An Evaluation of a Victim Offender Mediation Program at a Juvenile Court

By

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Abstract

This research project evaluates a Victim Offender Mediation (VOM) program established by a Juvenile Court in Northeast of Ohio. The research focuses on the procedure used in the program, the driving philosophy, the participants’ views and perception or perceived satisfaction with the program, and their recommendations for change. The VOM centers on Victim-Offender dialogue with the mediator in a face-to-face or a shuttle interaction. The VOM program, and its effectiveness as a sentencing alternative, is evaluated for the purpose of reducing the damage or the burden (both physical and emotional) created in the lives of victims as a result of victimization, and also rehabilitation of offenders. Data from the mediation program for a one year period was analyzed. The data provide information on offenders referred to the program, including their race, gender, offense committed, and whether or not an agreements (including restitution) was reached between them and their victims at the end of mediation sessions. This study also uses a second dataset obtained through the administration of a survey questionnaire to the program participants. The second data involve participants’ views and perceptions or “satisfaction” with the mediation process and its outcome. Also included in the survey questionnaire are participants’ suggestions for program improvement. The study found that 98.53% of participants in the mediation program reached agreements (including restitutions) at end of their mediations; alleged victims and offenders feel much better after going through the mediation process; mediation programs cushion or reduce the burden that alleged victims suffer as a result of victimization; and all the participants in the mediation program prefer mediation to trial/adjudication.
DEDICATION

To all of those who have been such an integral part of my life.

I could not be where I am today without your help.
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CHAPTER ONE
INTRODUCTION

Ideals of Restorative Justice

Restorative Justice involves having an offender of a particular crime perform certain actions to make the life of the victim whole or to cushion the burden created as a result of the victimization by the offender. At the same time it assists in the rehabilitation of the offender to prevent future criminal activity (Coates and Gehm, 1989; Umbreit, 1992; Umbreit, Coates, and Vos, 2001; Maxwell and Morris, 2003; Umbreit, Coates, and Roberts, 2001; Latimer, Dowden, and Muise, 2005). The term restorative justice has been defined in many different ways by different scholars and practitioners. While there may be some differences in these definitions, they portray similar ideas (Maxwell and Morris, 2003; Ness, Morris and Maxwell, 2001).

One definition is that given by a British Criminologist Tony Marshall that is increasingly gaining international recognition (Ness, Morris and Maxwell, 2001). Marshall defines restorative justice as “a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future” (Ness, Morris and Maxwell, 2001, p. 5). Marshall’s definition mentions “parties with a stakes in a particular offense” which are mostly alleged offenders and victims. These victims and offenders according to Marshall’s definition are supposed to act together to deal with the consequences of an offense. This particular perspective of restorative justice eliminates the view that crime is a violation against the state. Restorative justice therefore emphasizes that crime is a
violation of one person by another, rather than a crime against the state (John Howard Society of Alberta, 1997). As a result, the parties (victim and offender) act together to address the crime and ultimately the consequences of the crime. The state or community in this sense brings these parties together to resolve their disputes.

Strickland (2004) in explaining restorative justice noted that, it “places emphasis on restoring the emotional and material losses of victims, providing forum for dialogue among stakeholders and sponsoring negotiation and problem solving in the community” (p.2). The aim of which is to promote greater community safety and more harmonious relationships while restoring victims. Various restorative justice programs have been used in many several regions of the world for the purpose of reducing the trauma or burden (both physical and emotional) of victims and also rehabilitation of offenders. Such programs include, but are not limited to: Family Group Conferencing in New Zealand and Australia, Truth and Reconciliation Commission in South Africa, Ghana Reconciliation Commission, Circles in Canada, Victim Offender Mediation Programs in the United States, Canada, and England (Daly, 2001; Skelton and Frank, 2001; Umbreit, Coates, and Vos, 2001; Valji, 2006; Ness, Morris and Maxwell, 2001).
Restorative and Retributive Justice Dichotomy

Restorative justice is viewed as the theoretical opposite of retributive justice. Restorative justice focus on repairing the harm caused by crime, whereas retributive justice focuses on punishing an offence (Daly, 2002). Thus, restorative justice is characterized by dialogue and negotiation among parties, whereas retributive justice is characterized by adversarial relations among the parties (Daly, 2002). It is, therefore clear that today, our criminal justice system aims to achieve a form of retributive justice. It neglects or does not give the necessary attention to the victim. The focus is on making the offender serve time in jail or prison to pay for the criminal activity he/she committed against the state or society. Table 1 below shows the differences between restorative and retributive justice.

Table 1
Restorative Justice and Retributive Justice Dichotomy

<table>
<thead>
<tr>
<th></th>
<th>Retributive</th>
<th>Restorative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definition of Crime</td>
<td>The breaking of rules (laws)</td>
<td>Harm done to a person</td>
</tr>
<tr>
<td>Aims</td>
<td>To punish offenders for their crimes</td>
<td>To restore victim, offender and community to their pre-crime status</td>
</tr>
<tr>
<td>Offender’s Role</td>
<td>To be determined guilty or innocent and to be punished</td>
<td>To make amends to victim and community; to “right the wrong”</td>
</tr>
<tr>
<td>Offenders Rights</td>
<td>Due process rights</td>
<td>Right to express concerns and to negotiate reparation</td>
</tr>
<tr>
<td>Nature of Victim</td>
<td>The state</td>
<td>The individual</td>
</tr>
<tr>
<td>Victim’s Right</td>
<td>None</td>
<td>To confront the offender and to receive restitution</td>
</tr>
<tr>
<td>Victim’s Role</td>
<td>Periphery; to report offence, and to testify in court when required</td>
<td>Central; to reconcile with offender and to negotiate reparation</td>
</tr>
</tbody>
</table>
Community Role | None | To mediate reconciliation
---|---|---
Community Rights | To be protected from crime | To be involved in restoration
Court’s Role | To determine guilt and to impose a sentence | To help mediation process
Prosecutor’s Role | To represent state and to provide evidence | Administrative
Standard of Proof | Beyond reasonable doubt | Balance of probabilities
Administrative Process | Adversarial | Negotiation/mediation
Focus | Past; determination of guilt and administration of pain | Future; search for solutions and promotion of reconciliation
Concept of guilt | Guilt is absolute and permanent | Guilt removable through acceptance of responsibility and reparation
Concept of Debt | Paid by being punished and owed to the state | Paid to victim by making reparations
Concept of justice | “right-rules,” tested by process and intent | “Right-relationships,” tested by the outcomes
Outcome | Punishment | Reparation and reconciliation

Source: John Howard Society of Alberta, 1997

Victim Offender Mediation (VOM) as a Form of Restorative Justice

Victim Offender Mediation (VOM) also known as Victim Offender Reconciliation Program (VORP) is a form of restorative justice programming. According to Nugent, Williams, and Umbreit (2004), VOM “is the oldest and most widely practiced expression of restorative justice” (p.408). Gathering from other sources, Umbreit, Coats, and Vos (2004) defined Victim Offender Mediation as “a process that 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 his or her behavior while providing important assistance and compensation to the victim” (p. 279). VOM involves a dialogue between the offender and the victim with a mediator in face-to-face or shuttle mediation sessions. Shuttle mediation is one that is not face-to-face. Rather, the victim(s) are in separate rooms or places from the offender(s). In that case, the mediator moves from one room or place to the other to facilitate interactions and negotiations between the victim(s) and the offender(s).

The mediator is a neutral participant, as a result, he/she is not supposed to impose decisions on any of the parties, victim(s) or offender(s), but act as a facilitator in the mediation session. The purpose of the dialogue is to restore the relationship that existed between the offender and the victim prior to the commission of the crime. The offender, as a result of mediation, might pay restitution to the victim, perform certain action or actions to cushion the burden of the victim, or perform some community service to atone for the crime committed (Gehn, 1998). In certain instances the offender may only give an apology to the victim or victims. However, whatever action the offender takes as a result of mediation depends on the kind of negotiations or agreements that occurred during the face-to-face or shuttle mediation.

**Problem Statement**

Whenever a crime occurs, or an offense is carried out, it is the victim who suffers the most. In our society, unfortunately, more attention is paid to the offender than to the
victim. People are always interested in knowing what happens to the offender(s) or the kind of punishment that is meted out to them by the Criminal Justice System forgetting about the pain that the victim goes through. Brunk (2001) noted that, debates about legal punishment break out in every corner of society, and letters from irate citizens appear on editorial pages. It seems as if society simply wants offenders to pay for their acts or “pay their debt” or “just desert” (Brunk, 2001, p.31). Umbreit and Coates (2001) as a result noted that “traditionally victims were left out of the justice process. Neither victims nor offenders had the opportunity to tell their stories and to be heard. The state stood in for the victim, and the offender seldom noticed that his or her actions affected real, live people (p.163).”

When laws are broken, the police are expected to carry out their duties of arrest, and interrogation. When the perpetrator is apprehended, he/she is sent to court where he/she is processed through the court system and if found guilty he/she is sentenced to incarceration, probation, fined, or made to pay for his/her criminal activity. These aspects of the Criminal Justice process do not directly help the physical or emotional state of mind of the victim. The victim continues to suffer the consequences of this criminal act of the offender mostly unnoticed (John Howard Society of Alberta, 1997). In recent years some attention has been given to the victim.

Restorative Justice is one philosophy or process in which the Criminal Justice system seeks to assist victims. It is a philosophy that advocates that crime creates a form of imbalance in the lives of victims. As a result, the offender, who is the cause of such imbalance, is encouraged to be directly involved in reducing the burden created or
restoring the victim’s life to normalcy. At the same time the crime is seen as causing injury to the offender himself/herself and society in general. The criminal justice system, according to this viewpoint, is to repair the offender, the victim, and the society. The aim is to rebuild the relationship that existed between the offender and the victim, who in some cases knows or is related to one another prior to the occurrence of the crime. In that way society will be devoid of any interpersonal conflicts and hence protected or repaired. Gehn (1998) observed that restorative justice theory views punishment of offenders as less important than empowering victims in their search for closure through a direct involvement in the justice process.

