit victims by allowing them to express their feelings, to gain a better understanding of the criminal event, and by humanizing the entire criminal justice process. The voluntariness of the mediation process for both victim and offender, as well as the sincerity of the offender's motivation for participating, was identified as the most important factor in having cases referred to victim offender mediation.

VICTIM PARTICIPATION

The most likely reasons for the victim's choice to participate in mediation were identified by these officials to be: the need to get answers to questions about the crime, and the need to express feelings of anger and frustration to the offender.

In regard to the most important immediate outcomes of the mediation process for victims, the two most frequently identified themes by those interviewed were a sense of relief and reassurance, along with a greater understanding of what actually happened and why it happened. For offenders, the most frequently identified themes by these criminal justice officials were holding the offender directly accountable to the victim and allowing the offender to understand the full impact of the crime on the specific victim. When asked about hoped for longer term impacts of the mediation process, the most common themes expressed were the ability for the victim to resolve the incident and obtain closure, and the reduction of recidivism among those offenders who participate in the program.

OFFENDER PARTICIPATION

The most likely reasons for offender participation in mediation were identified as mitigation, diversion and self-interest. This related to offenders perceiving that they would get a better "deal" or less punishment. These reasons were followed by the need to express remorse and the need to make amends. A magistrate in Leeds stated "I would argue that whatever the motives are to start, there is value once they are in mediation. They will face the consequences of what they have done." A probation officer in Coventry commented that "Some know they may get a lesser sentence ... at the end of the day, mediation is one of the toughest >sentences' you could do."

The issue of holding offenders accountable in a meaningful way was expressed throughout the interviews, with 85% of the respondents indicating their belief that victim offender mediation was effective in holding offenders accountable for their criminal behavior. Seventy-five percent of those interviewed indicated their satisfaction with the performance of the mediation project they related to, with the highest level of satisfaction found at the Coventry site (100%). None of respondents indicated dissatisfaction with the performance of the project, although 50% of those interviewed in Leeds indicated some mixed feelings, with one person specifically mentioning external pressures in the justice system were likely as the cause of his mixed feelings about the project.

CONCLUSIONS

A number of conclusions and implications emerged from this study. They must, however, be viewed as only suggestive and cannot be generalized to all victim offender mediation projects in England. Because of the limited resources available to conduct the study and, particularly, the quasi-experimental design and small sample sizes, this study was largely descriptive and exploratory in nature. Nonetheless, the following conclusions are offered.

1. Victims and offenders who participated in mediation at the Coventry and Leeds projects were more likely to have expressed satisfaction and a perception of fairness in the justice system's response to their case than victims and offenders who were referred to the projects but never participated in mediation.
2. The importance of the victims telling the offenders the effect the crime had upon their lives was significantly more important to those victims in mediation at the two projects than those victims who did not enter mediation. This was also true with the importance of receiving an apology from the offender.
3. The importance of the offender telling the victim what happened related to the crime was significantly more important to those offenders in mediation at the two projects than those who did not enter mediation.
4. Victims who participated in mediation at the combined sites were less fearful of being revictimized by the same offender than similar victims who were referred to the project but did not participate in mediation. Victims in direct mediation were even less fearful of revictimization than those in indirect mediation.
5. Direct face-to-face mediation is not very frequently practiced at the two projects. During 1993, only 16% of the total cases involved in mediation (direct and indirect) were involved in direct mediation. When compared to the total number of cases referred to both projects in 1993, only 7% participated in direct mediation.

Whether this low participation in direct mediation is related to what some would consider a more reserved and less expressive English culture is not clear. Some in England have suggested it has little to do with the culture and more likely

is related to case management and preparation procedures that are probably too passive in terms of encouraging participation in direct mediation, while still honoring the individual's free choice.

A number of other factors are also likely to be related to the low rate of direct mediation. These include: adult age of offenders (high rates of direct mediation in the U.S. are based largely upon juvenile programs); many cases involve parties with a prior relationship (most programs in the U.S. involve strangers); and, more serious cases entering the process at a post-sentence level (many of the programs in the U.S. that have been reported on in research accepted case referrals at a diversion level).

6. Victims of crime who participated in the study of the Coventry and Leeds projects were considerably more likely to benefit from direct face-to-face mediation with the offender, than from indirect mediation. Victims in direct mediation were more likely to feel they participated voluntarily, to express satisfaction with the justice system's response to their case, to be satisfied with the outcome of mediation, to be less fearful, and to indicate they experienced fairness in the justice system's response to their case.
7. Offenders who participated in the study of the Coventry and Leeds projects were more likely to benefit from direct face-to-face mediation with the victim related to certain issues examined, than from indirect mediation. Offenders in direct mediation were more likely to feel they participated voluntarily and to express satisfaction with the outcome of the mediation. On the other hand, offenders in indirect mediation were more likely to express satisfaction and a perception of fairness in the justice system's response to their case.
8. Strong consideration should be given to providing more opportunities and encouragement for victims and offenders to participate in direct face-to-face mediation at the Coventry and Leeds projects, particularly since victims were consistently more likely to indicate positive benefits from direct mediation. A more assertive, encouraging and supportive approach to victims and offenders during the pre-mediation phase may be required, while still respecting and honoring the importance of each party making an informed and voluntary choice. This is not, however, recommending a "hard sell" approach in which either victim or offender would feel coerced into the mediation process, which would violate the basic principles of the process as a restorative justice intervention.
9. Participation in the victim offender mediation projects in Coventry and Leeds increased the quality of justice experienced by both victims and offenders.
10. Consistent with similar studies of victim offender mediation at 4 sites in Canada and 4 sites in the United States (Table 3), victims and offenders who participated in mediation in Coventry and Leeds indicated very high levels of satisfaction with the process and outcome of mediation and victims also indicated less fear of revictimization by the same offender. Victims at the two English projects, however, indicated lower levels of satisfaction and perceptions of fairness with the criminal justice system's response to their case, when compared to the North American studies.
11. During the course of conducting this study, it became increasingly clear that the leadership and support provided by Mediation U.K. was vital to the development of victim offender mediation in England. The high quality of the journal published (Mediation) and their initiative in developing standards for development of victim offender mediation projects are particularly outstanding contributions to the field. Other related nationwide mediation associations in North America could greatly benefit from the model of supportive leadership and networking exemplified by Mediation U.K.

Table 3
Comparison of English, Canadian and U.S. Studies
of Victims and Offenders Participating in Mediation

	Combined English Sites (2)	Combined Canadian Sites (4)	Combined U.S. Sites (4)
Victim satisfaction with criminal justice system response to their case: referral to mediation	62%	78%	79%
Offender satisfaction with criminal justice system response to their case: referral to mediation	79%	74%	87%
Victim satisfaction with mediation outcome	84%	89%	90%
Offender satisfaction with mediation outcome	100%	91%	91%
Victim fear of re-victimization by same offender, following mediation	16% (50% less than victims who were not in mediation)	11% (64% less than victims who were not in mediation)	10% (56% less than prior to mediation for same victims)
Victim perceptions of fairness in criminal justice system response to their case: referral to mediation	59%	80%	83%
Offender perceptions of fairness of criminal justice system response to their case: referral to mediation	89%	80%	89%

Table 4
Three Year Impact of Coventry Reparation Scheme: 1991-93

	1991	1992	1993	Combined 1991-93
Total Referrals to Mediation Project	106	91	79	276
a. Juvenile	17	14	8	39
b. Magistrates	40	44	31	115
c. Crown Court	49	33	40	122
Total Cases in Mediation (Percent of referred)	59 (56%)	55 (60%)	32 (41%)	146 (53%)
a. Direct mediation (Percent of mediated cases)	19 (32%)	12 (22%)	5 (16%)	36 (25%)
b. Indirect mediation (Percent of mediated cases)	40 (68%)	43 (78%)	27 (84%)	110 (75%)
Number of Offenders Referred	106	91	80	277
Number of Victims Referred	114	98	81	293
Number of Agreements for Practical Reparation or Voluntary Compensation	41	47	23	111
Number of Referrals by Source				
a. Probation Officers	NA	NA		128 (48%)
b. Solicitors				68 (26%)
c. Police/Court				15 (6%)
d. Offender/other				12 (4%)
e. Unknown				43 (16%)
Number of Offences by Type				
a. Burglary, robbery, theft	55 (50%)	45 (50%)	37 (47%)	137 (49%)
b. Assault	26 (24%)	21 (23%)	25 (32%)	72 (26%)
c. Property damage	4 (4%)	6 (7%)	4 (5%)	14 (5%)
d. Other	15 (13%)	17 (19%)	9 (11%)	41 (15%)
e. Unknown	10 (9%)	2 (1%)	3 (4%)	16 (5%)

Table 5
Later Impact of Leeds Mediation Project: 1991-93

	1991	1992	1993	Combined 1991-93
Total Referrals to Mediation Project	177	186	172	535
a. Juvenile	14	8	23	45
b. Magistrates	33	35	28	96
c. Crown Court	74	106	81	261
d. Caution	31	15	17	63
e. Post-Sentence	23	16	16	55
f. Unknown/Victim Referral	2	6	7	15
Total Cases in Mediation (Percent of referrals)	90 (51%)	90 (48%)	84 (49%)	264 (49%)
a. Direct mediation (Percent of referred cases)	18 (20%)	10 (11%)	13 (16%)	41 (16%)
b. Indirect mediation (Percent of referred cases)	72 (80%)	80 (89%)	71 (84%)	223 (84%)
Number of Offenders Referred	177	186	172	535
Number of Victims Referred	?	?	?	?
Number of Referrals by Source				
a. Probation Officers	116 (66%)	143 (77%)	126 (73%)	385 (72%)
b. Social Services	5 (3%)	2 (1%)		13 (2%)
c. Case Referral Panels	39 (22%)	20 (11%)		82 (15%)
d. Other	14 (7%)	10 (5%)		31 (6%)
e. Victim	3 (2%)	11 (6%)		24 (5%)
Number of Offences by Type				
a. Burglary	49 (28%)	66 (36%)	54 (31%)	169 (31%)
b. Assault	30 (17%)	31 (17%)	39 (23%)	100 (19%)
c. Theft	27 (15%)	24 (13%)	17 (10%)	68 (13%)
d. Robbery	27 (15%)	28 (15%)	30 (17%)	85 (16%)
e. Other	44 (25%)	37 (19%)	32 (19%)	113 (21%)

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Chapter II

Description of Coventry Project

A. Initial Development of Service

It is important to put the development of mediation and reparation of Coventry in the context of the times. In the mid-1980s the city had approximately the same size population it has today of 310,000. Formerly a thriving industrial city with a prosperous automobile industry, the city had been hit hard by a falling economy since the early 1970s. A decade later, Coventry had 10% unemployment, with the under-25 group representing about 3% of the unemployed. It is within this economic and social environment that the Coventry Reparation Scheme (CRS) was formed.

In 1983, the West Midlands Probation Service (WMPS) and the local courts formed a broad-based committee and began discussions about establishing a reparation project. This followed earlier conversations between probation officers and magistrates who were concerned that offenders were often too poor to pay fines appropriate for their offences, particularly involving property. John Harding, then Deputy Chief of WMPS, had researched the use of mediated restitution projects in the U.S., and his openness to new ways was a positive influence.

Shortly thereafter, the Barrow and Geraldine S. Cadbury Trust gave a grant to WMPS, to fund "Victim/Offender Agreements: A Feasibility Study in Coventry," by Martin Wright, a consultant and long time advocate of mediation and reparation. After reviewing the findings, and having further discussion, WMPS made several grant applications which resulted in substantial funding in 1985, for use over a two-year period. £30,000 was granted from the Monument Trust, and £60,000 from the Home Office (governmental Department) as part of a 200,000 pound experimental project involving four projects. The aim of this project was to test different models of victim-offender mediation for value and practicability. The Coventry project, along with Wolverhampton, were to be court-based and work with less serious offenders through the Magistrates Court. Cumbria was to be police-based, testing police cautioning and reparation. Leeds, also court-based, but at the Crown Court level, was to investigate the possibilities for diversion from custody for more serious offenders.

