Victim Offender Mediation:

Three Decades of Practice and Research

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Crime victims meeting face-to-face with the offender stretches the vary concept of “mediation,” yet it has strong empirical grounding and is being widely practiced in courts and communities throughout the world. Its focus on promotion of offender accountability, victim assistance, and making of amends appears to address many unmet needs of individuals, families, and communities affected by criminal behavior.

Victim offender mediation is a process which provides interested victims of primarily property crimes and minor assaults the opportunity to meet the juvenile or adult offender, in a safe and structured setting, with the goal of holding the offender directly accountable for their behavior while providing importance assistance and compensation to the victim (Umbreit, 2001). With the assistance of a trained mediator, the victim is able to let the offender know how the crime affected them, to receive answers to questions they may have, and to be directly involved in developing a restitution plan for the offender to be accountable for the losses they incurred. The offender is able to take direct responsibility for their behavior, to learn of the full impact of what they did, and to develop a plan for making amends to the person(s) they violated. Victim offender mediation programs were initially referred to as “victim offender reconciliation programs (VORP)” in the mid 1970s and 1980s. Some programs still go by the name of VORP. Today, most programs throughout the world identify themselves as victim offender mediation (VOM). In the United States some programs are also called "victim offender meetings" or "victim offender conferences." In recent years an increasing number of VOM programs are periodically working with cases involving severe violence, including homicide. This requires advanced training and far more preparation of the parties over many months prior to ever meeting face-to-face (Umbreit, Vos, Coates & Brown, 2003; Umbreit & Vos, 2000). This article, however, focuses on by far the most widespread application of VOM, in property crimes and
minor assaults, in thousands of cases in numerous countries throughout the world. For those interested in learning more about the relatively small, but growing, practice and impact of victim offender dialogue in severely violent crime refer to the book *Facing Violence, The Path of Restorative Justice & Dialogue* (Umbreit, Vos, Coates & Brown, 2003). It reports on a five year study of the development, implementation, and impact of the first two states (Texas and Ohio) to offer victim offender dialogue services in cases of severe violence, on a statewide basis.

While many other types of mediation are largely "settlement driven," victim offender mediation is primarily "dialogue driven," with the emphasis upon victim healing, offender accountability, and restoration of losses. Contrary to many other applications of mediation in which the mediator would first meet the parties during the joint mediation session, in most victim offender mediation programs a very different process is used based upon a humanistic model of mediation (Umbreit, 2001, 1997, 1995b). A humanistic model of mediation involves: reframing the role of the mediator from being settlement driven to facilitating dialogue and mutual aid; scheduling separate pre-mediation sessions with each party; connecting with the parties through building rapport and trust, while not taking sides; identifying the strengths of each party; using a non-directive style of mediation that creates a safe space for dialogue and accessing the strengths of participants; and recognizing and using the power of silence.

Most victim offender mediation sessions do in fact result in a signed restitution agreement. This agreement, however, is secondary to the importance of the initial dialogue between the parties that addresses emotional and informational needs of victims that are central to their healing and to development of victim empathy in the offender which can lead to less criminal behavior in the future. Several studies (Coates & Gehm, 1989; Umbreit & Coates, 1993; Umbreit, 1995a) have consistently found that the restitution agreement is less important to crime
victims than the opportunity to talk directly with the offender about how they felt about the crime.

From its inception in Kitchener, Ontario when the first victim offender mediation program was established in 1974, many criminal justice officials have been quite skeptical about victim interest in meeting the offender. Victim offender mediation is clearly not appropriate for all crime victims. Practitioners are trained to present it as a voluntary choice to the victim and as voluntary as possible for the offender. With more than twenty years of mediating many thousands of cases throughout North America and Europe, experience has shown that the majority of victims presented with the option of mediation choose to enter the process. A statewide public opinion poll in Minnesota (Pranis & Umbreit, 1992) found that 82% of a random sample of citizens from throughout the state would consider participating in a victim offender program if they were the victim of a property crime. A multi-state study (Umbreit, 1994a) found that, of 280 victims who participated in victim offender mediation programs in four states, 91% felt their participation was totally voluntary.