This study evaluated a victim offender mediation program and its impacts on both victims and offenders. The evaluation of the program was intended to find out how mediation works as a restorative justice tool. Another important reason for evaluating the VOM is to obtain satisfaction of victims and offenders who participated in the program. Does it help victims when given the opportunity to tell their side of their stories or the opportunity to be heard by the mediator/offender, and with the answers they receive from offenders. Finally, how would VOM participants change VOM programs to make them more effective and help assure that they restore individuals and society to a pre-crime state.
Summary

This chapter provides an explanation of restorative justice. It defines and explains the term restorative justice and Victim Offender Mediation (VOM) as a form of restorative justice. The chapter explained how proponents of restorative justice view crime. That is, a form of imbalance created by the offender to the victim, and the need for the offender to take certain actions to reduce, if not eliminate entirely, the impact his/her criminal activity had on the victim. Traditionally, there is little attention paid to crime victims as a result of the “retributive justice” nature of the criminal justice system and the expectation of “just desert” by the public. The chapter further explains how restorative justice can assist in solving the problems of the victims and offenders as well as the community.

A table showing the differences between restorative and retributive justice was provided. The chapter indicates how VOM is expected to cushion or reduce the burden of crime on victims, and also assist in the rehabilitation of the offender(s). The next chapter is the literature review. It consists of: a review of the historical background of restorative justice; restorative justice in some major cultures; VOM process; states statutory provisions for restorative justice; organizations who carry out VOM programs and their sources of funding; sources of referrals to VOM programs; participation in VOM programs; reasons for participation; offense types that are referred to VOMs; the outcome of mediation sessions; points of view of participants or client satisfaction with VOM; mediators of VOM and their training; and critique of restorative justice programs.
CHAPTER TWO

LITERATURE REVIEW

Historical Background of VOM and Restorative Justice.

The first Restorative Justice program was in the form of Victim Offender Reconciliation Program (VORP). It begun as an experiment in Kitchener, Ontario, Canada, in 1974 when a juvenile probation officer convinced a judge that two juveniles convicted of vandalism should meet the victims of their crime (Bright, 1997). The probation officer, Mark Yatzi, was assigned to prepare the presentence report for the juveniles. He had worked in the probation office of Kitchener for five years, after being a full-time volunteer under a program sponsored by the Mennonite Central church (MCC). Yatzi, a member of the Mennonite church, in his presentence investigation report to the judge enclosed a letter suggesting that “there could be some therapeutic value in these two young men having to personally face up the victims of their offenses” (Peachey, 1989, p.15).

Thus Restorative Justice begun as a probation-based/post-conviction sentencing alternative inspired by a probation officer who belief that victim offender meeting could be helpful to both parties. The Kitchener experiment evolved into an organized VORP funded by church donations and government grants with the support of various community groups (Bright, 1997). Following this experiment in Canada, the first United States program was launched in Elkhart, Indiana, in 1978. From there it has spread throughout the United States and other parts of the world (Bright, 1997). Today Restorative Justice and VOM programs have been adopted by many jurisdictions in the
United States, Canada, England, Germany, New Zealand, and in many parts of the world (Daly, 2002; Skelton and Frank, 2001; Umbreit, Coates, and Vos, 2001; Ness, Morris and Maxwell, 2001). A national survey of the field found 289 VOM programs throughout the United States as of 1998 (U.S Department of Justice, 2000). However, a more accurate estimation of VOM programs in the United States today would be in excess of 300 (U.S Department of Justice, 2000).

RESTORATIVE JUSTICE IN SOME MAJOR CULTURES

Prior to the Kitchener experiment, various traditions and cultures had various forms of conflict resolution mechanisms that are similar to today’s restorative justice programs. There have been restorative justice perspectives in Christianity, Chinese, Islam, Jewish, Sikhism, Buddhism, and many other cultures (Hadley, 2001). It is noteworthy to mention this because traditionally restorative justice has been a means of conflict resolution in these societies prior to colonization, independence, introduction of states, republics, and criminal justice systems. The purpose of this view is to emphasize that restorative justice programs are not a new phenomena whose implementation would be difficult. Rather restorative justice principles have been part and parcel of conflict resolution rooted in many cultures and its western or legislative introduction will only means a revisitation of a traditional means of resolving conflict.
Restorative Justice in Chinese Culture

According to Hui and Geng (2001), “the Chinese understanding of human nature emphasizes harmony between persons, and the unity of humanity with nature” (p.99). Not surprisingly, the meaning of the Chinese word justice (yi) means “a good and upright moral character” (Hui and Geng, 2001, p.99). In ancient China, crime was seen not simply as having compromised the interest of an individual or the community; rather, it signified the corruption of morality (Hui and Geng, 2001). As a result, punishment was not primarily for the purpose of retribution; it was only meted out with the expressed goal of ridding the person or the criminal of moral evil (Hui and Geng, 2001). It is in this context that China’s culture of understanding of what it means to be human has much to contribute to Western discourse on Restorative Justice (Hui and Geng, 2001).

According to (Hui and Geng, 2001), what might be called Restorative Justice in Chinese thought is based on a “substantive,” rather than abstract understanding of human nature. A substantive understanding of human nature affirms the inherence in humanity; such virtues as love, generosity, charity, and benevolence; it demands being treated in turn by the same standards (p.100). When restorative justice practices are put into practice in the context of this “substantive” human nature, conflicts between individuals are resolved (Hui and Geng, 2001). These are brought about by restoration of virtues which make human beings more valuable and dignified, rather than inflicting punishment mechanically in the name of justice, which results in sacrificing the dignity of human person in the name of order (Hui and Geng, 2001).
Restorative Justice in Christianity

The foundation of Christianity is that God loved humankind so much that he became human in the person of Jesus Christ (Allard and Northey, 2001). It is clear that Jesus healed and preached the “Good News”, and also moved freely among the despised and the rejected (Allard and Northey, 2001). In the Sermon on the Mount, as recorded in the Gospel according to St Mathew (5:38-48), Jesus introduced the revolutionary ethics of forgiveness. Not only are you to love your neighbor, but your enemy and those who are unjust (Allard and Northey, 2001). In Christ, the sinner is given courage and hope; for example, the prodigal son was welcomed back home. Allard and Northey (2001) noted “Jesus’ option for forgiveness, for merciful restoration, is sealed forever in the mystery of his death and resurrection” (p. 120). Jesus died to save not only the righteous, but also the sinners, and the unjust. Significantly the death of Christ among criminals was to link Christianity to criminal justice forever. This remained so, no matter how much the first and subsequent generations of Christians would have to struggle to understand the full meaning of Christ’s incarceration, followed by his death, his resurrection, and ascension (Allard and Northey, 2001). Jesus Christ is therefore regarded as a ‘Restorer.’

Restorative Justice in Islam

The concept of unity (Tawhid) in Islam places the individual in direct obligation towards serving God (Allah), in an integrated relationship of solidarity with the community (Ummah). Crime is therefore “seen as an abrogation of the individual’s
responsibility towards God, as well as of the harmony and solidarity of the community in both the public and private spheres (Ammar, 2001, p. 166). Crimes and punishments are classified into three categories: “Hudud”, “Quisas,” and “Ta’zir”. Hudud crimes include: theft, adultery, slander, drinking alcohol, highway robbery, rebellion, and apostasy (Ammar, 2001). Hudud crimes are the most serious crimes and their punishments are the hardest. This is because the individual has violated God’s right (Haq Allah) by injuring the harmony of the community that is God’s creation, a public right. Offenders of God’s right/public right are perceived as people who have strayed from the straight path and require a hand in leading them back to it (Ammar, 2001). Since the punishment under this category is strictly enforced by the Quran, the victim in most of the crimes does not play a role in adjudication and punishment, unless it is a case where the victim is also the witness.

The second category Quisas, or crime against persons, include: assault, battery, mayhem, and other bodily harm that results in injury or death. The penalties of this category are not strictly mandated in the Quran, but range from retaliation, compensation and reconciliation (Ammar, 2001). An offender of “Quisas” has the same rights as the Hudud; however, alternative to retributive punishment can be given including victim’s compensation, and reconciliation. Reconciliation and forgiveness are not alternatives to compensation but an additional step in the process. In such a situation, the victim plays a full role in granting forgiveness or not. The offender also plays a role by accepting the ruling on compensation or not. Finally, the community plays the role of the arbitrator in choosing the judge/arbitrator through the ruler as well as providing compensation to the
victim or his/her family in cases where the offender or his or her family is indigent (Ammar, 2001).

The third category Ta’zir, which literally means chastisement for bad behavior, is the classification that is most amenable to contemporary programs of victim-offender reconciliation, conflict resolution, anger management, and compensation (Ammar, 2001). This category includes all crimes for which the Quran or the Sunna does not prescribe a penalty, or where there was doubt on the evidence for the more serious Hudud or Quisas crimes (Ammar, 2001). According to (Ammar, 2001) this category of “crimes and punishment have been defined by Hannafi School of jurisprudence as the “politics of punishment” rather than the “science of punishment”; its aim is the rehabilitation of the criminal” (p.173). It is therefore “the discretionary power of the judge, the contextual setting of the society, and the status and personality of the offender that contribute to the definition of crime and the implementation of penalty” (p.173). The ruler in this case provides an arbitrator to resolve the conflict between the victim and the offender.

Ta’zir crimes have not been codified by all countries where Islamic law is practiced, even where they are; they are formulated by human beings (Ammar, 2001). It is in this category that restorative justice program such as mediation, victim-offender conferences, victim’s compensation programs are implemented with little resistance (Ammar, 2001). Islam allows for an encounter between the victim and the offender, imposes reparations and permits participation of all parties (Ammar, 2001).
Jewish Perspective on Restorative Justice

Judaism is based on the “Torah” which means instruction. It is applied narrowly to the first five books of the Bible (Segal, 2001). Although the Jewish Bible includes all the books of the standard Christian “Old Testament,” the books of Torah are considered more important and authoritative than the others (Segal, 2001). A fundamental Jewish belief proclaims repentance, escaping the momentum of the past misdeeds, and turning over a new leaf (Segal, 2001). Full repentance involves stages of compensation, remorse and a determination to improve one’s future conduct. Individuals, including those who have been wronged, are encouraged to treat the reformed sinner with compassion, forgiving the sins of the past (Segal, 2001). The question of restitution, punishment, and atonement all play a role in the laws of robbery as set out in Leviticus 5:20-26 (Segal, 2001). The Torah treats crime on at least three levels: 1) restoration to its rightful owner of the stolen object; 2) an additional punitive payment to the victim, probably deterrent in purpose, consisting in this case one fifth of the total cost of the stolen item or harm caused and; 3) atonement for the trespass against God, to be administered by the priest, through the bringing of “ashram” sacrifice, the so-called guilt-offering (Segal, 2001).