In June 1985 a Project Leader was seconded (a loaned employee, as in the United Way in the U.S.) from the probation service. By September, two Project Officers and a Secretary/Receptionist were on staff and the Coventry Reparation Scheme (CRS) began accepting referrals. Although the use of trained volunteers as mediators was advocated in the feasibility study, the decision was made to use only CRS paid staff to facilitate mediations. The staff mediators generally worked independently, rather than as co-mediators, except in situations with more than two participants or with a power imbalance between individuals.

B. Purpose

The purpose of CRS was to offer a broad range of making amends in an independent, neutral setting with a varied focus on "providing a service to victims, offenders and the court itself" (CRS Report, 1985-86, p. 18).

Two main issues were considered at CRS's inception which influenced its future operation. The first issue was the role of compensation in reparation agreements, as raised in Wright's study. Being able to have compensation for damages was cause for concern by others, particularly in relation to the high level of unemployment in the area. In light of the low economic resources of offenders participating in the project, CRS targeted a broad range of making amends including direct practical service, restitution, compensation or an apology. With the Home Office involvement, the mediation and reparation projects were supposed to be more victim-oriented than their predecessors, which had purported to be victim projects, but had actually focused more on offenders. Victims, offenders and the court were to have opportunities to benefit from mediation as articulated by the Home Secretary, Leon Britain, in 1985. These potential benefits would occur through: focusing more on victims; more fully serving society; and humanizing the justice process.

The second issue considered at CRS's inception was the need for the project to be in a neutral setting. This issue had been raised by Lionel Smith, Senior Probation Officer in Coventry, who had visited programs in the U.S. and Canada in 1984, and had become convinced that the project should be in a neutral setting, and operate as independently as possible from statutory control. The project was therefore based in its own premises near to the City Centre of Coventry, and was initially "managed by an independent local Committee including two Magistrates, the Honorary Recorder of Coventry, the Clerk to the Justices,

representatives from the local Police, Probation and Crown Prosecution Services, Law Society, Victims Support Scheme, Social Services Department, Coventry Cathedral and two independent members” (CRS Report, 1985-87, p. 9). This multi-agency Management Committee had responsibilities for “the day to day operation and policy making” (CRS Report, 1985-86, p. 9).

C. How Cases Are Referred

The mediation referral may be prompted by any court user, or by a CRS Officer available daily at court. Generally, the procedure begins with a 28-day adjournment, after a guilty plea and before sentencing. During this time the prospects for mediation and reparation can be explored concurrently with, but not tied to, the Social Enquiry Report (SER) prepared by a Probation Officer. If all parties agree, a mediation (direct or indirect) is held and any reparation agreement is arranged prior to the return to Court. This referral procedure was originally set up for Magistrates Court. The same procedure is generally followed by Juvenile Court. Crown Court has also used a similar procedure with a few additional steps prior to adjournment.

D. Types of Cases Referred

Types of cases to be considered for referral must have a guilty plea; an identifiable victim; and willingness by the offender to cooperate with the project’s aims. In cases involving youth (up to age 17), the parents of the youth victims and offenders must approve doing the mediation. All parties to the mediation must be 14 years or over unless exceptional circumstances exist.

As already indicated, CRS’s initial charge was to work with less serious offenders through Magistrates Court. Initially, 82% of cases referred were burglary, theft and assault. 18% numbers of cases involved robbery, obtaining by deception, forgery, driving with due care, criminal damage, arson, and riding a stolen moped. In 1993, the offences of burglary, assault and theft were 78% of the referrals. A range of other offences made up the remaining 22%.

E. How Mediation Process Works

The mediation/reparation process emphasizes:

- . Voluntary participation by victim and offender
- . Equal, active concern by mediator
- . Constructive communication about areas of conflict and agreement
- . Protection of security for victim and offender

The steps for the mediation/reparation process are outlined in the CRS Report, 1985-1987, as follows:

1. The mediator begins with reading the prosecution file and becoming familiar with available details about the offence and its consequences.
2. During an initial go-between stage, the mediator has discussions with the offender and then the victim. The aims here are to explain the Project and how it works, to understand more about what happened and its consequences and each party’s feelings now.
3. Both victim and offender are assisted, if they wish, to consider whether communicating with each other through a third party or by way of a joint meeting could be helpful. The aims of such communication are drawn out and the victim and offender helped to prepare for meeting each other when this is to occur. Discussion about reparation possibilities also takes place.
4. The mediator conducts joint meetings by introducing the Parties, facilitating communication between them and checking out details regarding agreement/understanding reached.
5. Individual discussions with victim and offender take place following joint meetings to discuss what took place and ongoing contact occurs when the mediator is involved in direct/indirect supervision of Reparation Agreements. The mediator may also have contact during this process with other Parties, e.g. victims or offender’s family.

The CRS Project Officer provides necessary information at the end of the Adjournment period, which includes:

1. Written reports are presented to the Court before sentence is passed. No recommendation regarding sentence is made. Reports include details of the mediation/repairation process and information about the offence, its consequences for the victim, the victim's views and offender's attitude towards the offence and details of any attempts to make amends.
2. If a Reparation Agreement has been agreed but not completed the Court may be requested to further adjourn the case, defer sentence, or the Reparation Agreement may be completed (voluntarily) post-sentence."

F. Early Impact (1985-87)

David Kidner, Clerk of Court and a member of the Management Committee, cites the positive gains made by the Project during the first two years. This included the staff gaining credibility in the eyes of the courts and becoming part of the court process. Also, he saw a consistent flow of referrals with some interesting outcomes providing "new materials, new experience and a new quiver in the bow of the sentencer" (CRS Report 1985-1987, p. 26). Both CRS Reports (1985-1986 and 1985-1987) describe the early impact of the initial phase of project's operation as shown in Table 2: Early Impact of Coventry Mediation Scheme (1985-1987).

Table 4
Early Impact of Coventry Reparation Scheme (1985-1987)

	Year 1 1985-1986	Year 2 1986-1987	Combined 1985-1987
Total Referrals to Mediation Project	100	96	196
a. Juvenile	17	9	26
b. Magistrates	81	77	158
c. Crown Court	2	10	12
Total Cases in Mediation (Percent of referrals)	64 (64%)	35 (37%)	99 (51%)
a. Direct mediation	38 (59%)	20 (57%)	58 (58%)
b. Indirect mediation	26 (41%)	15 (43%)	41 (42%)
Number of Offenders Referred	100	96	196
Number of Victims Referred	115	108	223
Number of Agreements for Practical Reparation or Voluntary Compensation	13	3	16
Number of Referrals by Source			
a. Defense solicitors	NA	NA	148 (75%)
b. Magistrates, clerks, prosecution solicitors			23 (12%)
c. Judges (all Crown Court)			12 (6%)
d. Probation Officers			10 (5%)
e. Staff			3 (2%)
Number of Offences by Type			
a. Burglary	NA	NA	66 (34%)
b. Assault			49 (25%)
c. Theft			45 (23%)
d. Other			36 (18%)

G. Problems/Issues That Emerged

A number of potential problems and issues emerged by the end of the second year of the project. Three sets of independent researchers, members of the Management Committee and CRS staff offered observations and comments. Important issues that were raised related primarily to the aims of mediation and the role of the mediator, and secondarily to the project itself.

1. **Serious concerns were raised about potential harm to the victim.** This focused on the potential for victims to be exploited by this kind of involvement with offenders; and the lack of attention paid to the victims by some mediators.
2. **Reservations were expressed about the offender.** The potential for manipulation or coercion of offenders in gaining agreement to take part was highlighted as well as the possibility of impure motives of offenders with the victims. Additionally, the extensive coaching of offenders prior to meeting with the victim could possibly inhibit direct and expressive confrontation.
3. **The number of referrals was lower than hoped.** Two hundred referrals had been projected for the first year alone. The reasons for far fewer referrals than proposed was possibly due to insufficient advertising. However, many attributed the lower number of referrals to a slow acceptance of the concept of mediation and reparation and its possible benefits, especially by court clerks and judges who had concerns about adding four weeks time to the sentencing process. Some court personnel were also worried that victims might be abused from feeling forced to participate (CRS, 1985-87, p. 25 & 26). Also cited as a difficulty in court referrals was the lengthy time between the offence and the plea and referral stages.
4. **Concern was expressed about the relative value of direct versus indirect mediation.** Some of the initial researchers favored direct mediation, while staff found both to be effective. CRS reported that indirect mediation may be valuable “where joint meetings are not thought to be helpful but a passed-on apology and exchange of information can provide some assistance and reassurance on both sides (p.38).@
5. **Expectations were not uniform.** One specific example was the issue of practical reparation, which was seen as very important by the Home Office, but in reality rarely occurred. However, on the basis of the first year’s experience, the project recognized that the process of mediating was itself important, rather than solely as a means to negotiating an agreement (CRS, 1985-86).
6. **Applying Restorative Justice principles within the traditional criminal justice system was found to be far more challenging than anticipated.** Like all projects studied during the mid- to late-1980s, most researchers point to the difficulty projects experienced in applying restorative justice principles to their practice within a traditional, retributive criminal justice system. The project needed to continue to be flexible and not locked into a specific model, in order to accommodate the individual differences in victims and offenders for each case. Additionally, the project was to continue to develop principles of good practice (CRS, 1985-86).

H. Changes That Emerged in the Coventry Project

As mentioned earlier, CRS originally was to work with the Magistrates Court. In April 1986, CRS began working with the Juvenile Court, followed by the addition of the Crown Court in June 1987.

After the initial reports in these early years, the project appeared to have attempted to respond to many of its criticisms and problems. In particular, attempts were made to increase the project’s sensitivity to the needs of victims. For example, the project chose to office separately from the probation service main office in order to be independent from other [offender-oriented] probation activities. Also, the CRS staff developed a very close working relationship with the Coventry Victim Support (CVS) organization. CRS now serves a mentoring role with the new CVS personnel, and cases are referred back and forth.

As far as the offender’s potential involvement in mediation, the project strives in its practice to attain entirely voluntary participation. This is intended to avoid the victim mediating with an offender who may not really want to be involved.

After only two years, there was no additional funding available from the Home Office. There was, however, considerable interest in the project, so a search was made for more resources. In 1987, CRS secured funding for an additional two years: £79,000 from Monument Trust, £10,000 from Wates Foundation and £19,000 from WMPS, which was active in the initiation of CRS and continued to play a key role in its development. The challenge for the future was seen as “exploring longer term and more permanent settings, [and] structures and methods of operation for mediation and reparation practice in a variety of settings both in and out of court” (p. 58).

One of the explorations in the next phase of CRS involved a small initiative which was added in 1987 to deal with community-based disputes that would not be going to court. Most of these were ongoing neighbor disputes which so far had failed to be resolved by the courts of the police. Ten cases were pursued, including two with possible racial harassment. This initiative was

seen as an opportunity for the Project to create a link with the West Midlands Police to explore the potential for offering mediation services to a variety of agencies outside the courts.

In December 1987, CRS developed a proposal to offer mediation and reparation to victims and juvenile offenders outside of the court setting through the local Juvenile Liaison Panel. At that time, few referrals were being made from the Juvenile Court, and yet a need was perceived for this group to be served.

In the late 1980s, CRS continued to look at possibilities for a permanent setting and funding, recognizing the temporary nature of ongoing funding from outside charitable organizations. After much discussion between WMPS and CRS, it was decided in July 1989 that CRS would be mainstreamed and directly funded by WMPS. The Management Committee was kept in an advisory capacity. The staffing pattern was to be 4 FTE employees, with no volunteer or sessionally-paid mediators.