As the oldest and most widely developed expression of restorative justice (Bazemore & Umbreit, 1995; Van Ness & Heetderks, 2002; Zehr, 1990, 2002), with a quarter of a century of experience and more than 50 empirical studies (Umbreit, Coates & Vos, 2001, 2002) in North America and Europe, victim offender mediation and dialogue programs currently work with many thousands of cases annually through more than 300 programs throughout the United States and more than 1,200 in primarily Europe but also Canada (where it all began), Israel, Japan, Russia, South Korea, South Africa, South America, and the South Pacific. A recent national survey that examined to what degree victim offender mediation was supported by formal public policy found a considerable amount of legislative backing (Lightfoot & Umbreit, 2002). A total
of 29 states had legislation, in one form or another, that addressed victim offender mediation. Of these, 14 states had quite specific legislation that spoke to various issues related to the use and development of victim offender mediation and 15 states had a more brief reference to victim offender mediation.

Today, restorative justice policies and programs, including victim offender mediation, are known to be developing in nearly every state and range from small and quite marginal programs in many communities to a growing number of state and county justice systems that are undergoing major systemic change. Examples of such systemic change initiatives are occurring in the states of Arizona, California, Colorado, Illinois, Iowa, Minnesota, New York, Ohio, Oregon, Pennsylvania, Texas, Vermont, and Wisconsin.

The American Bar Association (1994) has addressed restorative justice through the practice of victim offender mediation, its most widely used and empirically validated practice. The ABA has played a leadership role over many years in promoting the use of mediation and other forms of alternative dispute resolution in civil court-related conflicts, yet for most of that time remained skeptical and often critical of mediation in criminal court settings. That changed in 1994 when, after a year-long study, the ABA fully endorsed the practice of victim offender mediation and dialogue. The association recommended its use in courts throughout the country and also provided guidelines for its use and development (American BAR Association, 1994).

Restorative justice policies and practices, including VOM, have recently been endorsed by two important international bodies. Both the United Nations and the Council of Europe have begun to address restorative justice issues. Meeting in 2000, the United Nations Congress on Crime Prevention considered restorative justice in its plenary sessions and developed a draft proposal for “UN Basic Principles on the Use of Restorative Justice Programs in Criminal
Matters” (United Nations, 2000). The proposed principles encouraged the use of restorative justice programming by member states at all stages of the criminal justice process, underscore the voluntary nature of participation in restorative justice procedures, and recommend beginning to establish standards and safeguards for the practice of restorative justice. This proposal was adopted by the United Nations in 2002. The Council of Europe was more specifically focused on the restorative use of mediation procedures in criminal matters, and adopted a set of recommendations in 1999 to guide member states in using mediation in criminal cases (Council of Europe Committee of Ministers, 1999).

Another clear expression of the growing support for restorative justice in America is seen in the National Organization for Victim Assistance’s endorsement of “restorative community justice.” During the early years of this movement, most victim advocacy groups were quite skeptical. Some still are; however, there is a growing number of victim support organizations actively participating in the restorative justice movement.

**What have we learned about victim offender mediation for property crimes and minor assaults?**

Considerable empirical work has been done over the past twenty-five years or so to document the impact of victim offender mediation programs. Here, we take a look at how this ongoing experiment with restorative justice through victim offender mediation is doing. We will consider characteristics of VOM, participant characteristics, participant satisfaction, fairness, restitution, diversion, recidivism, and cost. We will also reference a meta-analysis approach to some of these questions recently carried out by the Canadian Department of Justice (Latimer,
Dowden, and Muise, 2001) which offers considerable promise. A total of 50 studies of victim offender mediation in 5 countries were reviewed for the present article.

**CHARACTERISTICS OF VICTIM-OFFENDER MEDIATION**

A national survey of VOM programs in the United States (Umbreit & Greenwood, 1999) provides an overview of the types of cases typically brought to mediation. Juvenile offenders are more likely to be the primary focus of U.S. VOM programs, with 45% of programs offering services solely to juveniles, and an additional 46% serving both juveniles and adults. Only 9% of VOM programs nation wide are focused on adults alone. Among the reports reviewed for the present chapter, 49% studied only juvenile programs, 29% studied programs serving both, and 22% studied programs serving only adults.

VOM programs across the United States are most often offered by private, not for profit community based agencies (43% of programs). Various elements of the justice system are responsible for another 33% of VOM programs, including probation (16%), correctional facilities (8%), prosecuting attorney offices (4%), victim’s services (3%), and police departments (2%). The remaining 23% are offered by churches or church-related agencies.

In the U. S. survey, fully two thirds of the cases referred to VOM are misdemeanors; the remaining third are felony cases. The four most common offenses referred, in order of frequency, were vandalism, minor assaults, theft, and burglary. Together these four offenses accounted for the vast majority of referrals. The primary referral sources were probation officers, judges, and prosecutors.