The rule of Restoration requires that the misappropriated or destructed item or its equivalent is restored (Segal, 2001). Punishment involves the payment of one fifth of the cost of the item stolen from the victim. In cases such as robbery this additional punishment is only applicable if the offender admits guilt or confessed for the commission of the crime. If the offender is only convicted, he/she is not obliged to bear
the cost of the additional one fifth (Segal, 2001). On atonement, the payment of restitution is seen as the acceptance of guilt and readiness for atonement (Segal, 2001).

**VICTIM OFFENDER MEDIATION PROCESS**

Modern mediation process according to Chupp (1989), involves four stages. In their Cross-Site Analysis of Victim Offender Mediation programs in four states Umbreit and Coates (1993) asserted that, mediation programs employ similar four-phase process; intake, preparation for mediation, mediation, and follow-up (p. 572). The process starts with Intake where cases are logged, screened, and assigned to a mediator. The second stage involves the mediator contacting both the victim and the offender individually. The third stage involves the actual meeting between the offender and victim. It is at this stage that restitution is discussed and agreements and contracts are formed. In the final stage, the mediator reports the outcome of the mediation or a report to the mediation office and also monitors agreements or contracts until they are fulfilled (Chupp, 1989). The chart below shows the VOM process.
Even though different Mediation programs have applied the process to various points in the criminal justice system and with various types of case referrals, this four-step process remains consistent among programs (Chupp, 1989).

**Step One: Intake, Screening and Assignment to a Mediator**

Once a referral is made to VOM the program staff conducts the necessary intake procedures, checking for complete information on the referral, logging the case in, and completing any other paper work. The next activity is to screen the case to ensure that it is an appropriate referral (Chupp, 1989). The staff reviews the referral to see if there is any evidence of overt hostility between the parties, and to make sure there is clearly a reason to meet and the need for reconciliation and/restitution. If the case is accepted, the VOM staff then assigns the case to a mediator or a community volunteer with the
requisite training in mediation. Although it has been more common for one person or mediator to work on a case, many programs prefer, and are beginning to use co-mediators (Chupp, 1989). Many programs that use community volunteers as mediators have a minimum of 15 hours of training for all volunteers, which are often followed by observing another mediator on a case before actually being assigned their own case (Chupp, 1989).

Step Two: Preliminary Meetings with Offenders and Victims

This step is also known as the preparation phase (Umbreit and Coates, 1993). During the preparation phase, the mediator usually holds separate meetings with each of the offender(s) and the victim(s) to hear their version of what happened, explain the program and to schedule a date for mediation (Umbreit and Coates, 1993). This is usually the first task of the mediator and the first personal contact from the VOM, though the victim might receive a letter from the VOM office. Chupp (1989) noted that there are six objectives for the individual meetings with the offender and the victim. The mediator attempts to:

1. Introduce himself or herself and the VORP program;
2. Listen to the person’s story to gain understanding about the crime, but more importantly to give the participants the chance to express themselves and feel heard. This is also the time for the mediator to do the final screening of the case to confirm the appropriateness of proceeding with the case;
3. Explain the VOM process, including the role of the mediator, the role of each participant, and the benefits for each one involved;
4. Secure agreement to meet with the other party;
5. Make agreement for the meeting, the time and the place; and
6. Explain restitution possibilities, providing information about realistic options given who the participants are in a particular case (p.59).

The initial meeting with the offender is usually conducted first so that specific information on the offender(s) and his/her ability to pay restitution can be discussed at the meeting with the victim(s) (Chupp, 1989). Chupp (1989) noted “this also precludes the possibility of gaining the victims agreement to meet with the offender, only to discover that the offender is unwilling to meet, which could further victimize the victim” (p.59). The preliminary meeting offers the offender the chance to prepare his/her thoughts before meeting the victim, which offenders are usually likely to face with fears. One offender said before mediation with his theft victim that, “you know I’m really scared of death, I hope this guy doesn’t kill me” (Chupp, 1989, p.59). It is this meeting that will subdue any fear in the offender and prepare him/her for actual Victim Offender meeting. At this stage the mediator explains the aim of the program to the offender.

On the other hand in meeting the victim, the mediator establishes a trust and attempts to alleviate all fears. The mediator gives the victim the opportunity to narrate whatever occurred during victimization. The story-telling process provides, probably for the first time, an opportunity for the victim to feel heard and validated by someone connected to the criminal justice system (Chupp, 1989). At this meeting the mediator explains restitution and how it is paid (whether through payments or in full or restitution
in the form of a service to the victim or the community). The mediator might discuss similar previous cases and how restitution was paid to the victim. The mediator must be very careful in his/her suggestions, making sure that he/she does not impose restitution or decide restitution for the offender or the victim. The mediator should only provide examples and suggestions (Chupp, 1989).

**Step Three: The Victim-Offender Mediation/Reconciliation Meeting**

This is the stage where the actual face-to-face interaction takes place. The mediation and reconciliation takes place at this stage. The mediator, who will function as the facilitator during this portion of the process, sets the atmosphere and the stage for the meeting. The mediator will plan a balanced seating arrangement, provide a smooth introduction, and open the meeting in a relaxed yet professional manner (Chupp, 1989). The formal part of the meeting begins with the mediator reviewing the process, the roles of the mediator, the victim, and offender, establishes ground rules, and emphasizes the confidentiality of the meeting (Chupp, 1989).

There are three aspects to the victim/offender meeting, commonly referred to as “facts, feelings, and restitution” (Chupp, 1989, p. 61). The first aspect “fact”, is the time when the offender and the victim are given the opportunity to tell their stories to the other party and the mediator. The offender usually talks about how and why he/she committed the crime, and the consequences he/she is going through with the criminal justice system. The mediator often asks the victim explain his/her feeling of neglect resulting from
his/her experienced with the criminal justice system (Chupp, 1989). The offender then follows with his/her story and why he/she committed the crime. After the story telling, the offender and the victim emotionally understand the motivations of the other. This moves the discussion to the emotional and feelings part of the third stage. The mediator then gives both the opportunity to ask the other any questions. Victims usually have more questions and want to hear why they were chosen for victimization. The offender should understand the various levels of impact the crime has had on the victim, including physical losses, fear, anxiety, mistrust, suspicion, anger, secondary victimization by the system, and the victim’s response to the story (Chupp, 1989).

This results in apologies, feelings of remorse, and regret especially by the offender. This moves the process to the third part of mediation, which is restitution or agreement. Now that some understanding has been reached about the crime, the mediator asks what the offender has to offer to cushion the burden of the crime on the victim (Chupp, 1989). The offender is asked to offer some tangible form of restitution based on the losses which were stated in the earlier part of the meeting (Chupp, 1989). This is the negotiation stage. At this point, the victim might start suggesting the kinds of restitution he/she wants or expects. Based on his/her ability and available resources the offender also offer suggestions and the negotiations continue. When they are able to come up with an agreement on the possible restitution, the mediator offers to write up the details of the contract on a form usually provided by the VOM office. The contract could include any combination of financial payments, work for the victim or the community, or even agreement as to future behavior (Chupp, 1989). The agreement usually includes commitment by both the offender and the victim and has a stated date for the completion
of the contract. It must however be noted that payment of restitution is not the goal of VOM. As one victim said, “I believe you are sorry, but I want you to prove it to me” (Chupp, 1989, p 64).

**Step four: Reporting, Monitoring, and Follow-up**

After the VOM meeting the mediator writes a narrative report with four short sections: (1) Preliminaries, (2) Mediation/Reconciliation meeting, (3) Restitution agreement, and (4) Evaluation and Summary (Chupp, 1989). The report is then returned to the VOM office for a review and possible editing. After that, a copy of the report and the agreement is sent to the referral source. The VOM office then starts monitoring the implementation of the contract and payment of restitution if any. Due to certain circumstances beyond their control, some offenders are not able to fulfill their part of the contract by the stipulated date on the contract document. This may be the result of job loss, death of an offender’s close family member and/ serious sickness or illness (Chupp, 1989, p 64).

The fourth step according to Umbreit and Coats (1993), involves intervening if additional conflict develops, and scheduling a follow up victim-offender meeting when appropriate (p.572). In such situations the VOM program office schedules another Victim-Offender meeting with the same mediator to discuss what action should be taken. This does not however give the offender the opportunity of keeping on flouting the details of the contract, even if he/she lost employment, and cannot pay. Another meeting
will have to schedule by the VOM Program office to discuss the next action possible. The agreement or contract is then monitored until the end.

**ORGANIZATIONS WHO CARRY OUT VOM PROGRAMS AND THEIR SOURCES OF FUNDING**

Mediation Programs are facilitated by organization in both public and private sectors (U.S Department of Justice, 2000). Such agencies include but are not limited to private community-based agencies, church-based organizations, correctional facilities (including juvenile detention centers), probation departments, victim services agencies, prosecuting attorney’s offices, police departments, and residential facilities (U.S Department of Justice, 2000). According to Hughes and Schneider (1989), programs were primarily governed by private nonprofit organizations (43 percent), but some were under the direction of probation departments (21 percent), state or county agencies (17 percent) the courts or other miscellaneous groups (7 percent).

VOMs are typically funded by state or local governments, foundations, churches, individual contributions, the federal government, fund raising projects, the United Way, and other miscellaneous sources (U.S Department of Justice, 2000). According to the Office of Victims of Crime of the U.S Department of Justice, the largest sources of funding for mediation programs in the United States are local governments which funds about 27 percent of most programs. This is followed by state governments funding approximately 24 percent, foundations contributing 12 percent, and the federal government about six percent. Table 2 illustrates the primary sources for VORPs. The data were obtained from a national survey of Victim Offender Mediation Programs in the
United States, conducted by the Center for Restorative Justice and Peace Keeping of the University of Minnesota, for The Office for Victims of Crime, under the U.S Department of Justice.