I. Later Impact (1991-93)

Table 5
Later Impact of Coventry Reparation Scheme: 1991-93

	1991	1992	1993	Combined 1991-93
Total Referrals to Mediation Project	106	91	79	276
a. Juvenile	17	14	8	39
b. Magistrates	40	44	31	115
c. Crown Court	49	33	40	122
Total Cases in Mediation (Percent of referred)	59 (56%)	55 (60%)	32 (41%)	146 (53%)
a. Direct mediation (Percent of mediated cases)	19 (32%)	12 (22%)	5 (16%)	36 (25%)
b. Indirect mediation (Percent of mediated cases)	40 (68%)	43 (78%)	27 (84%)	110 (75%)
Number of Offenders Referred	106	91	80	277
Number of Victims Referred	114	98	81	293
Number of Agreements for Practical Reparation or Voluntary Compensation	41	47	23	111
Number of Referrals by Source				
a. Probation Officers	NA	NA		128 (48%)
b. Solicitors				68 (26%)
c. Police/Court				15 (6%)
d. Offender/other				12 (4%)
e. Unknown				43 (16%)
Number of Offences by Type				
a. Burglary, robbery, theft	55 (50%)	45 (50%)	37 (47%)	137 (49%)
b. Assault	26 (24%)	21 (23%)	25 (32%)	72 (26%)
c. Property damage	4 (4%)	6 (7%)	4 (5%)	14 (5%)
d. Other	15 (13%)	17 (19%)	9 (11%)	41 (15%)
e. Unknown	10 (9%)	2 (1%)	3 (4%)	16 (5%)

J. CRS Unresolved and Emerging Issues

1. Autonomy, Neutrality of Service, and Position in the Probation Service

In April 1994, a new unit was created within the probation service. £100,000 was allocated to create a new entity called The Community Safety Unit (CSU), which will be responsible for CRS, crime prevention, and community mediation. Barbara Tudor, formerly CRS Project Leader and now CSU Manager, believes this change has pluses and minuses for the project.

On the plus side, CRS being brought to the same status as other probation work will probably increase referrals, particularly of more serious cases. Additional advantages of the merger may be seen in terms of economy of scale. Mediators and volunteers could be cross-trained, some administrative tasks could be shared, and the broader concept of mediation could be enhanced.

On the minus side, the FTE mediators will drop from 2 3/4 to 2 1/4 because Barbara Tudor will be expected to spend more time as manager and less time as a mediator. Equally significant, if not more so, the advisory committee has been discontinued. The staff are concerned because without the advisory committee, CRS will not be eligible for accreditation with the national organization, Mediation UK. It might also appear that eliminating the multi-agency advisory representation may lessen the public's perception of balance and credibility for CRS. Less autonomy for CRS may result. It may be argued that while WMPS gives a stable funding and administrative base for CRS, debate may be fueled regarding CRS becoming too "offender-oriented." CRS may also become more vulnerable to funding cutbacks and marginalization by being only 1/3 of the Community Safety Unit rather than a separate entity.

Staff at CRS are hopeful that a new advisory committee will be organized again. One option is to develop a broader advisory committee that would serve all of the mediation organizations including victim-offender, family and community. This plan has multiple benefits, including connecting people and groups who are working on overlapping social issues and concerns and who have much to gain by increased contact and communication. One possible drawback of this option might be that the committee would be less focused on topics specific to each field.

The Probation Service has set a target of 120 mediations for 1995: 50 Crown Court, 30 Magistrates Court, 20 Juvenile Liaison Panel and 20 post-sentence cases. Setting goals for the number of cases is seen as new for the project and is viewed as being a positive move for motivating the staff to higher productivity. If the project can meet these goals, and compile adequate statistics for reporting, it may solidify its position within the CSU division of WMPS. However, a failure to meet the goals could jeopardize CRS's existence.

2. Number of Referrals Have Dropped

The number of referrals to the project recently dropped. Some speculated that the drop may be due to fewer cases coming to courts because diversion and cautioning are being used more. Others cited the initiation of fixed fees for legal aid solicitors as a factor. The vast majority of solicitors referring to CRS handle legal aid cases.

CRS staff have developed a number of new strategies for increasing referrals through the courts. The first strategy is to assign each Project Officer to specific probation teams, with the objective of establishing a strong liaison by attending regular team meetings. The second strategy is to request an addition to the printed "gatekeeping form" used as a checklist by probation officers during preparation of the Pre-Sentence Report [PSR] which asks, "Have you considered mediation? Why or why not?" The goal for these strategies is to produce one referral per business day.

Both of these ideas are innovative and may prove to be productive. Given the dramatic decline in the number of referrals, increasing referrals must be highly prioritized. This is one situation where an advisory committee could have been helpful. Group planning, especially with diverse groups represented, is often a synergistic exercise leading to creative and innovative ideas—and in this case, probably more referrals.

Strengthening the referral system at CRS seems essential in light of the mediation goals set by the Probation Service. Referrals dropped from 106 in 1991 to 91 in 1992 to 79 in 1993. The corresponding number of cases which were actually mediated were 59, 55 and 32. Given the percent of mediations to referrals over the three year period averaged 53% (not very different from the 51% reported in 1985-1987), the project would need to generate approximately 240 referrals in 1995 to achieve the goal of 120 mediations set by the Probation Service. Since fewer resources (money and personnel) seem to have been allocated for the current year, this may be quite a challenge. The danger exists that the project could feel pressured to focus on quantity rather than quality, and possibly compromise the integrity of their work.

3. Reporting, Statistics, Public Relations

There has been a serious lack, for at least the last several years, of an annual report, updated brochure and general written publicity. A suggestion to strengthen CRS would be for it to produce more written materials in order to provide data, statistics and case examples for better monitoring and evaluation of the Project. The need for such material is somewhat offset by the need for present staff, particularly the Project Leader, to maintain a visible presence within the criminal justice system, and the community-at-large. However, especially in light of the need for referrals, producing printed materials would be a tool to raise awareness and add to the credibility of CRS.

4. Volunteers/Staffing

In order to process more referrals and mediations as required by the Probation Service goals for the project, additional mediators are likely to be needed. CRS might find it helpful to revisit the idea of using sessionally-paid mediators, which is working so effectively in Leeds. It would allow more cases to be processed, and create opportunities to obtain more cultural and socio-economic diversity in mediators.

Chapter III

Description of Leeds Project

A. Initial Development of Service

Leeds, located in the north of England in West Yorkshire [county], has a population of 500,000. The city's very industrialized core is surrounded by greenways and parks, making it one of the greenest cities in Europe. The development of Leeds Reparation Project (LRP) happened serendipitously, as a result of four separate events coming together by "historical accident" in mid-1984. The first event was that the probation service became interested in reparation at the recommendation of a working party, who thought it would benefit the courts, victims and offenders. The second event was that victims were being introduced to offenders by local probation officers as a matter of course, particularly by John Blinston, another visionary force. The third event was that windfall money to initiate mediation/reparation projects was available from the Home Office. Finally, a proposal and bid were submitted by the West Yorkshire Probation Service (WYPS) (Quill, Wynne et al, 1993, p. 10-11).

Thus, in 1985, the Leeds Reparation Project (LRP) was selected as one of the quadripartite of projects in England to be funded on an experimental basis by the Home Office. LRP started as a court-based project, and focused on more serious and persistent "high tariff" offenders in the Crown Court. Initial expectations were for the diversion of 100 offenders from prison sentences, and reparation was to be a major component in the project (Marshall in Galaway and Hudson, 1990).

The staff consisted of 4 FTEs: a Coordinator, Project Leader, Project Worker and Secretary. Initially, the use of volunteer mediators was considered, but it was decided to use a small pool of sessionally-paid mediators. It was felt that this arrangement would lead to an increased commitment to training and availability, and result in a more highly skilled, stable group of mediators (LRP Report...1985-1987). Also, a decision was made to use co-mediators whenever a case was determined to be suitable for direct mediation.

B. Purpose

Originally the project was modeled after the Friends Suburban Project in the United States, and adopted principles from them of "personal accountability of offenders and their obligation =to put things right' and 'voluntarism,'" in addition to the basic structure and methods of the Friends.

The recently published Victim and Offender Mediation Handbook (Quill, Wynne et al, 1993) specifies the service's current aims and philosophy:

VICTIMS AND OFFENDERS should have the opportunity to deal with their conflict themselves following an offence, within the wider context of the Criminal Justice System.

OFFENDERS have a moral responsibility to put right, as far as possible, the effects of their offence.

VICTIM/OFFENDER MEDIATION should be considered following an offence. The selection criteria being (i) the willingness of the parties to participate and (ii) their safety.

VICTIMS have a right to be involved in the process of criminal justice.

THE AIMS of our work with victims and offenders are:

- To involve the victim in the process of justice.
- To provide a service for voluntary mediation and/or reparation for victims and offenders.
- To promote attitude change in offenders in the hope of changing their behavior.
- To influence the Criminal Justice System towards being more restorative (p. 23).

Also in the VOM Handbook the central core underlying LMRS is summarized as follows:

...[T]he recognition that once an offence is committed an equilibrium is disturbed. An involuntary relationship between offender, victim and society is established. The restoration of the equilibrium as far as possible requires all three areas to be addressed:

- The needs of the victim
- The needs of the community
- The needs of the offender (Myers, p. 11).

C. How Cases Are Referred

In its first two years, referrals were taken at any stage from the parties themselves or any involved agency. With the exception of two cases, probation officers actually made all the referrals at the pre-sentence stage, which may have been before pleas were taken, during the Social Enquiry Report (SER) stage (LRP Report, 1985-1987).

More recently, from 1991 to the present, referrals have been at all stages, with approximately one third at each stage— caution, pre-sentence and post-sentence. Referrals come from three main sources: probation officers, social workers and the police. The aims and philosophy of LMRS relating to referrals is included in the VOM Handbook as follows:

THE SERVICE is available to any offender(s) and their identified victim(s) once the offence has been subject to criminal process and guilt has been acknowledged. Work with juveniles will involve parental consent.

Referrals are accepted from individual victims and offenders and any agency involved in the criminal justice system within Leeds and the outlying courts area.

The priority is actively to seek referral of all suitable cases from Victim Support Schemes, Probation Officers and Case Referral Panels. In the case of the latter, referrals are only accepted when a decision has been made to caution the juvenile or to send him or her to court. We believe that the decision to caution should not depend on the parties willingness to participate in mediation.

In order to provide a service that is based on victims' and offenders' needs, referrals will be accepted at any stage in the criminal justice process, although mediation will not be undertaken in situations that may prejudice the course of justice. Where appropriate and only with the victims' and offenders' full understanding and permission, a report of mediation work and any agreement will be made to the court involved (p. 28).

D. Types of Cases Referred

From 1985-1987, the types of cases referred were diverse. The majority of referred cases were for burglary, assault and theft, which together accounted for 80% of referrals. Other offences included robbery, deception, criminal damage, shoplifting, TWOC (Taking Without Owner's Consent—of auto), arson and other. Other offences included those in 1985-1987 were attempted murder (1), conspiracy to steal, dangerous driving (death by, 1), malicious phone calls, manslaughter (1), and murder (1).

More recently, the LMRS Annual Report 1993 indicates a continuing diversity in the types of cases referred, with burglary, assault and theft comprising 60% of the total referrals. The proportion of robberies to referred cases increased from 2% initially to 17% in 1993. Burglaries increased from 31 % to 46%, assaults stayed level at 21%, and theft increased from 8% to 13%.

E. How Mediation Process Works

The mediation process was adopted from the Friends Suburban Project and involved rigorous assessment in the pre-mediation phase of appropriateness of mediation for the victim and the offender, particularly focused on the victim's readiness and willingness to participate and the offender's attitude towards the offence. The basic premise is that the mediators deal with the process and the participants control the outcome. The phases of mediation include:

1. Opening Statement
2. Uninterrupted Time
3. Exchange

4. Agreement
5. Closing Statement.

The model from the Friends Suburban Project is still the basic model used at LMRS. According to coordinator Jean Wynne, the mediation techniques are much the same as in 1986, although they have been fine tuned as LMRS and its mediators have gained experience.

The VOM Handbook provides a clear and comprehensive account of LMRS's mediation process. The following information is taken directly from the section called "The Mediation Process—Terminology and Stages of Mediation," and is presented as a series of lecturettes:

REFERRAL

The process begins with a referral of either a victim or an offender. This is usually by telephone to the coordinator's office. Anyone can refer from any point in the Criminal Justice System: probation officers, social workers, solicitors, victims or offenders. Referrals are also received from Courts, Juvenile Case Referral Panels, Police, Victim Support Schemes and Citizen's Advice Bureau.