Not surprisingly, the participating programs reported a wide range of points in the justice system process at which VOM occurs. Slightly over a third (34%) are true diversion, occurring after an offender has been apprehended but prior to any formal finding of guilt. Just under a
third (28% each) occur post adjudication but pre-disposition, and post disposition. A small number of programs (7%) reported that their mediations could occur at any point in the process, and the remaining 3% reported working with cases prior to any court involvement.

All of the programs in the 1999 survey reported that participation was completely voluntary for crime victims. Voluntary offender participation was reported by 79% of the surveyed programs. Not all victims, however, have felt they had a choice. A 1996 study of VOM programs in England (Umbreit & Roberts, 1996) found that victims who participated in face-to-face mediation were more likely than victims who participated in a form of “shuttle” mediation to feel that they participated voluntarily. In studying juvenile VOM programs in six Oregon counties, Umbreit, Coates and Vos (2001) found that 91% of the victims experienced their participation as voluntary. Offenders are even more likely than victims to report that they did not see their participation as voluntary. In the same Oregon study, nearly half of the juvenile offenders felt they had no choice.

Careful preparation of participants has been one of the hallmarks of the VOM movement. In the national survey (Umbreit & Greenwood, 1999), 78% of the programs reported that participants received at least one preparation meeting. In general, preparation “meetings” are understood to consist of personal, face-to-face contact with the participants, either by the actual mediator or by some other worker from the VOM program. In fact, such meetings sometimes are carried out via telephone. In some programs the offenders are more likely than the victims to have received their preparation in face-to-face meetings (Umbreit, Coates & Vos, 2001).

In spite of such variation, preparation usually gets high marks from both offenders and victims in those studies which have evaluated participant satisfaction with their preparation. Across six empirical studies reporting percentages (Collins, 1984; Fercello and Umbreit, 1999;
Roberts, 1998; Strode, 1997; Umbreit, 1995; and Umbreit, Coates & Vos, 2001), the proportion of victims feeling adequately prepared to meet the offender ranged from 68% to 98%. Only three studies reported offender opinions of their preparation for mediation (Fercello and Umbreit, 1999; Roberts, 1998; and Umbreit, Coates & Vos, 2001). Offender satisfaction with preparation ranged from 89% to 93%.

An additional study (Roberts, 1995) reported on a Canadian program working with violent crimes. This program developed an unusual and more intensive preparation component: offenders and victims were video taped in conversation about the offense with program staff, and these videos were then shared with their counterparts. Though no percentages were given, the study reported that “both parties expressed strong satisfaction for the manner in which they were prepared.” Similarly, in his exploratory study of seven violent cases that came to mediation, Flaten (1996) noted that preparation was cited as the single most important factor contributing to the success of mediation.

WHO PARTICIPATES AND WHY

Across a range of programs, participation rates by victims who have been referred to Victim offender mediation vary from about 40% to 60%. A few studies have addressed the characteristics which are predictive of referred cases coming to mediation. Three studies in the U.S. (Coates, Burns & Umbreit, 2002; Gehm, 1990; and Wyrick & Costanzo, 1999) found that individuals representing a business or an institution which had been victimized by a crime were more likely to participate in VOM than individuals who were simply personally victimized; a British study (Marshall, 1990), however, found the opposite.

Two studies in the U. S. examined offender race/ethnicity as a potential factor in the likelihood of a case coming to mediation. Gehm (1990) in a study of programs in Indiana,
Wisconsin and Oregon found that victims were more likely to mediate if the offender was white. Wyrick & Costanzo (1999), however, found in California that white offenders were no more likely to reach mediation than Hispanic offenders, although they were significantly more likely to do so than offenders of other minority groups.

Seriousness of offense has yet to demonstrate any consistent pattern as a predictor of participation rates. Its impact may vary greatly by program type and focus. Gehm (1990) found that victims were more likely to participate if the offense was a misdemeanor rather than a felony. In their California sample, Wyrick & Costanzo found that property offense cases were significantly more likely to be mediated than personal offense cases. They also found that the time lapse between the crime and the referral was correlated differently with participation rates by type of offense. Longer time lapses for property cases resulted in fewer mediations, while longer time lapses in personal offenses resulted in more mediations. A recent Minnesota study found that the seriousness of the crime was positively related to the likelihood that the victim would elect to come to mediation.