### Table 2

**Organizations Who Carry out VOM Programs and Their Sources of Funding**

<table>
<thead>
<tr>
<th>Sources of Funding</th>
<th>Number of Responses*</th>
<th>Percentages of the Total responses (N=160)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local government</td>
<td>43</td>
<td>27</td>
</tr>
<tr>
<td>State government</td>
<td>39</td>
<td>24</td>
</tr>
<tr>
<td>Foundations</td>
<td>20</td>
<td>12</td>
</tr>
<tr>
<td>Churches</td>
<td>16</td>
<td>10</td>
</tr>
<tr>
<td>Individual Contributors</td>
<td>15</td>
<td>9</td>
</tr>
<tr>
<td>Federal government</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>United Way</td>
<td>9</td>
<td>6</td>
</tr>
<tr>
<td>Fundraising</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Miscellaneous fees</td>
<td>4</td>
<td>3</td>
</tr>
</tbody>
</table>

*Many programs identified more than one source of funding.*

*Source:* Office for Victims of Crime, U.S Department of Justice, 2000

In all 160 programs were interviewed. Programs most frequently identified their primary source of funding as either state or local government. Foundations are the third most frequent source of funding. Churches, individual contributions, and the federal government.
government are the next most frequently identified sources. Fundraising projects, the United Way, and miscellaneous fees are the least frequently identified sources. This is similar to Hughes and Schneider (1989) results, which showed funding source for programs as, government grants (84 percent), religious organizations (5 percent), community foundations (4 percent) making government funding the major source funding for most mediation programs.

**SOURCES REFERRALS TO VOM PROGRAMS**

One of the most important questions one would ask, apart from sources of funding, is how do mediation programs get referrals? That is to say, how do victims and offenders come into contact with, or end up with VOM programs to resolve their various disputes? Victims and offenders are referred to VOMs by probation officers, judges, prosecutors, juvenile diversions, police officers, defense attorneys, community members, victim advocates, families, and so on (U.S Department of Justice, 2000). There are instances where offenders voluntarily contact VOMs, when they fell guilty for their actions, to seek a humanistic way of resolving the tensions between them and their victims. Situations of this nature rarely happen because offenders in most cases are not willing to accept blame or accept the fact that they have harmed the victim (U.S Department of Justice, 2000).

In the National Survey on VOMs in the United States conducted by the Center for Restorative Justice and Peace Keeping of the University of Minnesota, VOMs identified the following as reflected in the Table 3 below as their primary sources of referrals.
Table 3

Sources of Referrals to Victim Offender Mediation Programs

<table>
<thead>
<tr>
<th>Primary Referral Sources</th>
<th>Number of Responses*</th>
<th>Percentage of total Responses (N=148)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation Offices</td>
<td>48</td>
<td>29</td>
</tr>
<tr>
<td>Judges</td>
<td>34</td>
<td>23</td>
</tr>
<tr>
<td>Prosecutors</td>
<td>23</td>
<td>15</td>
</tr>
<tr>
<td>Juvenile diversion</td>
<td>19</td>
<td>13</td>
</tr>
<tr>
<td>Police officers</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Defense attorneys</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>Community members</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Victim advocates</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

* Many programs identified more than one referral source

*Source*: Office for Victims of Crime, U.S Department of Justice, 2000

The three most common offenses referred to the programs in the survey, in order of frequency, are vandalism, minor assaults, and theft. The next most frequent is burglary. Together, these four offenses account for the vast majority of offenses referred, with small number of other property-related offenses and a few severely violent offenses also being identified.
STAGES IN THE JUSTICE PROCESS WHERE MEDIATIONS ARE CARRIED

VOMs receive case referrals at a post-conviction stage, often as one of the several sanctions in a community sentence (Chupp, 1989). Others operate at a pre-trial stage as a diversion program for juveniles or adults. According to (Chupp, 1989) many VOM practitioners prefer to work with cases referred at the time of sentencing to avoid any questions of guilt or innocence, and to prevent offenders from performing in VOM to satisfy the sentencing judge. The most common point in the justice process, at which mediation sessions occur, according to the U.S Department of Justice (2000) is diversion, prior to formal finding of guilt (p.8). The table below shows points in the justice process at which mediation occurs. The data is obtained from a survey of mediation programs conducted by the Office for Victims of Crime of the U.S Department of Justice.

Table 4

<table>
<thead>
<tr>
<th>Point in Justice Process</th>
<th>Number of Responses*</th>
<th>Percentage of Total Responses (N=207)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diversion</td>
<td>71</td>
<td>34</td>
</tr>
<tr>
<td>Post-adjudication but pre-disposition</td>
<td>57</td>
<td>28</td>
</tr>
<tr>
<td>Post-disposition</td>
<td>57</td>
<td>28</td>
</tr>
<tr>
<td>At various points</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>Prior to court</td>
<td>7</td>
<td>3</td>
</tr>
</tbody>
</table>

*Many programs identified more than one point in the justice process.
From table 4 above, the most common justice process at which mediation occurs is diversion. Mediations occur at both the post-adjudication level and pre-disposition level in 28 percent of the responses. In 7 percent of the programs, mediations occur at various points; in a smaller percentage (3 percent) of programs, mediations occur prior to any court involvement.

**STATE STATUTORY PROVISIONS OF MEDIATION AND RESTORATIVE JUSTICE**

The American Bar Association, the European Union, and the United Nations have passed resolutions in support of restorative justice (Lightfoot and Umbreit, 2004; Ness, Morris and Maxwell, 2001). There are currently continuums of statutory authority to VOM in the United States. These statues range from little or no mention of VOM to a comprehensive VOM legislative framework. Twenty-nine states have reference to VOM or VOM-type programs in their codes, with 23 having a specific reference to a mediation or dialogue between a victim and an offender (Lightfoot and Umbreit, 2004). Lightfoot and Umbreit (2004) categorized states according to the way their statutes mention about mediation and restorative justice programs. The first category, or group, involves states that have little or no mention of VOM’s. This is followed by states whose codes detail programs that may involve VOM, the states with basic statutory provisions for VOM forms the third category. The fourth category is those that have specific statutory provisions for VOM, the states with comprehensive VOM programs are the last category (p. 422).
Depending on the nature of statutes in each of the states, the program may be conducted by the state government or local government. In some states programs are conducted by private non-profit or church based organization with funds accessed from the state and local government. Again some programs have details of the kinds of offenders and victims, crimes and so forth that should be referred to the program, while others leave the decision of referral to the presiding judge. In some states, programs are designed only for juveniles’ whiles others have programs for both juveniles and adults. Programs generally vary from one state to the other even though they might be in the same category. Table 5 below shows various states and the kind of statutes they have on VOM and restorative justice programs.

<table>
<thead>
<tr>
<th>Little or No Mention of VOM</th>
<th>Code Detail Program that may involve VOM</th>
<th>Basic Statutory Provision for VOM</th>
<th>Specific Statutory Provision for VOM</th>
<th>Comprehensive VOM Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut</td>
<td>Alaska</td>
<td>Alabama</td>
<td>Arkansas</td>
<td>Delaware</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Florida</td>
<td>Arizona</td>
<td>Louisiana</td>
<td>Indiana</td>
</tr>
<tr>
<td>Georgia</td>
<td>Illinois</td>
<td>California</td>
<td>Minnesota</td>
<td>Kansas</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Maine</td>
<td>Colorado</td>
<td>Ohio</td>
<td>Montana</td>
</tr>
<tr>
<td>Idaho</td>
<td>New York</td>
<td>Iowa</td>
<td>Oklahoma</td>
<td>Nebraska</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Vermont</td>
<td>Missouri</td>
<td>Texas</td>
<td>Oregon</td>
</tr>
<tr>
<td>Maryland</td>
<td></td>
<td>North Carolina</td>
<td>Virginia</td>
<td>Tennessee</td>
</tr>
<tr>
<td>Massachusetts</td>
<td></td>
<td>Washington</td>
<td></td>
<td></td>
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<tr>
<td>Michigan</td>
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<td>Wisconsin</td>
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<tr>
<td>Mississippi</td>
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</table>
From the table above it can be seen that some states have just a mention of VOM in their statutes as a sentencing alternative or means of resolving dispute. The process, or how this should be carried, is left to the criminal justice system. On the other hand, some states have comprehensive statutes with specific details. Gathering from other sources, Lightfoot and Umbreit (2004) noted that as an example Delaware State Code has one section on Victim-Offender Mediation that details all the specifics regarding VOM for juvenile and adult offenders, including eligibility, liability, confidentiality, cost, and other details (p. 421). In other states with Comprehensive VOM Program, the statutes or codes are found within other sections of their constitutions. For instance, in Indiana some of the VOM statutory language is within the Community Corrections sections of the code, while others are within the Victims Right section of the code (Lightfoot and Umbreit, 2004).
Seven states have a clear, “specific statutory provision for VOM”, however, very few have detailed requirements for VOM programs. State codes in this category tend to have a specific section authorizing and/ requiring a VOM program but offer fewer specific details on the requirements of the program. In such states, it is noted in their codes that VOM program will be established in the state and may include one specific requirement such as mediator training requirement, confidentiality, liability, or costs to participant (Lightfoot and Umbreit, 2004). For example, an Arkansas statute authorizes a Youth Mediation Program (A.C.A. Section 9-31-401-405). The statute provides authority on the inclusion of VOM within Arkansas institutions and provides funding to two University of Arkansas law schools to provide training and technical support in the establishment of VOM but provides no other details on eligibility for participation, funding, confidentiality, costs, or other practicalities.

Nine states had a “basic statutory provision for VOM”; however, these provisions are included as one option among lists of options available. The provisions had limited, or no details on the specifics of how VOM programs are established or monitored (Lightfoot and Umbreit, 2004). For example, Missouri’s state statutes have strong restorative justice language discussing how the community corrections program “promotes accountability of offenders to crime victims, local communities and the state” (Section 217.777 R.S.Mo.). It comprises of a long list of options to promote restorative justice; victim-offender mediation is listed as one of the options, without any detail on how it is to be established or monitored. In another example in this category, California authorizes VOM under its truancy prevention programs (Cal. Ed. Code, section 48720, section 48730), under the penal code for adults (Cal. Pen. Code, section 8052), under
codes regarding high-risk first-time juvenile offenders (Cal. Ed. Code, section 47761), and in the juvenile court provisions (Cal. Wel. & Inst. Code, section 202). Although statutory support of VOM is clearly evident in California, the specifics of VOM are not provided legislatively but rather left to the agencies developing and implementing VOM programs.

Six states have statutes or laws authorizing programs that “may involve victim offender dialogue” but do not exactly fall within the category of VOM (p.425). For example, Illinois has a statutory authority for a community mediation program for juveniles, which has strong underlying restorative justice principles. Its goal is “to make the juvenile understand the seriousness of his or her actions and the effect that crime has on the minor, his or her family, his or her victim, and his or her community” (Section 705 Ilcs 405/5-310) (Lightfoot and Umbreit, 2004, p.425). This program involves the establishment of “community mediation panels” that will meet with a juvenile and his or her family to discuss the delinquent act. Although the victim or a victim’s representative may be involved in the panel, the panel is not formed for the purpose of dialogue between the victim and the juvenile, but rather for the rehabilitation of the juvenile (Lightfoot and Umbreit, 2004).