Criteria for acceptance are:

1. The offence has been reported to the Police and the offender is being processed for Court or a formal decision has been made to caution. Any cases where there is clearly a dispute, but it has not been reported to the Police, we refer to the Community Mediation Service.
2. There is an identifiable victim and offender. For offender referrals the victim has to be a person or an organization such as a company, school, business or church. It is difficult sometimes to identify the victim in cases such as disorderly behavior and reckless driving. Without a victim mediation is not possible. For victim referrals we take the details and visit them even if the offender has not been apprehended. We advise the victim that if the offender becomes known we will contact them again. This visit provides extra victim support and puts the case 'on hold' in case an offender is caught at a later stage.
3. The offence took place in Leeds or the victim or offender resides there. For reasons of economy it is not possible for us to mediate cases which require long distance travel. However, we do make prison visits to the offender when they are held in prisons outside the area. Where the victim has moved a long distance away following the offence, it may be necessary to restrict our mediation work to letter writing. Ideally, a mediation service should be available in every town and then we could contact a local service and ask them to visit the victim or offender.
4. The coordinator also needs to know whether there are any safety considerations. Does the referrer consider the offender or victim to be violent? Is there any risk to the mediator, the victim or the offender? This information is vital if the mediation process is to be safe. If violence is a risk, mediation is not necessarily precluded but every stage will need to be considered more carefully than usual. Safety of the participants is paramount and Leeds Mediation and Reparation Service has always taken considerable care over this. No violence has occurred during the six years of practicing mediation.

The coordinator collects as much information as possible about the offence from the referrer, including whether the referred person is willing to undertake mediation. If they are unsure or hesitant it should be considered whether to take the referral or not. We usually check to see if they fully understand the project, however some offenders and victims refuse when they find out what is involved.

In juvenile cases the police juvenile liaison officer contacts the offender and his/her parents, to tell them they are being referred and that a mediator will call to explain the project. They also write to the victim about the referral.

This may seem as though there is no choice, but in fact the offender and his/her parents and the victim are free to decide not to undertake mediation and some choose not to.

Details are needed of the circumstances of the offence, time, date, location, any damage to property, value of goods, lost or damaged, any personal injury sustained and the victim's and offender's current addresses.

ALLOCATION

Once the coordinator has this information the case is allocated to a mediator. In general, mediators are allocated cases on the basis of their availability for work. However, some cases are fitted to specific mediators, for example those without cars may wish to do work close to their homes. It is important that mediators get experience of a range of work but some individual preferences can be taken into account. We find that some mediators are very skilled working with juvenile offenders, whereas others prefer not to work with juveniles. Similarly, some mediators may not wish initially to take sexual or domestic violence cases. Once mediators have built up their confidence they often request to widen their case experience, and it is better that the initiative comes from them rather than from the coordinator. Race and gender issues should be considered when allocating cases. The mediator's role is to help redress the abuse of power that occurred with the committing of an offence. Thus the mediator's race and gender should reflect this intention. We must avoid at all costs further victimizing the victim.

ASSESSMENT

The mediator visits each party in turn and explains the service to them. These contacts are usually preceded by a letter or telephone call making an appointment, though some mediators prefer just to visit unannounced. The method depends on the mediator's style and personal skills.

The assessment visit is to establish what happened during and after the offence. Each party has the opportunity to explain in their own words, talking through the offence and its effects, assessing willingness and ability to undertake the mediation process. Face to face mediation is not offered at this stage unless requested. If the case is pre-court, both parties must be told that a report of any work done and any agreement reached will be put before the court. The check lists (Appendix 1) can be used to help with the assessments, but we do not insist that they are completed for every case. Some mediators find them helpful particularly when starting out, others prefer not to use them. All mediators discuss their assessment with their supervisor who helps with the decision to proceed or not.

INDIRECT MEDIATION

This is the second stage, when information is exchanged between the victim and the offender via the mediator. The mediator is in a rare position, in the Criminal Justice System, of having an overview of both victim and offender perspectives on the offence. This is therefore an opportunity for the mediator to challenge and confront the offender with information obtained from the victim. This is a difficult and sensitive part of the work as offenders may well initially deny that the victim has been hurt or upset in any way. The good part is that the offender is offered the chance to do something about the hurt and upset. The victim's needs or requests can be put to the offender and reparation can be worked out. The victim may want question answering such as 'Why me?', 'What happened to my things?', 'Am I being watched?'. The mediator can pose those questions to the offender and relay the answer.

DIRECT MEDIATION

If both parties are willing, and it is considered by Leeds Mediation and Reparation Service to be safe and of value for the victim and offender to meet, a face to face meeting is arranged. A second mediator is selected by the first mediator and is briefed as to the main facts of the case and the feelings of the mediator.

A suitable neutral venue has to be found and booked; we use church halls or community centres. Only exceptionally do we use probation property, as that is not perceived as neutral by victims. The time, date and transport are arranged. Unusually each mediator will call to pick up one of the parties. This provides support during traveling which can be a tense and nervous time. However, if they prefer, they can make their own way to the venue. The room will usually need to be organized so one mediator must take responsibility for getting there early to arrange the furniture (ideally a square table and four upright chairs). The chairs are arranged so that the mediators face one another and the victim and offender face one another. Paper and pens are required.

The usual structure of the direct mediation meeting is as follows:

- [1.] Welcome, introduction and ground rules
- [2.] Uninterrupted time x 2
- [3.] Exchange
- [4.] Summarize
- [5.] Agreement (if any)
- [6.] Wind down - get permission for further contact

FOLLOW-UP WORK

The purposes of follow-up for the victim and offender are to identify any loose ends left over from the experience and to debrief. For the organization, follow-up serves to evaluate how appropriate the service has been and to get consumer feedback.

Three months after the close of a case we like to follow up on our mediation work by visiting the victim to find out whether any reparation work has been completed, compensation is being paid etc., and how they are feeling about being involved in mediation. We ask them simple questions about their feelings before and after mediation and whether they would recommend it to a friend. Apart from checking on consumer satisfaction, this interview also picks up any unfinished business. Most follow up interviews have resulted in some loose ends being tied up.

TERMINATION

The mediator and their supervisor decide together when it is appropriate for the case to close. This can happen at any stage of the process.

The criteria used are:

- Is it still safe for the parties to proceed?
- Are both parties still willing to proceed?
- Is there any further value for these two people in the mediation process?

The reasons for termination must be explained clearly to each party and if necessary a further referral to other support services made with their consent (pp. 30-34).

It is important to note that the current structure set forth for the direct mediation meeting has several slight changes from the original Friends' model as outlined. For example, some of the terms used are slightly different, there is an extra phase (6 instead of 5), and agreement is not assumed. In addition, in the Introduction Phase, the mediator is to "ask who would like to go first." This contrasts the practice in the U.S. where most VOM programs have the victim go first in the Uninterrupted Time Phase.

F. Early Impact (1985-87)

The Leeds Reparation Project Report on Experimental Period—1 May 1985-30 April 1987 describes the early impact of the initial phase of LRP's operation.

Table 6
Early Impact of Leeds Mediation Project: 1985-1987 (2 Years Period)

Total Referrals to Mediation Project	272
a. Juvenile	9
b. Magistrates	62
c. Crown Court	201
Total Cases in Mediation (Percent of referred cases)	95 (35%)
a. Direct mediation (Percent of mediated cases)	35 (37%)
b. Indirect mediation (Percent of mediated cases)	60 (63%)
Number of offenders referred	272
Number of victims referred	?
Number of Agreements for Practical Reparation or Voluntary Compensation	42
a. Agreements in direct mediation (Percent of mediated agreements)	35 (80%)
b. Agreements in indirect mediation (Percent of mediated agreements)	7 (20%)
Number of Referrals by Sentencing Court (Percent of Referrals)	
a. Juvenile Court	8 (3%)
b. Magistrates Court	63 (23%)
c. Crown Court	201 (74%)
Number of Referrals by Source (Percent of Referrals)	
a. Probation	244 (92%)
b. Crown Court	14 (5%)
c. Magistrates Court	5 (2%)
d. Social Services	3 (1%)
Number of Offences by Type (Percent of Offence)	
a. Burglary	125 (46%)
b. Assault	35 (13%)
c. Theft	14 (5%)
d. Robbery	14 (5%)
e. Other	41 (15%)

The percentage of non-custodial sentences for 1985-87 was 72% with mediation and 62% without mediation.

G. Reconviction Research Results

The LMRS Annual Report, 1992 reported research findings on recidivism. The following 1988 research used data from 1985-1987 and the 1992 research used data from 1989:

1988 RESEARCH

In 1988, LMRS, due to the co-operation of the police, was able to gain access to the criminal records of those offenders who had met their victims during the first two years (1985-1987) of the project. The results of this first reconviction research were as follows:

Of the 90 offenders involved,
75% had no further convictions 12 months later
68% had no further convictions 2 years later.

These results were perhaps not so surprising given that the offenders referred to mediation were carefully selected during the pilot stage of LMRS. It was therefore necessary to carry out a further study to check if these results could be replicated given the much wider selection criteria now used by LMRS.

1992 RESEARCH

During 1992, again thanks to the full co-operation of the police, LMRS was able to gain access to the criminal records of those offenders who undertook either indirect or direct mediation with their victims during 1989. The results of the second study are as follows:

Full Data

Of the 69 offenders involved,
78% had no further convictions after 12 months
58% had no further convictions after 2 years.

Excluding Custodial Sentences of 1 Year or More

As these figures could have been skewed by offenders who received a substantial custodial sentence (one year or more) we removed these from the analysis by bringing down the total to 54. The results of this second analysis are as follows:

Of the 54 offenders involved,
76% had no further convictions after 12 months
57.4% had no further convictions after 2 years

Gravity of Offence for Those Re-convicted

Of the 29 offenders who were re-convicted:
31% committed an offence of the same gravity
37% committed an offence of a less serious gravity
31% committed a more serious offence

These results were spread evenly across the three age ranges (under 17, 17-20, and 21 and over) and offence types (property and violence).

H. Brief Summary of Early Impact (1985-87)

Although the results were far short of the original goal of diversion from custody, other results were encouraging. Some of the initial research indicated a number of positive outcomes which included: the workability of the VOM process; high victim and offender satisfaction (majority would participate again or tell others); many victims were pleased with the chance to meet their offender; and the credibility established with other agencies, especially sentencers (Marshall in Galaway and Hudson, 1990).

I. Problems/Issues That Emerged

Numerous problems/issues arose during the initial time period, which have mostly been managed rather than completely resolved (and also apply to Coventry). Quill, Wynne, et al (1993) list some of these initial problems and issues as follows:

- The identification of the Probation Service as solely an offender-based organization.
- The over-identification of some Probation Officers with offenders to the exclusion of victims' rights.
- National Association of Probation Officers (NAPO) view that the work is valuable but should not use resources which would otherwise be used for work with offenders.
- The inertia in the Criminal Justice System and its resistance to change.
- The legalistic approach to defining offence.
- The apparent prejudice to the legal process (pp. 10-11).

Tony F. Marshall (1990) identified operational problems during the experimental period:

- Getting sufficient referrals.¹
- Inadequate time within the Criminal Justice System to complete the mediation process.
- Careful preparation of both parties.
- A major failing of all the projects [4 from experimental period] was the failure to provide for follow-up of the parties...the mediators owe it to both parties to give them some news of each other...[more extensive post-mediation counseling could be referred to other professionals].
- All the projects had difficulty maintaining their underlying philosophy of restorative justice in the face of a dominating [retributive] criminal justice system.
- A fundamental ambivalence existed in the projects regarding the role of material compensation in mediation (p. 83).²

¹The objective for the Home Office was to work with 200+ cases in hopes of diverting the offenders from custodial sentencing. In order to generate those results (the average ratio of cases to referrals is 1:2 or 50%) the project would have needed to have received around twice that amount, or over 400 referrals. In actuality, the service received 272 referrals in the 2 year time period, or 2/3 of the projection. However, the number of diversions was only 14 cases, far short of the goal. It should be noted that in comparison with Coventry and Wolverhampton, Leeds had the best performance in referrals. However, the referrals came from certain areas, so the potential was thought to be much greater.