Several studies noted that victim willingness to participate was driven by a desire to receive restitution, to hold the offender accountable, to learn more about the why of the crime and to share their pain with the offender, to avoid court processing, to help the offender change behavior, or to see that the offender was adequately punished (Coates and Gehm, 1985; Perry, Lajeunesse, and Woods, 1987; Umbreit, 1989; Roberts, 1995; Umbreit, 1995; Niemeyer and Shichor, 1996; Strode, 1997; Umbreit, Coates and Vos, 2001). In two of these studies (Coates, Burns & Umbreit, 2002; Umbreit, Coates & Vos, 2001), the top ranking victim reason for choosing to participate was to help the offender. Offenders choosing to participate often wanted
to take direct responsibility for their own actions, to pay back the victim, to apologize for the harm they caused, and to get the whole experience behind them.

Less is known about why some persons who are referred to VOM elect not to participate. Only a handful of studies have interviewed such persons to examine their choosing not to participate. Among victims, refusals typically come from persons who 1) believed the crime to be too trivial to merit the time required, 2) feared meeting the offender, 3) wanted the offender to have a harsher punishment, or 4) felt there had been too much time delay (Coates and Gehm, 1985; Umbreit, 1995). Additional concerns expressed by occasional victims in a recent Minnesota study (Coates, Burns & Umbreit, 2002) included feeling the meeting wouldn’t be safe, pressure from family or friends not to participate, and not wanting to help the offender. A mitigating factor in some programs is that restitution may already be established by a judge before a referral is made to mediation; victims may perceive they have less to gain in such situations.

Even less attention has been given to offender reasons for non-participation. In one study, offenders reported that they were sometimes advised by lawyers not to participate (Schneider, 1986). And some simply didn't want "to be bothered" (Coates and Gehm, 1985).

**PARTICIPANT SATISFACTION**

Victim offender mediation proponents often speak of their efforts as ways of humanizing the justice system. Traditionally, victims were left out of the justice process. Neither victims nor offenders had opportunities to tell their stories and to be heard. The state somehow stood in for the victim, and the offender seldom noticed that his or her actions impacted real, live people. In addition, victims, too, were left with stereotypes to fill their thoughts about offenders. VOM, reformers believed, offered opportunities for both parties to come together in a controlled setting
to share the pain of being victimized and to answer questions of why and how. This personalizing the consequences of crime, it was thought, would enhance satisfaction levels with the entire justice process.

The vast majority of studies reviewed reported in some way on satisfaction of victims and offenders with victim offender mediation and its outcomes. Across program sites, types of offenders, types of victims, and cultures high levels of participant satisfaction were found.

Before exploring the nature of this satisfaction further, it must be remembered that forty to sixty percent of persons offered the opportunity to participate in VOM refused. The voluntary nature of participating in VOM is a self-selection factor overlaying the findings reported here. The high levels of satisfaction may have something to do with the opportunity to choose. Perhaps those who are able to choose among justice options are more satisfied with their experiences.


Even in an England based study (Umbreit and Roberts, 1996) which yielded some of the lowest satisfaction scores among the studies reviewed, eighty-four percent of those victims engaged in face-to-face mediation were satisfied with the mediation outcome. For those individuals involved with indirect mediation, depending on shuttle mediation between parties without face-to-face meetings, seventy-four percent were satisfied with their experience. These
findings were consistent with an earlier study based in Kettering where a small sub-sample of participants were interviewed indicating sixty-two percent of individual victims and seventy-one percent of corporate victims were satisfied (Dignan, 1990). About half of the offenders responding reported being satisfied. Participants involved in face-to-face mediation were more satisfied than those who worked with a go between.

Victims often reported being satisfied with the opportunity to share their stories and their pain resulting from the crime event. A victim stated she had wanted to "let the kid know he hurt me personally, not just the money...I felt raped" (Umbreit, 1989). Some pointed to their role in the process with satisfaction. One victim said: "we were both allowed to speak...he (mediator) didn't put words into anybody's mouth" (Umbreit, 1988). Another female victim indicated, "I felt a little better that I've stake in punishment" (Coates and Gehm, 1985). Another indicated that "it was important to find out what happened, to hear his story, and why he did it and how" (Umbreit and Coates, 1992). Numerous victims were consumed with the need for closure. A victim of violent crime indicated that prior to mediation, "I was consumed with hate and rage and was worried what I would do when he got out" (Flaten, 1996).