Twenty-one states and the District of Columbia According to Lightfoot and Umbreit (2004) do not have any specific reference to VOM within their state statutes or codes. Although some of these states contained a reference or a stated commitment to restorative justice principles, none were specific enough to imply any sort of meeting between a victim and an offender (p.425). It is important to note again that just because a state does not have a state statute or code mentioning VOM or restorative justice does not
mean that such programs cannot exist. In fact, VOM programs may flourish without any code. For example, Pennsylvania’s state statutes currently do not mention VOM; however, there is a general commitment to restorative justice within the Pennsylvania code, and indeed there are VOM programs within the state (Lightfoot and Umbreit, 2004). Similarly, there is a language within the South Carolina Children’s Code that generally promotes restorative justice; however there is no language regarding any sort of meeting or dialogue between victims and their offenders as part of its restorative justice orientation (Lightfoot and Umbreit, 2004).

OFFENSE TYPES THAT ARE REFERRED TO VOM PROGRAMS

It is obvious that mediation programs will not receive referrals from a single type of crime. While some programs clearly specify the crime types that should be referred to them by virtue of statutes establishing them, others did not clearly define crime types that they expect to be referred to them (Lightfoot and Umbreit, 2004). Crimes are generally grouped into violent and property crimes. Violent crimes, according to the Federal Bureau of Investigation’s Uniform Crime Report (UCR), are composed of four offenses: murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault (Uniform Crime Report, 2009). Violent crimes are defined as those offenses which involve force or threat of force (UCR, 2009). Property crime includes the offenses of burglary, larceny-theft, motor vehicle theft, and arson. The object of the theft-type offenses is the taking of money or property, but there is no force or threat of force against the victims (UCR, 2009).
Other crime types include enterprise crime which include white-collar, cyber, and organized crimes, and public order crimes (Siegel, 2008). Most mediation programs classify crimes into property and violent crimes. Property crime in these sense included various types of damages that are done to any kind of property including vandalism, theft, larceny, burglary, auto theft, and so on. Violent crimes included those crime that cause harm or bodily injury to another person. This includes assaults, rape, and any kind of acts that causes bodily harm to the other person. The most common offenses in VORPs are burglary and theft, and crimes where the victim and the offender are often strangers to one another (Chupp, 1989). Umbreit and Coates (1993), in a cross-site analysis of victim offender mediation programs in four states, noted that 83 percent of the referrals involved property crimes such as vandalism, theft, or burglary, and 17 percent involved a crime of violence, primarily minor assaults (p.570). The same figures were found in Umbeit and Coates (2001) where 83 percent of referrals involved a property crime and 17 percent involved crimes of violence.

According to Hughes and Schneider (1989), 80 percent of Victim-Offender Mediation programs excluded some offenders or offenses. Hughes and Schneider (1989) noted that, “violent offenses or offenders were mentioned most often; but in some programs sex offenders, chronic offenders, those with drug, alcohol, or mental problems, and the retarded were excluded” (p.221). In some agencies offenses or offenders such as sociopaths, cases of child abuse, offenders showing no remorse, or denying involvement, and overly angry victims are excluded (Hughes and Schneider, 1989). Some programs reported mediating minor misdemeanors or property offenses, while others mediated whoever the court orders to their programs (Hughes and Schneider, 1989). Crimes or
offenses usually referred to VOM programs therefore, are mostly property crimes and non-violent crimes (Hughes and Schneider, 1989; Chupp, 1989; Umbreit and Coates, 1993; Umbeit and Coates, 2001).

**PARTICIPATION IN VICTIM OFFENDER MEDIATION PROGRAMS**

One of the most important questions that a victim and/or offender will ponder upon is the choice of participation in VOM programs. It is obvious that not all who are referred to mediation programs actually find themselves in a face-to-face interaction or shuttle mediation with their alleged victim(s) or offender(s). Coates and Gehm (1989), in their examination of VORP programs in seven counties in the State of Indiana and one county in the state of Ohio, found that, out of 73 offenders referred to VORPs expecting to have a total of 196 victim/offender meetings only 98 (50 percent) victim offender meetings actually occurred. Fourteen percent of the victim offender disputes were settled before the VORP contact. Two percent of the potential meetings were pending (Coates and Gehm, 1989).

In Gehm (1998), 47 percent of all eligible cases resulted in a mediation, 43 percent had agreed contracts, 38 percent had their agreed contracts completed successfully (p.6). Umbreit (1992) in a single site analysis of VOM programs in Minneapolis, Minnesota, known as the Center for Victim Offender Mediation (CVOM) found that out of 379 cases referred to program in 1989, 50 percent resulted in face-to-face mediation, nine percent indirect mediation, and 41 percent no mediation, resulting in a referral back to the court for determining restitution.
According to Davis (2009), only 56 percent of cases referred to the Dispute Center were actually mediated. In 12 percent of the cases, complainants refused to participate when they arrived at the center; one or both parties failed to appear (32 percent of all cases referred); both parties failed to appear (9 percent of all referrals); and in three percent of the cases, defendants (offenders) failed to appear (p. 32). In their cross-national assessment of VOM programs in the United States, Canada, and England, Umbreit, Coates, and Roberts (2001) noted that “of the candidates who were referred to mediation, 40 percent in the United States, 41 percent in Canada, and 7 percent in England actually participated in direct-face-to-face mediation; an additional 39 percent in England participated in indirect mediation” (p.181). The researchers cautioned that both victim and offender must agree to participate which underscores the voluntary nature of mediation programs. Similar outcomes were found in Umbreit and Coates (2001) where 40 to 60 percent of persons who are offered the opportunity to participate in VOM refused, making it evident that participation is a self-selective process (p.163). However in most cases offenders feel they had no choice but to participate (Umbreit, Coates, and Roberts, 2001). This might be to avoid severer sentence when their cases are adjudicated through the court. After reviewing the literatures, it is clear that participation in VOM ranges between 40 percent and 60 percent of all referrals (Coates and Gehm, 1989; Gehm, 1998; Umbreit, 1992; Davis, 2009; Umbreit, Coates, and Roberts, 2001; Umbreit and Coates, 2001).

In traditional cultures, victims, offenders, and others participated largely because of firmly established norms (Gehm, 1998). According to Umbreit and Coates (2001) “victim willingness to participate was driven by a desire to receive restitution, to hold the
offender accountable, to learn more about the wherefores of the crime, to share the victim’s pain with the offender, to avoid court processing, to help the offender change behavior, or to see the offender adequately punished” (p.164). Gathering from other studies, offenders were found to have participated to “do the right thing” and to “get the whole experience behind them” (Umbreit and Coates, 2001, p. 164).

THE OUTCOME OF MEDIATION SESSIONS OR PROCESS

Restorative justice programs have been used in many jurisdictions in the United States and across the globe (Coates and Gehm, 1989; Umbreit, Coats and Vos 2001; Maxwell and Morris, 2003). Victim Offender Mediation (VOM) has been applauded by many as a tool for cushioning the burden created in the lives of victims or restoring the lives of victims to their original states prior to victimization, rehabilitation of offenders, and reducing crime rates in general (Coates and Gehm, 1989; Gehm, 1998; Umbreit, 1992; Roy, 1993; Umbreit and Coates, 1993; Umbreit, Coates, and Vos, 2001; Daly 2002; Latimer, Dowden and Muise, 2005; Presser and Hamilton, 2006; Bradshaw, Roseborough, and Umbreit, 2006; Rodriguez, 2007; Davis, 2009; Choi and Severson, 2009; Gerkin, 2009).

Coates and Gehm (1989), in their examination of VOM programs in seven counties in the State of Indiana and one county in the state of Ohio, found that 98 percent of written contracts were obtained when face-to-face meetings occurred. In only two instances did the offenders and victims fail to come to some common consensus or agreement. Eighty-seven percent of the contracts contained some form of restitution.
Over half included monetary restitution to the victim and a third included some sort of service to the victim. Ninety percent of the contracts were completed. In only four cases no progress toward contract completion was attained. All but one of the victims indicated that if the occasion arose again they would choose to participate in VOM. All the offenders indicated that if they had a choice they would choose to participate (Coates and Gehm, 1989).

Victims also appreciated the opportunity to receive restitution for loss, to hear the expression of remorse on the part of the offender, and have the care and concern of the mediator (Coates and Gehm, 1989). In Hughes and Schneider (1989), victim offender mediation programs generally received an average score of 8.4 on a 10-point effectiveness scale, and individual programs scored of 7.9 (p.227). Respondents believed that in their programs victim interests had been served (a score of 8.5 out of 10), that offender interest had been served (8.4), and that mediators had done a good job (8.5). According to Umbreit (1992), 86 percent of victims believe that meeting the offender was helpful, 98 percent think negotiated restitution was fair, 92 percent indicated that receiving answers from the offender to their question was important, and 88 percent think that providing counseling and other help to the offender was important (Umbreit, 1992).

On the other hand, 97 percent of the offenders believe that repaying the victim for their loss was important; the same percentage said apologizing to their victims was important to them. Ninety-eight percent of offenders were happy with working out restitution with their victims; 95 percent believe negotiated restitution plan was fair to their victim; 94 percent indicated that it was helpful to meet their victim; 88 percent think
that negotiated restitution plan was fair to them; and the same percentage of offenders indicated a positive attitude towards the mediator (Umbreit, 1992). According to Roy (1993) 97 percent of juveniles and 78 percent of adults are able to successfully complete their restitution contracts in a comparative study of juveniles and adult mediation program (p.123). According to Maxwell and Morris (2003) about 60 percent of victims interviewed described the family group conference they attended as helpful, positive, and rewarding. Davis (2009) found that, “disputants feel better about their experience in the criminal justice system and about each other after mediation than after the traditional court process” (p.36).

POINTS OF VIEW OF PARTICIPANTS OR CLIENT SATISFACTION OF VOM

One of the ways restorative justice programs including mediation have been evaluated is through participants (victims and Offenders) views and perceptions or the satisfaction of their experience (Coates and Gehm, 1989; Umbreit, 1992; Umbreit, Coates, and Vos, 2001; Maxwell and Morris, 2003; Umbreit, Coates, and Roberts, 2001; Latimer, Dowden, and Muise, 2005). Coates and Gehm (1989) in their examination of VOM programs found that 83 percent of the offenders and 59 percent of the victims were satisfied with the VOM experience. Only 11 percent of the victims expressed some dissatisfaction. All but one of the victims indicated that if the occasion arose again they would choose to participate in VOM (Coates and Gehm1989). All the offenders indicated that if they had a choice, they would choose to participate. Victims were most satisfied
with the opportunity to meet the offender and thereby obtain a better understanding of the crime and the offender’s situation (Coates and Gehm, 1989).