²The most complete account of problems occurring at LMRS-- and Coventry--are in: The Home Office report Crime and Accountability (Marshall & Merry, 1990) and "Results of Research from Experiments in Restorative Justice" (Marshall in Galaway and Hudson, 1990.)

J. Changes That Emerged in the Leeds Project

At the end of the Home Office funding period in 1987, WYPS was committed to the “value of offence resolution work,” and the project became an official part of the probation service. Although the project initially focused on reparation by the offender, it quickly became apparent that the process itself [mediation] was as valuable as the outcome [reparation]. At that time, a new name was given to the project, Leeds Mediation and Reparation Service (LMRS), and a plan was conceived to expand mediation and reparation throughout the county of West Yorkshire. WYPS, especially after the 1990 Victim’s Charter raised questions about the victims’ needs, looked at VOM’s position within the criminal justice system. It has taken the position that “victim and offender work fits with the WYPS because it contributes specifically to the strategic aims of the West Yorkshire Probation Service. These aims include:

1. To contribute to the protection of the public.
2. To contribute to the reduction of crime.
3. To contribute to the diversion of more offenders from custody.
4. The social re-integration of offenders” (Quill, Wynne et al, 1993, p. 29).

Early on, it became obvious that victims must get equal, if not higher, priority, and this led to the early adoption another principle: “the right of the victims to have their say and be listened to” (Quill, Wynne et al, 1993, p. 10-11). More recently, the stated aims in the VOM Handbook reflect the shift in emphasis to include the victim; the inclusion and the placement of aim #1, found in the “Purpose” section, is an example of the shift. Furthermore, a change in the updated LMRS brochure lists the victim’s interests before others under the section “What does mediation and reparation achieve?” (rather than the offender being mentioned first, as in an earlier brochure).

Other significant changes since the experimental period involve balancing the needs of victims, such as establishing closer links with the local Victim Support office, employing staff who are not probation officers, defining aims and stating purposes with offence—rather than having an offender-orientation. Additionally, the LMRS office is physically separated from the rest of the probation service, a symbolic step which creates a more separate identity from probation/offenders, i.e. a “quasi-independent position” (Quill, Wynne et al, p. 11).

All of these changes related to emphasizing the victims appear to have been thoughtful decisions. A common issue initially was that mediation and reparation projects in England were “not doing enough for victims.” One major research study, based on the mid-1980s Home Office experimental projects, took five years to be published, and the author did not include a note about the long time lag in the preface of the book. Therefore, the problem with the victim has continued to be perceived as serious and ongoing by many in the criminal justice system. In fact, much has been done to address the issue in Leeds, Coventry and other projects in England.

The number of referrals showed a steady annual growth, and then the number of cases stabilized. In past years, juveniles accounted for one third of the referrals, and adults for the other two thirds. Now referrals are mainly of adults. There was actually a drop of over 50% of juvenile case referrals from 1990 to 1992 (LMRS Annual Report 1992). Very few juvenile cases are presently being referred because of reorganization in social services and the police. LMRS staff intends to work more closely with Youth Justice Team social workers in order to improve access to the service for young offenders.

To address the issue of a lack of follow-up after mediation, LMRS has incorporated “FOLLOW-UP WORK” which is a strong component of both training and practice, as discussed in the “How Mediation Process Works” section of this study.

In 1993, LMRS, in conjunction with Save the Children and WYPS, produced the extremely comprehensive VOM Mediation Handbook (Quill, Wynne et al). The handbook includes many of LMRS’S training exercises, along with chapters on: An introduction to VOM; philosophy; history of LMRS; victims, offenders and Restorative Justice; and a vision for the future. The handbook is meant to model LMRS’S methods and procedures which can be used in its entirety or adapted to meet local needs when setting up a new project. This handbook could be a major tool to assist in developing VOM in England.

WYPS and LMRS have expanded the service within the county as planned. The town of Kirklees now has a VOM service and Bradford recently completed a training program for their first mediators. Mediation services for victims and offenders are currently being developed in the rest of West Yorkshire. Wakefield and Calderdale/Keighley/Bingley began operating between late 1994 and early 1995, making West Yorkshire the first in the country with county-wide VOM services. The staff at Leeds have played a part in the establishment of services in the 3 out of 4 new locations, all of which now provide mutual consultation and support.

In June 1994, LMRS moved its offices to the garden level of a local church, along with the family mediation service and many other community-based projects. This arrangement successfully models the principles of community cooperation and collaboration.

The staff consists of four FTE employees: three coordinators, one secretary/receptionist, and a core of ten to twelve mediators who are paid per session for their mediation services. A majority of the mediators have five or more years of experience with the project. Most others have been involved from two to five years. County-wide there are approximately 70 trained mediators.

Once or twice a year, the probation mediation staff conducts an area-wide 2-day introductory training course for potential mediators which is part of the selection process. Approximately 15-20 people attend each of these trainings. Subsequently, a training period lasting about six months, and ongoing training for all mediators, are required. After one year, up to half of those who completed the introductory course have become mediators. Although all of the participants do not actually become mediators, the positive impact for the individuals and the community is considerable. Some of the participants may eventually become involved in LMRS as volunteers, and/or apply their mediation/negotiation skills to other parts of their lives, both personally and professionally. It often gives people confidence and experience which can lead to full time employment elsewhere. The course is also a good public relations strategy and educational service in the community.

LMRS is an exceptionally well-managed and organized service. The staff have prioritized public relations and maintains high visibility by making many presentations to teams and units within WYPS as well as to police, social services, Crown Prosecution Service and others. LMRS has developed an array of outstanding publications including:

- Detailed annual reports have been issued since 1990, which furnish interesting yearly updates and case studies and solid statistics
- The exemplary LMRS VOM Handbook has been well-received across the country
- WYPS Mediation and Reparation Practice Guidelines for all projects in the county
- Numerous high quality brochures, flyers, leaflets and information packs are distributed to a wide variety of individuals and organizations

Leeds has distinguished itself as the premier mediation and reparation project in all of England for its service to victims, offenders and community. LMRS appears integrated within the criminal justice system for the foreseeable future. At the same time, it maintains a certain independence through its broad multi-agency advisory committee and strong links with other agencies, being especially committed to strengthening its relationship with Victim Support.

A significant accomplishment in 1994 was the production of a 1-hour documentary, produced by Yorkshire TV, which aired throughout England on February 28, 1995. The program was very well done. Out-takes of the actual mediations filmed will be made available to the Center for Restorative Justice and Mediation for information and training.

K. Later Impact (1991-93)

Table 5
Later Impact of Leeds Mediation Project: 1991-93

	1991	1992	1993	Combined 1991-93
Total Referrals to Mediation Project	177	186	172	535
a. Juvenile	14	8	23	45
b. Magistrates	33	35	28	96
c. Crown Court	74	106	81	261
d. Caution	31	15	17	63
e. Post-Sentence	23	16	16	55
f. Unknown/Victim Referral	2	6	7	15
Total Cases in Mediation (Percent of referrals)	90 (51%)	90 (48%)	84 (49%)	264 (49%)
a. Direct mediation (Percent of referred cases)	18 (20%)	10 (11%)	13 (16%)	41 (16%)
b. Indirect mediation (Percent of referred cases)	72 (80%)	80 (89%)	71 (84%)	223 (84%)
Number of Offenders Referred	177	186	172	535
Number of Victims Referred	?	?	?	?
Number of Referrals by Source				
a. Probation Officers	116 (66%)	143 (77%)	126 (73%)	385 (72%)
b. Social Services	5 (3%)	2 (1%)	4 ????	13 (2%)
c. Case Referral Panels	39 (22%)	20 (11%)		82 (15%)
d. Other	14 (7%)	10 (5%)		31 (6%)
e. Victim	3 (2%)	11 (6%)		24 (5%)
Number of Offences by Type				
a. Burglary	49 (28%)	66 (36%)	54 (31%)	169 (31%)
b. Assault	30 (17%)	31 (17%)	39 (23%)	100 (19%)
c. Theft	27 (15%)	24 (13%)	17 (10%)	68 (13%)
d. Robbery	27 (15%)	28 (15%)	30 (17%)	85 (16%)
e. e. Other	44 (25%)	37 (19%)	32 (19%)	113 (21%)

LMRS did additional work over and above what has been done in past years. Twenty cases were mediated by LMRS mediators in the Kirklees area since the staff in Leeds were facilitating the development of a new project there. In addition, LMRS handled 6 cases of Life Sentence Enquiry Work, which is an initiative of the 1990 Victim's Charter Initiative. After completion of the enquiries, four of the cases asked for mediation (direct or indirect).

L.LMRS Unresolved and Emerging Issues

1. Diversity of Staff and Mediators

LMRS needs more cultural and socio-economic diversity, if not at the staff level, then at least in mediators and volunteers. This is not an unusual criticism of projects in the UK (including Coventry), and in the United States as well. Considering the ethno-cultural and socioeconomic diversity of the area served, it might be beneficial to the project and to the mediation participants to have the staff and mediators reflect the ethno-cultural and socioeconomic profile of the participants. Restorative justice principles value the support and contribution of community in helping to affect systemic change. Modeling the diversity of the community will strengthen the project and its impact.

2. Sessionally-paid Versus Volunteer Mediators

In response to growing budget constraints, WYPS has questioned the use of sessionally-paid mediators. It had been suggested that the use of volunteer mediators might alleviate growing fiscal concerns due to the additional projects now operating county-wide and/or mandates from the Victims Charter. However, the decision has now been made that sessionally-paid mediators are

necessary to provide a quality service. Therefore, the principle has been accepted by the administration. Each of 5 services now has a budget to pay mediators on a sessional (hourly) basis.

3. Funding

There has been a strong commitment by the national Probation Service to victims' services (including mediation and victim enquiry work), but in the face of increasing budget constraints and the need to maintain core work with offenders, this may not be continued in future years.

Case Examples of Mediation Sessions

Coventry Project

The following case studies were prepared by staff at the Coventry project.

Usual Indirect Mediation

The offender was a young West Indian man of 22 years. He had been out for the day with two friends. At the end of the day they had indulged in a heavy drinking session and on their return to Coventry were very inebriated. For some reason which could not be recalled they had decided to visit a friend, whose exact address they did not know although they thought they would recognize the home. Unfortunately, when they arrived in the street where the elderly victim lived they could not identify the address of their friend but did disturb a number of residents in their search. The offender had got out of the car and had knocked on a few doors in the street, his friends were parked further up the street when he knocked on the victim's door, he heard a dog bark and can only recall thinking he'd like a dog, so he broke into the home (very easily as the property had not been well maintained by the landlord and the latch was already insecure). The offender had little recall of what happened whilst he was inside the home but can remember seeing police officers outside when he exited through the front door carrying a TV set. He put the set down in a nearby entry and ran away. He was arrested shortly afterwards and was horrified when the police informed him that the elderly lady resident of the home he had entered had run into the street in her nightdress calling for help. His friends endorsed his feelings of disgrace and shame when they told him that they had witnessed the distraught victim's cries for help as a result of which he explained that he felt the "lowest of the low". When he went to see his solicitor the morning following the offence he immediately said he wanted to speak to the elderly victim to reassure her that he meant no harm and explained she need not fear his return. It was explained that we could not visit the victim until the case had taken its full course through the court system probably at least 6-9 months and that undertaking the mediation process was unlikely to divert a prison sentence. The offender remained adamant that the all important thing was to explain his remorse and offer an apology and comfort and that he felt that he deserved a prison sentence for what he had done and wasn't expecting any effect on his sentence.