Of course not all victims were so enamored with the process. A male victim complained: "It's like being hit by a car and having to get out and help the other driver when all you were doing was minding your own business" (Coates and Gehm, 1985). A Canadian stated: "Mediation process was not satisfactory, especially the outcome. I was not repaid for damages or given compensation one year later. Offender has not been adequately dealt with. I don't feel I was properly compensated" (Umbreit, 1995).

Offenders generally report surprise about having positive experiences. As one youth said, "He understood the mistake I made, and I really did appreciate him for it" (Umbreit, 1991).
Some reported changes: "After meeting the victim I now realize that I hurt them a lot...to understand how the victim feels makes me different" (Umbreit and Coates, 1992). One Canadian offender stated his pleasure quite succinctly: "Without mediation I would have been convicted" (Umbreit, 1995).

The following comment reflects the feelings of some offenders that victims occasionally abused the process: "We didn't take half the stuff she said we did; she either didn't have the stuff or someone else broke in too" (Coates and Gehm, 1985).

Secondary analysis of satisfaction data from a US study and a Canadian study yielded remarkably similar results (Bradshaw and Umbreit, 1998; Umbreit and Bradshaw, 2003). Using step-wise multiple regression procedures to determine those variables most associated with victim satisfaction, the authors discovered that three variables emerged to explaining over 40% of the variance. In each study, the key variables associated with victim satisfaction were 1) the victim felt good about the mediator, 2) the victim perceived the resulting restitution agreement as fair, and 3) the victim, for whatever reason, had a strong initial desire to meet the offender. The latter variable supports the notion that self-selection and choice are involved in longer run satisfaction. These findings also underscore the important role of the mediator, and, of course, the actual outcome or agreement resulting from mediation.

These high levels of satisfaction with Victim Offender Mediation also translated into relatively high levels of satisfaction with the criminal justice system. Where comparison groups were studied, those victims and offenders going through mediation indicated being more satisfied with the criminal justice system than those going through traditional court prosecution (Davis, 1980; Umbreit and Coates, 1992; Umbreit, 1995).
FAIRNESS


Not surprising, given the high levels of satisfaction, the vast majority of VOM participants (typically over 80%) across setting, cultures, and types of offenses reported believing that the process was fair to both sides and that the resulting agreement was fair. Again, these experiences led to feelings that the overall criminal justice system was fair. Where comparison groups were employed, those individuals exposed to mediation came away more likely to feel that they had been treated fairly than those going through the traditional court proceedings. In a study of burglary victims in Minneapolis, Umbreit found that eighty percent who went through VOM indicated that they experienced the criminal justice system as fair compared with only thirty-seven percent of burglary victims who did not participate in VOM (Umbreit, 1989).

These positive satisfaction and fairness experiences have generated support for VOM as a criminal justice option. When asked, typically nine out of ten participants would recommend a VOM program to others (Coates and Gehm, 1985; Umbreit, 1991; Evje and Cushman, 2000; Umbreit, Coates, and Vos, 2001).

RESTITUTION

Early on, restitution was regarded by many VOM program advocates as an important by-product of bringing offender and victim together in a face-to-face meeting. Restitution was
considered somewhat secondary to the actual meeting where each party had the opportunity to talk about what happened. The form of restitution or what is called reparation in some jurisdictions is quite varied including direct compensation to victim, community service, work for victim, and sometimes unusual paybacks devised between victim and offender. Today, some jurisdictions see VOM as a promising major vehicle for achieving restitution for the victim. The meeting is necessary to establish appropriate restitution amounts and garner the commitment of the offender to honor a contract. Victims frequently report that while restitution was the primary motivator for them to participate in VOM what they appreciated most about the program was the opportunity to talk with the offender (Coates and Gehm, 1985; Umbreit and Coates, 1992).

In many settings, restitution is inextricably linked with victim offender mediation. About half the studies under review looked at restitution as an outcome of mediation (Collins, 1984; Coates and Gehm, 1985, Perry, Lajeunesse and Woods, 1987; Umbreit, 1988; Galaway 1989; Umbreit, 1991; Umbreit and Coates, 1992; Warner, 1992; Roy, 1993; Evje and Cushman, 2000; Umbreit, Coates and Vos, 2001). Of those cases that reached a meeting, typically ninety percent or more generated agreements. Restitution of one form or another (monetary, community service, or direct service to the victim) was part of the vast majority of these agreements. Looking across the studies reviewed here, it appears that approximately 80-90% of the contracts are reported as completed. In some instances, the length of contract exceeded the length of study.