According to Umbreit (1992), victims who participated in the mediation were overwhelmingly satisfied with the program. Ninety-two percent of victims indicated a positive attitude towards the mediation process. Umbreit and Coates (1993) found that 80 percent of offenders and 79 percent of victims were satisfied with the mediation process. Umbreit, Coates, and Vos, (2001) in their multi-site study of VOM programs in the United States, Canada, England and Scotland found that, across multiple sites and cultures, among many different kinds of victims, on the whole, victims who choose to participate in VOM walk away quiet satisfied with the process and the results of their encounter with the criminal justice system. However, there are those who were not pleased with their experiences, but the research demonstrates that these represent a distinct minority. Eighty-five percent of young people (offenders) and 85 percent of parents (offender’s parents) said that they were satisfied with the outcomes of the family group conference (Maxwell and Morris, 2003). Only a few young offenders (nine percent) and parents (11 percent) actually expressed dissatisfaction with the outcome (Maxwell and Morris, 2003).

Maxwell and Morris (2003) however noted that it is possible that young people’s and parents high level of satisfaction meant nothing more than relief that nothing worse had happened to the young person. This is because young people who received most severe penalties were almost three times as likely to express dissatisfaction as those receiving less severe penalties, and the parents of those receiving the most severe
penalties were twice as likely to express dissatisfaction as the parents of young people who received less severe penalties (Maxwell and Morris, 2003). About half of the victims (49 percent) interviewed were actually satisfied with the outcomes from conferences and about a third were dissatisfied (Maxwell and Morris, 2003). Latimer, Dowden, and Muise, (2005), in a meta-analysis noted, “restorative justice programs are a more effective method of improving victim/or offender satisfaction, increasing offender compliance with restitution, and decreasing the recidivism of offenders when compared to more traditional criminal justice responses (i.e., incarceration, probation, court-ordered restitution, etc.” (p.138).

According to Umbreit, Coates, and Roberts (2001), 90 percent of victims and 91 percent of offenders in the United States and 89 percent of victims and 91 percent of offenders in Canada were satisfied with the outcome of mediation (p.184). In England 84 percent of victims and 100 percent of offenders who participated in a direct mediation were satisfied with the outcome of mediation; while 74 percent of victims and 79 percent of offenders who participated in indirect mediation were satisfied with its outcome (Umbreit, Coates, and Roberts, 2001, p.184). In a multisite assessment of four mediation programs in four cities of Canada over a period of three years, Umbreit (2001) found that “overall, the vast majority of complainants/victims (89 percent) and accused/offenders (91 percent) were satisfied with the mediation session they participated in” (p.226).
MEDIATORS AND THEIR TRAINING

Mediators in VOM programs are mostly trained mediators or volunteers in the community. This depends on the nature of the program and statutes establishing the program. Many programs that use community volunteers as mediators have a minimum of 15 hours of training for all volunteers, which are often followed by, observing another mediator on a case before actually being assigned a case (Chupp, 1989). In a survey of VOM programs and their characteristics, Hughes and Schneider (1989) noted that 55 percent of programs used program staff alone as mediators, 37 percent had a combination of program staff and volunteers, and eight percent had only volunteers serving as mediators (p. 224). Respondents from 13 programs (17 percent) indicated having only one mediator, 25 (32 percent) claimed fewer than three, in six programs (8 percent) 50 or more mediators were used, and one program reported having over 100 mediators; the median number for mediators was five (Hughes and Schneider, 1989).

Mediator training was conducted by program staff in the majority of the program (59 percent), but outside professionals were used in some (19 percent), and volunteers who have been mediators (3 percent) or probation staff (3 percent) were used in other (Hughes and Schneider, 1989). A number of respondents reported a combination of training sources (13 percent), and a few reported that their programs require no training (4 percent). The median amount of training time was 20 hours with nine hours of follow-up or in-service training (Hughes and Schneider, 1989). Mediation sessions varied in length from ten minutes to two hours (Hughes and Schneider, 1989).
In a national survey of Victim-Offender Mediation programs, the Office for Victims of crime noted that the average number of hours of training for staff or volunteer mediators is 31 hours, with some programs in the survey indicating even more lengthy training of up to 89 hours (U.S Department of Justice, 2000). The average amount of time spent on role playing the mediation process during training is 11 hours. In addition to the classroom training the average number of cases that trainees are required to participate in with an experienced mediator for apprenticeship prior to completing their initial training was four hours (U.S Department of Justice, 2000). Table six below shows a breakdown of major training components for mediators.

Table 6

<table>
<thead>
<tr>
<th>Component</th>
<th>Number of Programs</th>
<th>Percentage of Programs (N=116) That include this Component*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mediation Skills</td>
<td>114</td>
<td>98</td>
</tr>
<tr>
<td>Communication Skills</td>
<td>114</td>
<td>98</td>
</tr>
<tr>
<td>VOM Concept and Process</td>
<td>113</td>
<td>97</td>
</tr>
<tr>
<td>Understanding Conflict</td>
<td>111</td>
<td>95</td>
</tr>
<tr>
<td>Preparation for Mediation Skills</td>
<td>110</td>
<td>94</td>
</tr>
<tr>
<td>Risks and Benefits of VOM</td>
<td>110</td>
<td>94</td>
</tr>
<tr>
<td>Restorative Justice</td>
<td>103</td>
<td>88</td>
</tr>
</tbody>
</table>
CRITIQUES OF RESTORATIVE JUSTICE PRACTICES

Like any other reform in the criminal justice system, restorative justice and for that matter mediation programs have been criticized by many (Coates and Gehm, 1989; Gerkin, 2009). Gathering from other sources, Gerkin (2009), noted that the designation of victim (s) and offender(s) in restorative justice programs suggest that participants are encouraged by the mediators, and in some ways by mediation process, to play particular

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>History of VOM</td>
<td>100</td>
<td>86</td>
</tr>
<tr>
<td>Culture and Gender issues</td>
<td>95</td>
<td>81</td>
</tr>
<tr>
<td>Comediation</td>
<td>91</td>
<td>79</td>
</tr>
<tr>
<td>Understanding experience and needs of crime victims</td>
<td>93</td>
<td>80</td>
</tr>
<tr>
<td>Crisis response to victimization</td>
<td>78</td>
<td>67</td>
</tr>
<tr>
<td>Victims’ rights</td>
<td>57</td>
<td>56</td>
</tr>
<tr>
<td>Guest speaker from victim services agency</td>
<td>45</td>
<td>39</td>
</tr>
<tr>
<td>Presentation by crime victim</td>
<td>29</td>
<td>25</td>
</tr>
<tr>
<td>Understanding experience and needs of offenders</td>
<td>87</td>
<td>75</td>
</tr>
<tr>
<td>Guest speaker from offender services agency</td>
<td>93</td>
<td>80</td>
</tr>
<tr>
<td>Presentation by ex-offenders or former clients</td>
<td>20</td>
<td>18</td>
</tr>
</tbody>
</table>

*Percentages do not total to 100 because some programs gave multiple responses*

Source: Office for Victims of Crime, U.S Department of Justice, 2000
roles. According to Gerkin (2009) a person is actually not a victim. It is the participation in VOM in certain contexts designed by the program that makes a person assume the identity of a victim. Gerkin (2009) further noted that, the assumption or the claim of master signifiers in restorative justice process such as reconciliation, healing, restitution, community, and responsibility force victims to explain their experience within this master discourse. “For victims and offenders, discursive practices only offer the opportunity to locate experiences of pain, hurt, confusion, regret, retribution and the like, within a master discourse” (p.228).

Another criticism which is particular with mediation has to do with the time. Many victims after going through the mediation process are not happy with the length of time (number of days) between the crime and VOM resolution. A median 111 days was found to have elapsed between crime and conviction or dispute resolution (Coates, and Gehm, 1989, p. 254). Victims were also least satisfied with the lack of follow-up by mediators and leverage on the offender (s) to fulfill the agreed contracts, especially in cases involving monetary restitutions (Coates, and Gehm, 1989). Other victims also not happy with the paper work they have to go through before being scheduled for mediation (Coates, and Gehm, 1989). VORPs have been criticized for their possibility of re-victimizing victims at the mediation session. As a result, Price (1998-2002) cautioned that the mediator upon meeting each of the parties (offender and victim) at the first separate meetings should be able to assess the party’s motivations and their ability to communicate verbally.
A victim who is too intimidated to speak to the offender is probably not a good candidate for mediation; neither is a victim who seeks to “bash” the offender (Price, 1998-2002). On the other hand, an offender who does not admit to the offense (at least partially or on some level) is not suitable for victim offender mediation. From the victims’ perspective, a confrontation with an accused that denies an offense, and/ or blames the victims or shows no remorse or regret, often result in the victim experiencing re-victimization (Price, 1998-2002).

Summary

Chapter two describes the historical background of mediation and restorative justice. It outlines restorative justice practices in other cultures. Victim, offender mediation process is also explained in this chapter. Organizations that usually carry out mediation programs and their sources of funding are discussed. The stages in the justice process where mediations are carried out and statutory provisions for restorative justice practices among various states were presented. Offense types that are referred to VOM programs, participation in VOM programs, and reasons for participation were also explained.

In addition, the chapter gave explanation about the outcomes of mediation sessions, and the points of view or client satisfaction with VOM programs or mediation sessions. Towards the end of the chapter, an explanation about mediators and their training was provided. The chapter ended with various criticisms about restorative justice
practices. The next chapter deals with the methodology part of the study. Chapter three talked about the site of the study, the mediation program for the study, data collection, hypotheses, and research design.
CHAPTER THREE

METHODOLOGY

In order to evaluate the mediation process, a location in Youngstown Ohio was selected. The location is a juvenile justice center which comprised of a juvenile court and a detention center. The mediation program evaluated is located within the juvenile court. The program has a mediation room, where face-to-face mediations occur and an office for the mediators and their assistants.