It was a considerable time later, as expected, when the first opportunity to visit the victim arrived, after the offender had pleaded guilty in court. Fortunately when she was visited her son was visiting her. She explained that as a 71 year old living alone she was a light sleeper and on the night of the offence she had been awakened by a knock on the door followed by her dog barking. She immediately made for the head of the stairs and as she reached for the bannister to her horror she saw the large figure of a man walking down the hall of her home. As he went into the lounge she ran down the stairs and out of the front door, her only thought being to reach a neighbor for help. When the neighbor from across the road heard her screams and came to her aid she was embarrassed to realize that she was in the street in her bare feet and nightdress. She was fortunate in having a supportive family and friends and had at first been so afraid to stay alone that she had moved out to her son's home. The family had discussed her moving in permanently with them but whilst her son was in the kitchen making tea she explained that she could not cope without her own independence, although they were all very kind and, in many ways against their advice, she had returned to her own home, where she was still a little fearful at night but more settled during the day.

The victim was delighted to hear about the offender's shame and remorse. When it was explained that she had been visited at the earliest opportunity, specifically at his request, she expressed the wish that we had been able to reach her earlier with his apologies particularly as the offence had caused a great deal of fear in the neighborhood which was largely occupied by elderly people. She said that it would mean a lot to everyone to be reassured that he would not be returning, and she would start circulating that news as soon as possible. Although the prosecution papers alluded the fact that the TV had been recovered and returned to the victim when I asked her if it was undamaged she said it had never worked since. She could not afford a new one so she would have to manage without. An opportunity to meet with the offender personally was offered and she showed some interest - however her son suggested that she should give the matter some thought and it was arranged that she would be contacted again a couple of days later. A contact number for the Unit was left. Before a return visit was made the victim's son rang to explain that he felt that his mother would express a wish to meet with the offender but he felt that this was because she was so grateful to hear of his remorse that she wanted to help him in the court situation and he thought that she may feel that this was what I wanted her to do. He thought that his mother would become very anxious prior to such a meeting and that he really wished her to be spared further distress which would re-awaken feelings which she had experienced at the time of the

burglary. He added that since she had received the offender's information about the offence she was "like a different person". A huge weight of fear had been lifted from her and he wished to express his gratitude to the offender for this. When I revisited the victim she was alone and we fully discussed the reasons for and against meeting. It was obvious that she had benefited to the full from the previous visit and the information which had been imparted. That was clearly enough - I reassured her that her decision not to meet would have no adverse effect on the offender but that I felt he would be overwhelmed by her generosity and the spirit in which she made it clear that she wanted him to be fully aware that she accepted his apology and his assurance that he would not only return to her home but also never do anything like that to anyone again. I was able to further inform her that following a visit to my office by his girlfriend the offender had agreed to engage in an alcohol education program. The victim accepted an offer from Community Service to repair and upgrade the lock on her back door which still hadn't been attended to since the break-in.

When the offender came to discuss the victim's reaction with me he was most relieved to hear that his views and contribution had been of considerable assistance to her. He became emotional when given the message of her forgiveness, although he expressed some disappointment that he could do no more to make amends, nevertheless he fully understood her son's views.

At Court the Judge decided to 'take a risk' with the offender. He had acquired employment and it was decided that custody would probably help no-one. Therefore he decided that the offender would pay compensation to the victim which would purchase a new TV and he doubled the amount to take account of the distress and anxiety which had been caused to the victim. The offender was also put on probation for a further year to maintain his attendance at Alcohol Education and assist him to stabilize his lifestyle.

The offender was delighted to be allowed to continue working and therefore be able to pay compensation, when he found out that the victim was saving the rest of the money to have a holiday; he made the payment at double the rate ordered, which caused him some difficulty, in order that she would get her holiday quickly. He complied with his Probation Order and has not reoffended. A delightful token which meant a lot to the victim was that the day after the case the offender brought a bunch of flowers to the office with the request that I take them to the victim. He said he had not wished her to think he was putting her under any pressure prior to the court case but wished her to have a small personal token of apology - she was thrilled by the gesture.

Unusual Joint Meeting

The following Case was one which at the out start there was a lot of advice that we should not take on, in fact it led to two joint meetings which went a long way to address the damage that had been done to an important relationship. Sadly both men were vulnerable - one very badly affected by cerebral palsy, the other addicted to gambling. It was unfortunate that they had ended up in a relationship in which the victim was very dependent upon the offender at a time when the offender was in a vulnerable position himself. However on the surface it would appear that the offender had most of the advantages one would look for in life, being a very good looking, fit young man within a supportive relationship, living with his girlfriend. The victim had been institutionalized for 25 years because of a mistaken diagnosis. Although he suffered from severe cerebral palsy his intellectual capacities were unaffected by his physical problems. One and a half years before we met him he had been released from a psychiatric hospital to a community establishment where severely disabled people were enabled to take up residence on the same site in independent living units, following two years of initial one to one support.

When the victim was released from hospital into the community he was found the above sheltered accommodation and for the first two years to assist him to adapt he was granted a carer specially to attend to his needs and reintroduce him to the outside world. The offender was employed as the carer. There is no doubt he had many skills and a great deal of patience - he recognized the intelligence of the victim and did a great deal of good work with him but was, of course, on a low income. Unfortunately at the time when he was asked to withdraw £500 from the victim's bank account to finance a holiday organized by a charity he had gambled some money with which he had to pay his domestic bills and lost it. The temptation not to tell his girlfriend but spend £200 of the withdrawal for the holiday on the bills became too much. Inevitably he decided to gamble the remainder of the withdrawal in the hope that he would be able to replace the original amount. Of course, the money was all lost and in the appalling dilemma of how to tell the victim of what he had done he simply ran away and returned to his family in Ireland. However he was unable to settle as his conscience continued to harass him. He returned to Coventry to face up to what he'd done. When he realized there was an opportunity to try and meet with his ex-employer, explain his behavior and offer an apology he decided he would like to although acknowledged it would be very difficult to see some of his work colleagues again as well as face the victim, himself.

We arranged to meet the victim when his new carer was on duty as we believed his speech would be difficult to understand and he may wish to discuss the matter with her again when we had left. In fact the victim, whose speech was somewhat unclear was extremely articulate and humorous. He explained his feelings on finding out what had happened and that he had enjoyed the

defendant's company and in fact missed him. He was very pleased to have the opportunity to discuss the matter with us and responded immediately to the chance of a joint meeting.

The meeting took place in a private room at the victim's accommodation. It was true to say that the offender did have to face some prickly 'vibes' from some of the staff and other residents but afterwards most spoke with some admiration of his courage in having returned. The two men although clearly emotionally strained were pleased to see one another again. The offender's immediate move to the easiest position for the victim to speak to him, his rapid adjustment to his speech and direct empathy with him was obvious. The victim explained his feelings of disappointment and disbelief when he realized what had happened to his money, both found this discussion distressing but gave one another time to express themselves. After finding to his relief that the victim was still taking his holiday but would have to pay afterwards, the offender said that in a few days he would be able to repay half of the money directly without getting himself into more of a financial coil, we offered to hand the money to the victim but he insisted that the offender should return and give him the money personally so a further meeting was arranged.

Unfortunately before this proposed meeting was to take place, in the event of trying to free £250 the offender had to consider that he may not be in the community for much longer and was unable to produce cash in time as he was trying to ensure that he did not leave any of his dependents in difficulty. However he was responsible enough to let us know. The victim firmly decided he would still like the meeting to take place and in the course of it the offender explained that he was borrowing the money from his mother and was in the process of making the necessary transactions. So little was left of the adjournment period that when the cash was received at our office there was only time for us to collect the victim and his carer and take them to the bank to pay the money in.

At court the defendant very nearly received a custodial sentence but in the end a Compensation was made to reimburse the victim for the other £250, and a Probation Order was made to assist him to sort out his gambling problems.

The victim had the opportunity to handle the matter in his own way which proved to be shrewd and firm giving him some dignity and emotional satisfaction as although upset about what had happened it was clear that the two men got on very well together. The offender had been able to directly face his ex-employer and make some amends for his behavior.

Ordinary Joint Meeting

The offender, at 19, had been known to Criminal Justice agencies for a few years - in fact as a younger teenager we had met him after he had been involved in a schoolboy assault for which he had been to court. On that occasion the victim had sent messages to him via the Unit but decided against a joint meeting. When he came to the office this time he was with his mother. Clearly she was concerned that at 19 he was still offending - also she had heard that the home which had been broken into was occupied by a single lady and had told him in no uncertain way how she would have felt if it had been her. This was her son's first burglary and his progress through the system this time seemed to have had a salutary affect on him, also since the commission of the offence he had found a steady girlfriend who was expecting their baby and he had been living in a flat with her - although since going to court he was bailed to his mother's address. The reality he had to face this time was that his sentence would probably be custodial; he would be in prison when the baby was born and could not support his girlfriend fully over the last few weeks of her pregnancy. He now had a job with an employer he really respected and he had talked the matter over with him. Thus a number of circumstances seemed to have combined to make him start thinking in a more mature way than I had seen him do before. He had come to the conclusion himself that the least he could do would be to face the victim and apologize.

The victim although a little icy at first soon warmed to explaining the unusual events leading up to the burglary. This was the second time she had been burgled and the first occasion upon which her burglar alarm had not been set since, she told me that she had some very uncomfortable feelings about that. A teacher, she had retired early on health grounds, suffering from anxiety and stress and therefore spent a lot of time alone. She asked for a couple of days to think the matter over and when we called again she decided that she would like to meet the offender.

Apparently, on the day, she almost decided not to turn up but eventually plucked up her courage. Clearly the offender was also nervous and embarrassed. He had been given his boss's mobile phone so that he could ring when the meeting was over and be collected to be taken to a building site he was working on. The victim looked at the mobile phone - he 'coloured up' and said nervously "I ain't pinched it. I suppose you've every reason to think I have". He told me later that it really shocked him when he realized what she might be thinking and that was what he really deserved. Some straight talking took place and at the end of the meeting the victim said that she was pleased she had met the offender (though she had second thoughts) and now she had a chance to know more about him, she urged him to make the most of all the possibilities he had in his life and not spoil his chances and others lives by offending. The message really seemed to go home - later he expressed concern that she had been anxious about meeting at all and was very relieved to hear that she had considered the effort worthwhile. He is still on Probation. Has not reoffended, kept his job and is now doing very well. There were a number of 'levers' in this case all

appearing to be ready to pull at the same time for the offender - the fact that he met the victim and really confronted how she had felt about him and how much emotional damage he had done to her seemed to be the “gelling substance” to keep them all firmly in place.

The victim later expressed considerable benefit from the meeting. She had been able to identify him and got a true image of him, she admired his courage in coming to see her, felt he had been genuine and shown some concern for her and was pleased to hear that the court gave him a ‘last chance’ on the Probation Order. It meant a lot to her to think that the meeting may have persuaded him not to burgle anyone else.

Unusual Indirect Mediation

The offender was introduced to the Unit by a Juvenile Justice Worker who was horrified to hear the details of a burglary which took place at the home of an elderly lady of 86 years. The offender was only 14 years old himself, already quite street-wise and with an ambivalent attitude to his family (who neither visited or wrote to him whilst he was in custody!) The offender had broken into the house on two reported occasions. In interview it did appear that there was no other more sinister reason for him visiting the property again than his immature and simple belief that having searched the house the first time any money she may have must have been in her bedroom, and he felt that he could be quiet enough not to awaken her. When in the event he did disturb the victim she screamed so loudly for help he admitted that he panicked and tried to shut her up by putting his hands over her mouth. By the time we met the offender he had discussed this matter with a number of other people, police officers, social workers etc. all, of course, had expressed their views regarding the elderly victim and he had become acutely aware of how other people felt about behavior like that. Lengthy discussion with us regarding his actions seemed to piece it all together. Although now clearly nervous he said he would be prepared to meet with her if she wanted to but he admitted he would be very anxious about it.