One study was able to compare restitution completion between those youth participating in VOM with a matched group who did not (Umbreit and Coates, 1992.) In that instance, 81% of participating youth completed their contracts contrasted with 57% of those not in the VOM program. In another study comparing an Indiana county whose restitution was integrated into
victim-offender mediation with a Michigan county with court imposed restitution no difference in completion rates were found (Roy, 1993). Each was just shy of eighty percent completion.

A study of juvenile VORP in six California counties showed a staggering increase in average obligated restitution paid. In comparison to restitution paid by youths who did not participate in VOM, the increases ranged from +95% in Sonoma to +1000% in Los Angeles County (Evje and Cushman, 2000).

DIVERSION

Many VOM programs are nominally established to divert offenders into less costly, less time consuming, and often hopefully less severe options. Even though diversion was a goal lauded by many, others expressed concern about the unintended consequence of widening the net, that is, ushering in youth and adults to experience a sanction more severe than they would have if VOM did not exist. While much talk continues on this topic, there is a dearth of study devoted to it. Only a handful of the studies reviewed here address this question.

One of the broadest studies considering the diversion question was that conducted over a three-year period in Kettering, Northamptonshire, England (Dignan, 1990). Offenders participating in the VOM program were matched with similar non-participating offenders from a neighboring jurisdiction. The author concludes that at least sixty percent of the offenders participating in the Kettering program were true diversions from court prosecution. Jurisdictional comparisons also led him to conclude that there was a thirteen percent widening the net effect -- much less than local observers would have predicted.

In a Glasgow, Scotland based agency where numbers were sufficiently large to allow random assignment of individuals between the VOM program and a comparison group going through the traditional process, it was discovered that forty-three percent of the latter group were
not prosecuted (Warner, 1992). However, most of these pled guilty and were fined. This would suggest that VOM in this instance was a more severe sanction and indeed widened the net of government control.

In a very large three county study of mediation in North Carolina, results on diversion were mixed (Clark, Valente, Jr., and Mace, 1992). In two counties, mediation had no impact on diverting offenders from court. In the third county the results, however, were quite dramatic. The authors concluded: "The Henderson program's effect on trials was impressive; it may have reduced trials by as much as two-thirds."

Mediation impact on incarceration was explored in an Indiana-Ohio study by comparing consequences for seventy-three youth and adults going through VOM programs with those for a matched sample of individuals who were processed in the traditional manner (Coates and Gehm, 1985). VOM offenders spent less time incarcerated than did their counterparts. And when incarcerated, they did county jail time rather than state time. The length and place of incarceration also had substantial implications for costs.

**RECIDIVISM**

While recidivism may be best regarded as an indicator of society's overall response to juvenile and adult offenders, it is often also a traditional measure used to evaluate the long-term impact of justice programs. Accordingly, a number of studies designed to assess VOM have incorporated measures of recidivism.

Some simply report re-arrest or reconviction rates for offenders going through the VOM program under study (Carr, 1998; Roberts, 1998). Since no comparison group or before/after outcomes are reported, these recidivism reports have local value, but offer very little meaning for readers unfamiliar with typical rates for that particular region.
One of the first comparative studies to report recidivism on VOM was part of a much larger research project regarding restitution programs (Schneider, 1986). Youth randomly assigned to a Washington, DC VOM program were less likely to have subsequent offenses resulting in referral to a juvenile or adult court than youth in a comparison probation group. These youth were tracked for over thirty months. The results were 53% and 63% and the difference was statistically significant. A third group, those referred to mediation, but who refused to participate, also did better than the probation group. This group's recidivism prevalence was 55%.

The study based in Kittering, England (Dignan, 1990) compared recidivism data on the VOM offenders who went through face-to-face mediation with those who were exposed only to "shuttle mediation." The former group did somewhat better than the latter, 15.4% compared to 21.6%. As with satisfaction measures reported earlier, face-to-face mediation seems to generate better results both in the short run and in the longer run than the less personal indirect mediation.

In a study of youth participating in VOM programs in four states, youth in mediation had lower recidivism rates after a year than did a matched comparison group of youth who did not go through mediation (Umbreit and Coates, 1992). Overall, across sites, eighteen percent of the program youth reoffended compared to 27% for the comparison youth. Program youth also tended to reappear in court for less serious charges than did their comparison counterparts.

The Elkhart and Kalamazoo county study (Roy, 1993) found little difference in recidivism between youth going through the VOM program and the court imposed restitution program. VOM youth recidivated at a slightly higher rate, 29% to 27%. The author noted that the VOM cohort included more felons than did the court imposed restitution cohort.
A study of 125 youth in a Tennessee VOM program (Nugent and Paddock, 1995) reported that these youth were less likely to reoffend than a randomly selected comparison group: 19.8% to 33.1%. The VOM youth who did reoffend did so with less serious chargers than did their comparison counterparts.