The Mediation Program

The mediation program established by a juvenile court in Northeast Ohio was evaluated for this study. The program is based on the philosophy of restorative justice. The program is grant fund and has subsidy funding from the state. The purpose of the program is primarily for diversionary purposes. There is additional funding for restitution. The program requires a full-time department.

Alleged offenders and victims are referred to the program at two stages of the court process. Many are referred pre-filling and pre-adjudication as a means of diversion from the official court docket and subsequent formal community controls. A small number are referred at the post-adjudication stage. The program is based on long standing juvenile philosophies and on juvenile court rules that the court should divert youth whenever possible to alternative programs or from official court proceedings. The goal is to allow youth to be held accountable and allow the victim to be part of the process while
being restored to the greatest extent possible. This is consistent with the mission statement of the court, as well as restorative justice principles.

The program has a total of three staff members. Two are mediators and the third is the program assistant (does not mediate). One of the mediators is also the Director of the court mediation program. Mediators in juvenile court, according to Supreme Court of Ohio recommendations, should possess a bachelor’s degree at a minimum, have experience working with youth and families, and complete 98 hours of Supreme Court of Ohio approved training. The approved training involves 12 hours of basic mediation, 14 hours of domestic abuse issues, 40 hours of family or domestic issues, and 32 hours of child protection mediation.

The program has a dedicated mediation room where face-to-face mediations take place. The mediation sessions may involve an individual victim and an offender, a single offender and many victims, or many offenders and an individual victim. In some cases many offenders and multiple victims are involved. The mediation session is conducted as either face-to-face (having both offender(s) and victim(s) sitting at the same table with the mediator(s)) or a shuttle mediation (where the mediator(s) have both parties in different rooms or places and walk from one room to the other to facilitate the session).

As a result of additional funding, the program has available an opportunity for youth to participate in a work restitution program in the form of community service. The funds are used for restitution to the alleged victim when parties agree to restitution through the mediation process as a form of resolution.
Offenses most often mediated are categorized, generally into offenses against persons, offenses against property, and offenses against the public peace or other. Offenses against persons include, but are not limited to: assaults, aggravated assault, and acts that cause bodily harm or immediate threat of harm. Offenses against property include, but are not limited to: criminal damage, vandalism, breaking and entering, and forms of damages to real or personal property. Offenses against public peace include, but are not limited to: disorderly conduct, inciting violence, carrying a concealed weapon, making false alarm, and other forms of disturbance to the public.

**Data Collected**

Two dataset were used for the evaluation of the mediation program. The first is secondary data obtained from the juvenile court. It consists of a one-year dataset for the period of July 2008 to June 2009. This dataset include: the number of offenders referred to the program, participants race, gender, and offense committed. It also includes the number of offenders who have participated in mediation sessions. These numbers include participants who have reached agreements (which may include restitution) in their mediations and those who could not agree at the end of their mediations. The second data collection were obtained from a questionnaire about participants’ views and perceptions or perceived satisfaction/dissatisfaction with the mediation program. These dataset involves the views of the participants (both victims and offenders) concerning the mediation program (See Appendix A). The survey was handed out to participants of the mediation program by the mediator at the end of mediation session to complete and hand
back in before leaving the juvenile justice center. The second dataset were analyzed to
determine the points of view and satisfaction of participants concerning the mediation
program and also to evaluate the hypothesis for the study. Also included in the
questionnaire were the participants’ suggestions for program improvement.

The evaluation of the program was based on the number of referrals to the
mediation program that do not make it to mediations, the number of referrals that make it
to mediations but could not reach agreement, the number of mediations that are
successfully held (reached agreement which may include restitution) on the first dataset.
On the second dataset, the response of participants on their views or perceived
satisfaction with the mediation process is used.

The two dataset were obtained from the juvenile court upon the approval of the
Youngstown State University’s Human Subject Review Committee (See Appendix B). A
cover letter and consent form were provided in envelops with the questionnaire for
program participants to complete (See Appendix C). Participants after completing the
survey put the questionnaires in an envelope and sealed it to ensure confidentiality. These
envelops are then handed to the mediator before participants leave the juvenile court. An
approval was also obtained from the juvenile court to carry out the study (See Appendix
D). The responses from the questionnaires were coded and entered in an SPSS data file.
It was used as the second dataset and evaluated along with the first dataset obtained from
the court. These evaluations were used in answering the hypotheses or the research
questions for the study.
Hypotheses

In order to evaluate the VOM program in the juvenile Court the following hypotheses were developed:

H₁  Alleged victims and offenders who participate in mediation reach an agreement or consensus (which may include restitution).

H₂  Alleged victims and offenders feel much better after going through the mediation process.

H₃  Mediation programs cushion or reduce the burden that alleged victims suffer as a result of victimization.

H₄  Alleged victims and offenders who participate in mediation programs prefer mediation to adjudication/court.

Secondary data analysis was conducted on the first dataset obtained from the mediation program. These dataset consisted of the number of referral (victims and offenders) to the program and the actual number of participants who reached agreements or consensus (including restitution) at the end of the mediation session. The number of individuals, who are referred to mediation program but could not participate for various reasons, are also included. The data includes demographic information for the alleged offenders. Percentages were calculated on the number of referrals, the number of actual participations, and those who could not participate. The first dataset were used to determine whether or not participants in VOM programs are able to reach agreement at the end of mediation sessions. This addresses the first hypothesis of this study “alleged
victims and offenders who participate in mediation reach an agreement or consensus (which may include restitution).”

The second dataset includes data collated from a survey conducted on the views of the participants concerning the mediation program (See Appendix A). These data were used to evaluate hypothesis two “alleged victims and offenders feel much better after going through the mediation process”; hypothesis three “mediation programs cushion or reduce the burden that alleged victims suffer as a result of victimization; and hypothesis four “alleged victims and offenders who participate in mediation programs prefer mediation to adjudication/court.”

**H₂ was evaluated by asking respondents the following questions:**

1) Did you have the opportunity to talk about your point of view to the other party? □ Yes □ No.
   If yes, did it make you feel better? □ Yes □ No

2) How do you feel now that the mediation process is over? □ Better □ Worse □ No Change.

**H₃ was evaluated by asking respondents the questions below:**

1) How do you feel now that the mediation process is over? □ Better □ Worse □ No Change

2) How would you rate the outcome/results of the Mediation Program?
   □ Very Good □ Good □ Poor

3) If you were the victim, would you accept an apology from an offender? □ Yes □ No
   If “yes”, do you think an apology is the most important outcome of a mediation program?
H4 was evaluated by asking respondents

1) If asked to choose, which one would you prefer: ☐ Court/Trial ☐ Mediation Program

The data were then coded and entered into SPSS. Descriptive and Comparative data analysis was conducted to evaluate the research hypotheses. That information is provided in the following chapter.

Summary

The methodology of the study was presented in this chapter. The location of the facility where the current study was conducted was discussed. The mediation program, its philosophy, funding, and the mediators were also discussed. Two dataset were be used to evaluate the research hypothesis. The first is secondary data obtained from the juvenile court and the second dataset was obtained through a questionnaire. The chapter further explained that approval of the Youngstown State University’s Human Subject Review Committee was obtained before the research was conducted (See Appendix B). The chapter also outlined the hypotheses that were evaluated by the study and the research design of the study. In the next chapter, the results of the data analysis were presented for both sets of data; including secondary analysis and responses to the questionnaire. The results were presented in that chapter for both sets of data; secondary and responses to the questionnaire.
CHAPTER FOUR

DATA ANALYSIS AND FINDINGS

Two dataset were used for the evaluation of the mediation program. The first is secondary data obtained from the juvenile court. It consists of a one-year dataset for the period of July 2008 to June 2009. This dataset includes: the number of offenders referred to the program, their race, gender, and offense committed. It also includes the number of offenders participated in mediation sessions. These numbers include those who ended mediation with agreements (which may include restitution) and those who could not reach agreements at the end. The second dataset were obtained from responses to a questionnaire about participants’ views and perceptions or perceived satisfaction with the mediation program. This dataset involves the views of the participants (both victims and offenders) concerning the mediation program (See Appendix A). The survey was handed out to participants of the mediation program by the mediator at the end of mediation session to complete and hand back in before leaving the juvenile center. The second dataset were analyzed to determine the points of view and satisfaction of participants concerning the mediation program. Also included in the survey questionnaire were the participants’ suggestions for program improvement.

The evaluation of the program was based on the number of referrals to the mediation program that do not make it to mediations, the number of referrals that make it to mediations, the number of mediations that are successfully held (results in a form of agreement which may include restitution), and the response of participants on their points of view or perceived satisfaction with the mediation process.
The hypotheses of this study are:

H1  Alleged victims and offenders who participate in mediation reach an agreement or consensus (which may include restitution).

H2  Alleged victims and offenders feel much better after going through the mediation process.

H3  Mediation programs cushion or reduce the burden that alleged victims suffer as a result of victimization.

H4  Alleged victims and offenders who participate in mediation programs prefer mediation to adjudication/court.

Dataset 1

The tables below summarize the secondary dataset obtained from the mediation program at the juvenile court. The data are reflection of cases referred to the program including those that did not make it to mediation. It also includes mediated cases that were unsuccessful (could not reach agreements at the end of the mediation session) and mediations were successfully held (reached agreements). The data also include the various crime types referred to the program, the race of offenders, and their gender. The data are presented by months. For the purpose of the program, a particular year is determined from the first day of the month of July of the previous year to the June 30 of
the current year. The tables below depict the activity of the mediation program for the period of July 2008 through June, 2009.

A total of 143 male offenders (63.84 %) and 81 females offenders (36.16%) were referred to the program suggesting that male offenders are more likely to be referred to the program than female offenders. This is typical for most Criminal Justice programs. The profile of an offender referred to the program is likely to be a male Caucasian. The youngest person referred to program was born in 1998 (either 10 or 11 years old as at the time of referral), and the oldest was born in 1990 (about 17 years old as at the time of referral). Both the youngest and the oldest referred to the program for those years are males.