A visit to the victim proved lengthy but very useful. She was clearly devastated by the second offence. She had feared that she was going to be raped but had since almost convinced herself that it was only money he was after. She was of course, able to clarify this detail for herself and ascertain his age and family background - all of which helped put it in perspective. She showed us her bedroom, locked and bolted, which alarmed us in case of fire etc especially in her arthritic condition - it was obvious that the burglaries had done a great deal of damage to her sense of security in living alone. She took us back through her life telling us of her family and explained how she had not been able to talk to them of her feelings now, because she didn't want to leave the house she and her husband had together but she was very afraid of being alone and she knew her family would want her to move in one way or another if they knew of her feelings. Several times she went back to the offender's assurance given through us that he would not return to her home then she wandered into other details again. At the end of our visit she said she did not know what she would want to do and asked for time to think about it but she was keen for us to come again. As we left she said “I feel so much better now I have got a lot of information about him and have been able to talk about how it has really made me feel to someone who knows about it all.”

The Case went to court and the offender was sentenced to 4 months custody. We visited him in Y.O.I. and he asked me to help him write a letter (it is appended to the report). He was assisted to order his thoughts and write it all down. The offender was keen to pay for the victim's quilt to be cleaned and a social worker had managed to track down one of the few remaining laundry services which would do it.

We re-visited the victim sometime after sentence taking the letter. We told her about it but said if she didn't want to have it we would take it away again. She said she couldn't bear to touch it but did want it read to her several times - she listened and repeated bits of it and then asked lots of questions about what would happen to the offender on his release. She did not want to keep the letter nor did she want her eiderdown cleaned - she decided to give it to a jumble sale as she had a new duvet and liked it. As we left again she expressed the view that our visits had been the most helpful ones she said she had received saying she had “moved on” a lot since the last one and was more at peace with herself in her home again. She expressed the view that she hoped the offender would come out to some care - there was some chance of his going to live with relatives and that he wouldn't ruin his own life by behaving as he had.

Unusual Joint Meeting

On a hot summer afternoon the offender and his friend had been sitting in the old cathedral grounds in Coventry. The old cathedral is simply the old flagged floor and outside walls of the original building but underneath are the oldest chapels built in Coventry - there is access to them under the steps which link the old and new buildings but that afternoon after drinking a considerable amount of cider the two boys forced up an air grill at the side of an old tomb stone and to their surprise slipped through the space exposed and dropped a good few feet into one of the old chapels below. Whilst in the chapel the offender, his friend (and another young man who had joined them) did a considerable amount of damage breaking an ancient icon, setting fire to an old bible and urinating on the seating - they threw the furniture around and then using an up-ended pew left.

To the offender's absolute horror news of the damage which had shocked the City traveled as far as the European News broadcasts. When he sobered up he was shocked and aghast at what he had done, and very frightened having heard some of the reactions to the news. It appeared in interview that his parents, born again Christians, had moved to this area for some reason to do with their church, up-rooting him and breaking up his education. It was his mother who had reported her suspicion that it could have been her son who committed the offence after over-hearing a conversation between himself and his friend (who had left the chapel in horror when he witnessed what was happening). His mother and father stood by their son through all his court appearances.

When I first met the offender he expressed a mixture of anger, fear and remorse. He was awkward and challenging but underneath he had a glimmer of wryness about his own behavior and more than a spark of decency. He was aware that he had hurt more people by damaging a place revered by the whole community than he thought. After talking it all through he said he would be prepared to go and talk to someone at the Cathedral but he didn't think they would want to talk to him.

When I first met The Canon allocated to speak to the Unit he was well aware of what had happened although he had only just arrived at the Cathedral. He said he would talk to the Head Verger about the matter as he had locked himself into the chapel and cleared up the mess personally in order to protect others from witnessing what had happened. He asked why I was involved and expressed surprise that I wanted to accompany the offender to the meeting. He wondered why they couldn't meet alone - that surprised me a little - I wondered why he wanted to meet alone. He rang and said when he would like to meet with the offender and along we went. Once into the meeting the Canon asked who had suggested the offender should come and what they had suggested he should say and do. The offender looked at me angrily. He said "You said I didn't have to come at all. You said it was up to me what I said". I nodded - I had realized why the Canon didn't want me there. The Canon relaxed and smiled - he went out of the room and brought in the Head Verger - they told the offender that they had spoken to all the staff and volunteers at the Cathedral and asked if they were prepared for him to come and work there on Saturday afternoons. There was only one voice of descent (we never found out whose it was). The offender readily agreed that he would be prepared to give up his time to work for the Cathedral but first we had to go back to the court for sentence.

At court the Judge decided to defer sentence on the defendant for three months to see what progress could be made.

Every Saturday the offender and I turned up to meet the Head Verger at the Cathedral door. Sometimes we polished, sometimes washed flags, sometimes rearranged chairs etc. The offender worked in separate chapels, sometimes in rooms "behind the scenes" and after a while we were invited to have a tea break with the Vergers. He started to talk to different staff and volunteers. He asked questions about what certain things meant to them - there were some things he admired and liked and he was fascinated by the organ which was under repair whilst we were there. He learnt to respect the people there and like them - he didn't agree with their religious views but he understood why they had them. He also worked very hard. The Verger was very pleased.

When John was due to go back to court the Canon and Verger wanted to write to the court; they did so. The offender, was given a short Probation Order and ordered to pay some compensation for the damage. He had been saving up and paid it straight away. The Canon did not really want the money. He said he was a little embarrassed after all the work which had been done but he suggested buying some candlesticks for the Chapel of the Cross which had suffered the damage and the offender was pleased.

Later when the offender was asked if he would take part in a TV programme he said he would like to help us but felt that it was too painful to talk about who he had been because he was now a completely different person and really didn't wish to even think about it now. He is still living at home and has a good job. For a long time he called in now and then to see us. It was difficult at first to get rid of his reputation but eventually he out-grew it and we have not seen him now for some time. He has not reoffended.

LEEDS PROJECT

The following case studies were prepared by staff at the Leeds project.

Usual Direct Mediation

An offence of criminal damage on business premises, had been committed by two juveniles, aged fourteen and eleven years. The damage to plant hire machinery, and perimeter fencing by driving dumper trucks around the yard amounted to \$2000. Both youths were referred by a Case Referral Panel following the decision to process them for court.

Martin and Vincent were visited by a mediator, who found them both keen to attempt to put things right as far as possible. They were shocked to have been told the value of the damage. Their mothers, were also supportive, and although could offer no voluntary financial reparation to the firm, felt strongly about their sons taking responsibility in some way. The lads realized their 'lark around the yard' was potentially a major headache to the firm's owner. They were willing to meet the owner, and offer to do some practical work during the school holidays, as neither had any money of their own.

The owner of the yard, Mr. H, was interested in mediation, wanting the youths to know how much inconvenience had been caused as a consequence of their actions. He realized they would see the driving of dumpers around the yard, as an adventure and great fun. However, the crashing and scraping of other vehicles and machinery, had caused these to be unavailable to clients, whilst awaiting repairs. As a result of this inactivity, hire charges were being lost. This was a major worry to the owners, who had only recently gone into business, and needed all the equipment to be fully operational, for financial stability. He agreed to participate further, once the young offenders had been to court. He had claimed compensation, but held little hope of the court making an order.

A report was prepared for the Juvenile court, informing the bench of the progress of the referral to date. Social Enquiry Reports from both Probation and Social Services, were available to make sentencing recommendations to the bench. Both received Conditional Discharges for 1 year. No compensation was awarded due to both families circumstances, but a recommendation was made to continue the mediation/voluntary reparation process.

I had spoken to Marin and Vincent with their mothers at court and had been impressed at their feelings about continuing. Following court, the mediator re-established contact with the youths. Not surprisingly, and keeping their word, both wanted to go on. School holidays were approaching, and they would be available to meet Mr. H, and fulfill any resulting agreement. The boys later met Mr. H, who told them he appreciated them facing up to him. He felt it was a difficult thing for them to do. Martin and Vincent made apologies for what they had done, and made Mr. H an offer to do some unpaid work for him in the yard if he wanted.

It was arranged that the two would go to the yard on an arranged date in the holidays, and re-paint a storage tank. This was assessed as being within their capabilities, and the boys were keen to get on with the job.

Under supervision, the painting took four and one half hours to complete, to the satisfaction of Mr. H, Martin and Vincent, and the mediator. The work was spread out over two days, and the mediator's report showed they had worked enthusiastically. At the same time, this gave the youths the opportunity to see the work of the firm in action, at closer quarters, and legitimately. Mr. H saw their willingness to make amends to the best of their ability.

The Mediation Service feels facilitating mediation, and negotiating reparation, has promoted better understanding of the consequences of the damage. It also opened up the opportunity for the young people to do something constructive, and take responsibility in a direct way. The victims were able to receive information, and have their feelings and needs acknowledged by the boys, and the Criminal Justice System. It was not a punitive process and when completed, Martin and Vincent had done as much as was reasonably possible to put things right.

Unusual Direct Mediation

Richard (17) was convicted of gross indecency against his 4 year old niece, committed over a time when he was babysitting. He was sentenced to 6 months in a Young Offender Institution. The supervising officer was concerned that the family has not discussed the offence themselves or with Richard. What professional help did the child or the family need? Who were the victims?

We identified that the child, as the first clearly identifiable victim, needed a home environment as near normal as possible. The child's parents, also 'victims', needed to be helped. Thirdly the grandparents of the child, Richard's parents, needed help. They were avoiding their feelings despite the fact that Richard was coming home to them.

Richard wanted to forget what he had done. He was visited in prison by an experienced mediator who then visited his parents. Both Richard and his mother had feelings about the offence which needed to be worked on, and his mother's relationship with her daughter (the child's mother) had been damaged.

The mediator then visited the child's mother, Linda. She felt very much alone. She and her husband had never mentioned the offence. Linda had been trying to cope with the effect on her daughter, whilst also coping with the breakdown of her relationship with her mother. Linda felt her mother had abandoned her by sticking with Richard.

It was arranged for Linda, at her request, to attend a specialist group for mothers of sexually abused children, and by the time this was set up, Linda's husband was prepared to attend with her.

Richard was now out of prison and back with his parents, but the situation was tense. The mediator visited Richard and his mother. Richard felt depressed, had thought of suicide. The mediator helped Richard's other ask the questions she wanted answering. He managed to answer and feelings were aired. He felt better and a follow-up visit confirmed much less tension between Richard and his mother.

The mediator then arranged for Linda and her mother to meet, and assisted mother and daughter to say and hear the things that needed expressing. As the mediator put it, it was a very special occasion and one she was privileged to be part of. A follow-up visit revealed the breach had been healed.

Richard's supervising officer was kept fully informed of the process. Linda attended the parents support group, and the relationship between Linda and her mother was healed. These improvements would help Linda support her daughter to get over the offence. Richard's relationship with his mother improved, and he had been able to acknowledge the offence to himself and his family.

At no point did we consider mediation between Richard, his sister and his niece. This division in the family continues and we felt that this was important for the psychological and physical security of the child.

Richard now has a girlfriend and is moving towards independent living as an adult.

Usual Indirect Mediation

Malcolm and his co-defendant used the 'bogus official' technique to enter the homes of their victims, (all 5 were over 75 years of age) and steal cash totaling \$4680.

Originally at Armley remanded in custody, Malcolm was released on bail with a surety of \$4500 paid to the Court. His family, traveling people but now with a caravan on a permanent site, raised the surety with \$700 from Malcolm and his wife's savings.

Malcolm wanted the money raised as surety to go to his victims, whatever the sentence of the Court. His family agreed. Malcolm also wanted his victims to know as much about him as possible, and to hear his apologies as well as receive offers of compensation.

Not all the victims lived in West Yorkshire, but by the time he was sentenced, two local ones had been traced. A Court report was submitted, providing the sentencer with victim and offender perspectives.

One couple in their eighties had money stolen by Malcolm which they had put aside to pay for their funerals. The couple were pleased to be visited by a mediator and know their feelings would be made known to the Court (i.e. their anger at the offence and relief that he had not been aggressive towards them). They were encouraged by his offer to pay compensation to them, and surprisingly sympathetic when given answers to their questions about Malcolm.