A sizeable cohort of nearly eight hundred youth going through mediation in Cobb County Georgia between 1993-1996 was followed along with a comparison group from an earlier time period (Stone, Helms, and Edgeworth (1998). No significant difference in recidivism rates was found: 34.2% mediated to 36.7% non-mediated. However the study also reported that three-quarters of the mediated youth who returned to court did so because of violation of the conditions of mediation agreements.

Wynne and Brown (1998) report on a longstanding study of the Leeds Victim Offender Unit which began in 1985. Of the ninety offenders who met in face-to-face mediation from 1985-1987, 87% had had previous convictions before mediation. Sixty-eight percent had no convictions during a two year follow-up post mediation.

In another English study focused on seven varying restorative justice schemes across England, Miers et. al. (2001) contends that "the only scheme that routinely involved victims (West Yorkshire) was for the most part both lower cost and more effective than the other schemes." And this same program had a "significant impact on reoffending, both in terms of the offence frequency and offence seriousness."

Stone (2000) compared youth going through Resolutions Northwest's Victim Offender Mediation Program in Multnomah County Oregon with a comparison group. Eighty percent of the youth processed through VOM did not recidivate during a one-year follow-up period while 58% of the comparison group did not reoffend during a year of follow-up.
In a Lane County Oregon study, Nelson (2000) took a different tack. One hundred and fifty youth referred to VOM from July of 1996 to November 1998 in that county were also followed for a year after referral. Comparing their referral frequencies the year prior to the referral to VOM with the year after, all referred youth had 65% fewer referrals to the system in the subsequent year. Juvenile referred to VOM but refusing to participate had 32% fewer referrals; youth who met with their victims had 81% fewer referrals that the preceding year; and juveniles who fully completed their agreements had 76% fewer referrals compared with 54% fewer referrals for those youth who did not complete any part of the agreement.

Recidivism data was gathered on VOM programs in two additional Oregon counties in the study conducted by Umbreit, Coates and Vos (2001). These data reflect one year before intervention comparisons of number of offense with one year after. For the group of youth in the Deschutes County program there was a 77% overall reduction in reoffending. Similarly, for the group of juveniles going through the victim offender program in Jackson County there was an overall 68% reduction in recidivism.

In a six county VORP study in California conducted by Evje and Cushman (2000), one of the VORPs experienced a 46% higher rate of recidivism than its comparison group. In the other five counties, the VORP groups ranged from 21% to 105% less recidivism than their comparison groups.

Nugent, Umbreit, Wiinamaki and Paddock (1999) conducted a rigorous reanalysis of recidivism data reported in four studies involving 488 VOM youth and 527 non-VOM youth. Using ordinal logistical regression procedures the authors determined that VOM youth recidivated at a statistically significant lower rate than non-VOM youth and when they did reoffend they did so for less serious offenses than the non-VOM youth.
COSTS

The relative costs of correctional programs is difficult to assess. Several studies reviewed here addressed the issue of costs. Cost per unit case is obviously influenced by the number of cases handled and the amount of time devoted to each case. The results of a detailed cost analysis in a Scottish study were mixed (Warner, 1992). In some instances, mediation was less costly than other options and in others more. The author notes that given the "marginal scope" of these programs it remains difficult to evaluate their cost if implemented on a scale large enough to impact overall program administration.

Evaluation of a large scale VOM program in California led the authors to conclude that the cost per case was reduced dramatically as the program went from being a fledgling to being a viable option (Niemeyer and Shichor, 1996). The cost per case was $250.

An alternative way of considering the cost impact of VOM is to consider broader system impact. Reduction of incarceration time served can yield considerable savings to a state or county (Coates and Gehm, 1985). Reduction of trials, such as in Henderson County, North Carolina where trials were reduced by two-thirds, would have tremendous impact at the county level (Clarke, Valente Jr., and Mace (1992). And researchers evaluating a VOM program in Cobb County, Georgia point out that while they did not do a cost analysis, per se, time is money (Stone, Helms, and Edgeworth, 1998). The time required to process mediated cases was only a third of that needed for non-mediated cases.

The potential cost savings of VOM programs when they are truly employed as alternatives rather than as showcase add-ons is significant. Yet a cautionary note must continue to be heard. Like any other program option, these programs can be swamped with cases to the point that quality is compromised. And in the quest for savings there is the temptation to expand
the eligibility criteria to include individuals who would not otherwise penetrate the system or to take on serious cases that the particular program staff are ill equipped to manage. Staff and administrators must be prepared to ask, "Cost savings at what cost?"

META-ANALYSIS

Increasingly the field of social science is witnessing the emergence of meta-analyses. These are methods of research synthesis across a set of empirical studies. Meta-analysis will typically involve reviewing the relevant literature, including published journal articles, books and perhaps less well-known research monographs. Data are extracted from these studies and are aggregated for further statistical analysis. Three such studies are reported on here.

Nugent, Umbreit, Wiinamaki and Paddock (2001) conducted a rigorous reanalysis of recidivism data reported in four previous studies involving a total sample of 1,298 juvenile offenders, 619 who participated in VOM and 679 who did not. Using ordinal logistical regression procedures the authors determined that VOM youth recidivated at a statistically significant 32% lower rate than non-VOM youth and when they did reoffend they did so for less serious offenses than the non-VOM youth.

Nugent, Williams and Umbreit (2003) have expanded their effort to include fourteen studies to compare the prevalence rate of subsequent delinquent behavior of VOM participants with that of adolescent offenders who did not participate in VOM. This analysis relied on a combined sample of 9,037 juveniles. The results "suggested that VOM participants tended to commit fewer reoffenses … [and] tended to commit less serious reoffenses" (Nugent, Williams and Umbreit, forthcoming).

In another large meta study, the Canadian Department of Justice (Latimer, Dowden and Muise, 2001) reviewed eight conferencing and twenty-seven victim-offender mediation
programs. In order to qualify for inclusion in this analysis the study had to have 1) evaluated a restorative justice program, defined as follows: "restorative justice is a voluntary, community-based response to criminal behavior that attempts to bring together the victim, the offender and the community in an effort to address the harm caused by the criminal behavior;" 2) used a control group or comparison group that did not participate in the restorative justice program; 3) reported on at least one of the following four outcomes—victim satisfaction, offender satisfaction, restitution compliance, and/or recidivism; and 4) provided sufficient statistical information to calculate an effect size.

Some of the major results of this analysis are:

*Victim Satisfaction. In all but one of the thirteen restorative programs studied, victims were more satisfied than those in traditional approaches. The authors indicate that "VOM models tended to yield higher levels of victim satisfaction rates than conferencing models when compared to the non-restorative approaches." They suggest that this result may be explained by the conferences typically having more participants and thus it may be more difficult to find as much satisfaction with an agreement.

*Offender Satisfaction. Initial analysis shows "no discernible impact" on offender satisfaction. However when an outlier program is removed, "moderate to weak positive impact on offender satisfaction" is noted.

*Restitution. "Offenders who participated in restorative justice programs tended to have substantially higher compliance rates than offenders exposed to other arrangements."

*Recidivism. "Restorative justice programs, on average, yielded reductions in recidivism compared to non-restorative approaches to criminal behavior."
The authors discuss and consider the issue of self-selection bias, that is, victims and offenders choose to participate in these programs. They note that McCold and Wachtel (1998) attributed apparent differences in recidivism to the effect of self-selection bias. Latimer, Dowden and Muise conclude: "Notwithstanding the issue of self-selection bias, the results of this meta-analysis, at present, represent the best indicator of the effectiveness of restorative justice practices, i.e. those individuals who choose to participate in restorative justice programs find the process satisfying, tend to display lower recidivism rates and are more likely to adhere to restitution agreements."

**SUMMARY**

Just as interest in victim offender mediation is growing within the justice arena, so is the body of empirical knowledge collected to evaluate, shape and refine it. Involving victims, offenders and community members in sorting out possible solutions to conflicts is yielding, for the most part, positive responses from participants. The vast majority of participants find the experience satisfactory, fair and helpful. In a number of jurisdiction rates of restitution completion have climbed. And offenders going through mediation approaches often have lower levels of offending than they did before or than compared with a similar group of offenders who did not meet with their victims.

Studies reviewed here range in rigor from exploratory to experimental random assignment designs. More questions need to be pursued and broadened, but given the empirical evidence generated over the past twenty-five years or so and across many countries, it seems reasonable to say that victim offender mediation does contribute to increased victim involvement and healing, to offenders taking responsibility for their behaviors and learning from this experience, and to community members participating in shaping a just response to law violation.
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