Malcolm received a 3 year sentence, the Court did not make a compensation order due to the length of the sentence. The Judge felt Malcolm and his wife should retain their \$700, and the rest of the surety was released to Malcolm's solicitor. The Court could not legally order persons other than the defendant to pay compensation. Malcolm and his parents were, however, still keen to offer voluntary compensation.

Malcolm's parents helped make up the \$700 to \$1500. Other family members needed their money, raised for surety, returned to them. We banked the \$1500 and set about repaying what we could to the victims. Of the 3 victims living outside West Yorkshire, one had died recently after illness, but nothing had been taken from her home. A man of over 90 was in hospital and the other victim was in a residential home.

An offer was made to all the surviving victims on the basis of a percentage of their loss in relation to the \$1500 voluntary reparation money in our possession. This was acceptable to the victims

Although disappointing for Malcolm that the \$4500 could not be transferred to a compensation order by the Court, whilst serving his sentence he had still felt a responsibility to his victims. The victims, although out of pocket, were grateful to have help, support and information from our Service, and appreciated Malcolm's concern for them. His own self esteem improved, and he had done the best he could in addressing the needs of his victims and understanding the consequences of his offending.

Unusual Indirect Mediation

The victim had called at the offender's house on business to collect some money. The offender was very drunk, he held the victim captive in his home for 3 hours and had a knife in his hand all the time. She managed to escape and call the police, when he demanded that she drive him to the off license to get some more drink.

The offender had been so drunk that he could hardly remember what had happened, he was deeply shocked when he found out what he had subjected the victim to.

The victim knew that she definitely did not want to meet with the offender but she wanted him to know how she'd been affected by the traumatic incident. She now felt unsafe whenever she was alone with a man, she was frightened to go out alone and had lost her confidence.

On hearing this, the offender was visibly moved - clearly still ashamed of his behavior and still finding it difficult to believe what he had subjected the victim to. He was adamant that it would never happen again. He wanted the mediator to apologize to the victim and tell her that he did not want to cause her further distress.

The offender received a 2 year Probation Order with a condition of Intensive Supervision.

The victim was interested to know how the offender had reacted on hearing her feelings. She felt that he was tackling his alcohol problem himself. She was grateful to have had the contact with the mediator. As a result she felt stronger in herself, and now felt far less distressed when talking about the offence. She commented that indirect mediation was "as if I'd spoken to the offender myself, he had to face up to what he'd done."

Table A-2
Victim Satisfaction with Justice System
(Comparing Direct and Indirect Mediation Cases)

	Combined Sites		Coventry		Leeds	
	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation
Satisfied %	68	57	75	50	64	60
Dissatisfied %	32	43	25	50	36	40
n =	19	23	8	8	11	15

Table A-3
Offender Satisfaction With Justice System
(Comparing Mediated and Non-Mediated Cases)

	Combined Sites		Coventry		Leeds	
	Mediated	Non-Mediated	Mediated	Non-Mediated	Mediated	Non-Mediated
Satisfied %	79	55	82	50	78	55
Dissatisfied %	21	45	18	50	22	45
n =	29	22	11	2	18	20

Table A-4
Offender Satisfaction With Justice System
(Comparing Direct and Indirect Mediation Cases)

	Combined Sites		Coventry		Leeds	
	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation
Satisfied %	73	86	86	75	62	90
Dissatisfied %	27	14	14	25	38	10
n =	15	14	7	4	8	10

Table B-1
Victim Satisfaction With Outcome of Mediation
(Comparing Direct and Indirect Mediation Cases)

	Combined Sites		Coventry		Leeds	
	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation
Satisfied %	84	74	87	75	82	73
Dissatisfied %	16	26	13	25	18	27
n =	19	19	8	8	11	11

Table B-2
Offender Satisfaction With Outcome of Mediation
(Comparing Direct and Indirect Mediation Cases)

	Combined Sites		Coventry		Leeds	
	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation
Satisfied %	100	79	100	100	100	70
Dissatisfied %	0	21	0	0	0	30
n =	15	14	7	4	8	10

Table C-1
Victim Voluntary Participation in Mediation
(Comparing Direct and Indirect Mediation Cases)

	Combined Sites (1*)		Coventry (*2)		Leeds	
	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation
Voluntary %	95	70	100	50	91	79
Involuntary %	5	30	0	50	9	21
n =	19	20	8	6	11	14

(*1) Finding of statistically significant difference between direct and indirect mediation samples. Chi Square was 4.04, which was above the value of 3.84 needed for significance at .05 level, df 1.

(*2) Finding of statistically significant difference between direct and indirect mediation samples. Chi Square was 5.05, which was above the value of 3.84 needed for significance at .05 level, df 1.

Table C-2
Offender Voluntary Participation in Mediation
(Comparing Direct and Indirect Mediation Cases)

	Combined Sites		Coventry		Leeds	
	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation

Voluntary %	94	79	100	50	89	90
Involuntary %	6	21	0	50	11	10
n =	16	14	7	4	9	10

(*).Finding of statistically significant difference between direct and indirect mediation samples. However, we exercise caution here, because the sample in Coventry was very small (n =11).

Table D-1
Victim Perceptions of Fairness in Justice System
(Comparing Mediated and Non-Mediated Cases)

	Combined Sites		Coventry (*)		Leeds	
	Mediated	Non-Mediated	Mediation	Non-Mediated	Mediated	Non-Mediated
Fair %	59	50	60	100	58	44
Unfair %	41	50	40	0	42	66
n =	34	20	10	2	24	18

Table D-2
Victim Perceptions of Fairness in Justice System
(Comparing Direct and Indirect Mediation Cases)

	Combined Sites		Coventry		Leeds	
	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation
Fair %	71	50	80	40	67	53
Unfair %	29	50	20	60	33	47
n =	14	20	5	5	9	15

Table D-3
Offender Perceptions of Fairness in Justice System
(Comparing Mediated and Non-Mediated Cases)

	Combines Sites (*1)		Coventry (*2)		Leeds	
	Mediated	Non-mediated	Mediated	Non-mediated	Mediated	Non-mediated
Fair %	89	56	82	50	94	57
Unfair %	11	44	18	50	6	43
n =	27	23	11	2	16	21

(*1)Finding of statistically significant difference between mediation and no-mediation samples. Chi Square was 6.76, which was above the value of 3.84 needed for significance at .05 level, df 1.

(*2)Finding of statistically significant difference between mediation and no-mediation samples. Chi Square was 6.15, which was above the value of 3.84 needed for significance at .05 level, df 1. However, this sample size of no-mediation offenders in Coventry was extremely small (n =2).

Table D-4
Offender Perceptions of Fairness in Justice System
(Comparing Direct and Indirect Mediation Cases)

	Combined Sites		Coventry		Leeds	
	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation

Fair %	80	100	71	100	88	100
Unfair %	20	0	29	0	12	0
n =	15	12	7	4	8	8

Table E-1
Importance of Victim Receiving Answers
(Comparing Mediated and Non-Mediated Cases)

	Combined Sites (*1)		Coventry		Leeds (*2)	
	Mediated	Non-mediated	Mediated	Non-mediated	Mediated	Non-mediated
Important %	80	36	80	100	81	27
Unimportant %	20	64	20	0	19	73
n =	41	25	15	3	26	22

(*1) Finding of statistically significant difference between mediation and no-mediation samples. Chi Square was 13.2, which was above the value of 3.84 needed for significance at .05 level, df 1.

(*2) Finding of statistically significant difference between mediation and no-mediation samples. Chi Square was 13.7, which was above the value of 3.84 needed for significance at .05 level, df 1.

Table E-2
Importance of Telling the Offender
(Comparing Mediated and Non-Mediated Cases)

	Combined Sites (*1)		Coventry		Leeds (*2)	
	Mediated	Non-mediated	Mediated	Non-mediated	Mediated	Non-mediated
Important %	90	64	100	100	85	59
Unimportant %	10	36	0	0	15	41
n =	41	25	15	3	26	22

(*1) Finding of statistically significant difference between mediation and no-mediation samples. Chi Square was 6.88, which was above the value of 3.84 needed for significance at .05 level, df 1.

(*2) Finding of statistically significant difference between mediation and no-mediation samples. Chi Square was 3.93, which was above the value of 3.84 needed for significance at .05 level, df 1.

Table E-3
Importance of Receiving Apology
(Comparing Mediated and Non-Mediated Cases)

	Combined Sites (*)		Coventry		Leeds	
	Mediated	Non-mediated	Mediated	Non-mediated	Mediated	Non-mediated
Important %	73	48	87	78	65	43
Unimportant %	27	52	13	25	35	57
n =	37	24	14	4	23	20

(*) Finding of statistically significant difference between mediation and no-mediation samples. Chi Square was 4.23, which was above the value of 3.84 needed for significance at .05 level, df 1.

Table E-4

**Importance of Negotiating Restitution
(Comparing Mediated and Non-Mediated Cases)**

	Combined Sites		Coventry		Leeds	
	Mediated	Non-mediated	Mediated	Non-mediated	Mediated	Non-mediated
Important %	65	42	93	5	48	40
Unimportant %	35	58	7	50	52	60
n =	37	24	14	4	23	20

**Table E-5
Importance of Offender Telling Victim What Happened
(Comparing Mediated and Non-Mediated Cases)**

	Combined Sites (*1)		Coventry		Leeds (*2)	
	Mediated	Non-mediated	Mediated	Non-Mediated	Mediated	Non-mediated
Important %	93	59	90	50	95	60
Unimportant %	7	41	10	50	5	40
n =	29	22	10	2	19	20

*1) Finding of statistically significant difference between mediation and no-mediation samples. Chi Square was 8.58, which was above the value of 3.84 needed for significance at .05 level, df 1.

(*2) Finding of statistically significant difference between mediation and no-mediation samples. Chi Square was 6.69, which was above the value of 3.84 needed for significance at .05 level, df 1.

**Table E-6
Importance of Offender Negotiating Restitution Settlement With Victim
(Comparing Mediated and Non-Mediated Cases)**

	Combined Sites		Coventry		Leeds	
	Mediated	Non-mediated	Mediated	Non-mediated	Mediated	Non-mediated
Important %	62	40	87	0	50	42
Unimportant %	38	60	13	100	50	58
n =	24	20	8	1	16	19

**Table E-7
Importance of Offender Apologizing to Victim
(Comparing Mediated and Non-Mediated Cases)**

	Combined Sites		Coventry		Leeds	
	Mediated	Non-mediated	Mediated	Non-mediated	Mediated	Non-mediated
Important %	90	74	90	100	89	71
Unimportant %	10	26	10	0	11	29
n =	29	23	10	2	19	21

Table E-8
Offender Apologized to Victim
(Comparing Mediated and Non-Mediated Cases)

	Combined Sites (*1)		Coventry		Leeds (*2)	
	Mediated	Non-mediated	Mediated	Non-mediated	Mediated	Non-mediated
Yes %	80	27	82	50	82	50
No %	20	73	18	50	21	75
n =	30	22	11	2	19	20

(*1) Finding of statistically significant difference between mediation and no-mediation samples. Chi Square was 14.4, which was above the value of 3.84 needed for significance at .05 level, df 1.

(*2) Finding of statistically significant difference between mediation and no-mediation samples. Chi Square was 11.5, which was above the value of 3.84 needed for significance at .05 level, df 1.

Table F-1
Fear of Revictimization
(Comparing Mediated and Non-Mediated Cases)

	Combined Sites		Coventry		Leeds	
	Mediated	Non-mediated	Mediated	Non-mediated	Mediated	Non-mediated
Afraid %	16	33	6	50	22	30
Not Afraid %	84	67	94	50	78	50
n =	43	24	16	4	27	20

Table F-2
Fear of Revictimization
(Comparing Direct and Indirect Mediation Cases)

	Combined Sites		Coventry		Leeds	
	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation	Direct Mediation	Indirect Mediation
Afraid %	11	21	0	13	18	25
Not Afraid %	89	79	100	87	82	75
n =	19	24	8	8	11	16