Table 7

<table>
<thead>
<tr>
<th>Month</th>
<th>African American Male</th>
<th>Hispanic Male</th>
<th>Caucasian Male</th>
<th>African American Female</th>
<th>Hispanic Female</th>
<th>Caucasian Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>4</td>
<td>0</td>
<td>17</td>
<td>9</td>
<td>0</td>
<td>4</td>
<td>34</td>
</tr>
<tr>
<td>August</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>September</td>
<td>6</td>
<td>0</td>
<td>5</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>19</td>
</tr>
<tr>
<td>October</td>
<td>5</td>
<td>1</td>
<td>12</td>
<td>5</td>
<td>0</td>
<td>4</td>
<td>27</td>
</tr>
<tr>
<td>November</td>
<td>4</td>
<td>0</td>
<td>7</td>
<td>5</td>
<td>0</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>December</td>
<td>8</td>
<td>0</td>
<td>9</td>
<td>14</td>
<td>0</td>
<td>1</td>
<td>32</td>
</tr>
<tr>
<td>January</td>
<td>6</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>13</td>
</tr>
<tr>
<td>February</td>
<td>2</td>
<td>0</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>March</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>April</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>May</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>June</td>
<td>1</td>
<td>0</td>
<td>8</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>Total (referred and held)</td>
<td>(45)</td>
<td>(1)</td>
<td>(80)</td>
<td>(54)</td>
<td>(2)</td>
<td>(22)</td>
<td>(204)</td>
</tr>
<tr>
<td>Referred not Held</td>
<td>9</td>
<td>0</td>
<td>8</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>20</td>
</tr>
</tbody>
</table>
Table seven summarizes the demographics of alleged offenders referred to the mediation program for the period July, 2008 to June, 2009. A total of 54 African-American Males (24.11%), one Hispanic male (0.45%), 88 Caucasian males (39.29 percent) were referred. Fifty-six African-American females (25%), two Hispanics females (0.89%), and 23 Caucasian females (10. 27%) were referred to the mediation program. Caucasian males (39.11%) are the largest group referred to the program followed by African-American females (25 percent). The least referred to the program were Hispanics males (0.45 percent) followed by Hispanic females (0.89%).

<table>
<thead>
<tr>
<th>Referral Condition</th>
<th>Total referred</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American Male</td>
<td>54 (24.11%)</td>
<td>1 (0.45%)</td>
</tr>
<tr>
<td>Hispanic Male</td>
<td>88 (39.29%)</td>
<td>56 (25%)</td>
</tr>
<tr>
<td>Caucasian Male</td>
<td>2 (0.89%)</td>
<td>23 (10.27%)</td>
</tr>
<tr>
<td>Caucasian Female</td>
<td>224 (100%)</td>
<td></td>
</tr>
</tbody>
</table>

Table 8

*Successfully Mediated Referrals by Demographics*

<table>
<thead>
<tr>
<th>Referral Condition</th>
<th>African American Male</th>
<th>Hispanic Male</th>
<th>Caucasian Male</th>
<th>African American Female</th>
<th>Hispanic Female</th>
<th>Caucasian Female</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referred &amp; Held</td>
<td>45 (97.78%)</td>
<td>1 (100%)</td>
<td>80 (100%)</td>
<td>54 (96.30%)</td>
<td>2 (100%)</td>
<td>22 (100%)</td>
<td>204</td>
</tr>
<tr>
<td>Referred, Held /no agreement</td>
<td>1 (100%)</td>
<td>0 (100%)</td>
<td>0 (100%)</td>
<td>2 (100%)</td>
<td>0 (100%)</td>
<td>3 (100%)</td>
<td>(3)</td>
</tr>
<tr>
<td>Referred, Held &amp; Agreed Percentage</td>
<td>44 (97.78%)</td>
<td>1 (100%)</td>
<td>80 (100%)</td>
<td>52 (96.30%)</td>
<td>2 (100%)</td>
<td>22 (100%)</td>
<td>201 (98.53%)</td>
</tr>
</tbody>
</table>

*Successfully mediated denotes cases whereby parties reach agreement on the issues presented*

Table Eight summarizes the number of cases that were referred and mediated according race and gender. The Table also shows successfully mediated referrals and
unsuccessfully mediated referrals according to race and gender. Forty-four out of 45 (97.78%) African-American males and 52 out 54 (96.30%) African-American females were able to reach agreement at the end of mediation. Hispanic males, Caucasian males, Hispanic females, and Caucasian females had a 100% success rate. All the cases that were held were successfully mediated.

Table 9

<table>
<thead>
<tr>
<th>Month</th>
<th>Injury to Person</th>
<th>Damage to Property</th>
<th>Disturbance of Public Peace</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>14</td>
<td>13</td>
<td>7</td>
<td>34</td>
</tr>
<tr>
<td>August</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>September</td>
<td>5</td>
<td>14</td>
<td>0</td>
<td>19</td>
</tr>
<tr>
<td>October</td>
<td>8</td>
<td>15</td>
<td>4</td>
<td>27</td>
</tr>
<tr>
<td>November</td>
<td>1</td>
<td>11</td>
<td>5</td>
<td>17</td>
</tr>
<tr>
<td>December</td>
<td>15</td>
<td>3</td>
<td>14</td>
<td>32</td>
</tr>
<tr>
<td>January</td>
<td>7</td>
<td>1</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>February</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>10</td>
</tr>
<tr>
<td>March</td>
<td>4</td>
<td>5</td>
<td>2</td>
<td>11</td>
</tr>
<tr>
<td>April</td>
<td>5</td>
<td>6</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>May</td>
<td>2</td>
<td>6</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>June</td>
<td>7</td>
<td>3</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td>Total (referred &amp; held)</td>
<td>(72)</td>
<td>(85)</td>
<td>(47)</td>
<td>(204)</td>
</tr>
<tr>
<td>Referred not Held</td>
<td>8</td>
<td>10</td>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>Total Referral Percentage</td>
<td>80 (35.71%)</td>
<td>95 (42.41%)</td>
<td>49 (21.88%)</td>
<td>224 (100%)</td>
</tr>
</tbody>
</table>

Table Nine above shows the summary of referral to the mediation program by crime type. Injury to person has a total of 80 referrals (35.71%), damage to property 95 referrals (42.41%), and disturbance of public peace 49 (21.88%). Damage to property has the highest referral, followed by injury to person, then disturbance of public peace. The high rate of referral for the damage to property can be partly attributed to the availability
of funds for restitutions to victims in the program. The offense types referred to the program, especially damage to property and injury to persons, are similar to offenses referred to mediation programs in previous studies (Chupp, 1989; Umbreit and Coates, 1993; Umbeit and Coates, 2001). The high percentage of damage to property (42.41%) is also similar to previous studies in mediation that have high rate of property related cases or referrals (Chupp, 1989; Umbreit and Coates, 1993; Umbeit and Coates, 2001).

Table 10

*Successfully Mediated Referrals by Offense Type

<table>
<thead>
<tr>
<th>Referral Condition</th>
<th>Injury to Person</th>
<th>Damage to Property</th>
<th>Disturbance of Public Peace</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referred &amp; held</td>
<td>72</td>
<td>85</td>
<td>47</td>
<td>204</td>
</tr>
<tr>
<td>Held/No Agreement</td>
<td>(1)</td>
<td>0</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>Held and Agreed Percentages</td>
<td>71</td>
<td>85</td>
<td>45</td>
<td>201</td>
</tr>
</tbody>
</table>

*Successfully mediated denotes cases whereby parties reach agreement on the issues presented.

Table Ten above shows the number of cases that have been mediated, those that are mediated but no agreement reached, and those that are mediated and agreement reached (successfully mediated). Injury to persons had a total of 72 mediations with 71 (98.61%) successfully mediated. Damage to property had a 100 percent success rate by having all 85 mediations resulting in agreements. Again, this may be attributed partly to the availability of funds by the program for restitution. Disturbance of public peace had 47 mediations out which 45 (95.74%) were successfully mediated.
Table 11

Summary of the Activities for the Period (July 2008 to June, 2009)

<table>
<thead>
<tr>
<th>Referral Condition</th>
<th>Number</th>
<th>Percent of Total Referrals</th>
<th>Percent of Mediated Referrals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referred and Held</td>
<td>204</td>
<td>91.07%</td>
<td>100%</td>
</tr>
<tr>
<td>Referred, Held and Agreed</td>
<td>201</td>
<td>89.73%</td>
<td>98.53%</td>
</tr>
<tr>
<td>Referred, Held but No Agreement</td>
<td>3</td>
<td>1.33%</td>
<td>1.47%</td>
</tr>
<tr>
<td>Referred but Not Held</td>
<td>20</td>
<td>8.93%</td>
<td>N/A</td>
</tr>
<tr>
<td>Total Referral</td>
<td>224</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Table 11 above shows the summary of activities for the period of July, 2008, to June, 2009. A total of 224 referrals were made; 204 (91.07%) were mediated. Twenty referrals (8.93%) did not report for mediation. The number of referrals that made it to mediation in this study are higher compared to previous studies. There are usually between 40 and 60 percent of all referrals making it to mediations (Coates and Gehm, 1989, 50 percent; Gehm, 998, 47 percent; Umbreit, 1992, 50 percent; Davis, 2009, 56 percent; Umbreit, Coates, and Roberts, 2001), 40 percent; Umbreit and Coates, 2001, 40 to 60 percent). Among those that made it to mediations, 201 (98.53%) reached some agreements including, but not limited to restitution.

The outcome of mediations, or the percentage of agreements reached in this program, are similar to findings from previous studies which mostly have a high success rates (Coates and Gehm 1989, 98 percent; Roy, 1993, 97 percent). Only 1.47 percent of mediated cases in this study did not result in agreements. The 98.53% of successful
mediations shows that the first hypothesis for this study “Alleged victims and offenders who participate in mediation reached agreement or consensus, which may include restitution” was supported at a 98.53\% rate. That is to say victims and offenders who participate in mediation are very likely to come out with an agreement or a resolution.

Dataset 2

The second dataset was obtained through the administration of a questionnaire at the juvenile justice center. The center is made up of a mediation program, a court, a detention center, community corrections, and diversion programs. The dataset comprised of the responses to a questionnaire about participants’ views and perceptions, or perceived satisfaction, with the mediation program. These dataset involve the views of program participants concerning the mediation program (See Appendix A). The survey was handed out to participants of the mediation program by the mediator at the end of mediation session to complete and hand back in before leaving the juvenile center.

A total of 29 respondents comprising of alleged victim (n=9, 31\%), alleged offender (n= 9, 31\%), parent of alleged victim (n=3, 10.3\%), and parent of alleged offender (n=8, 27.6\%) participated in the survey at the juvenile court. There were 16 male respondents (55.2\%), and 13 female respondents (44.8\%). The age of respondents were nine to 14 (n=3, 10.3\%); 15 to 18 (6=20.7\%); 19 to 21(n=0); 22 to 30 (n=3, 10.3\%); 30 and older (n=17, 58.6\%). The mean age was 22 to 30. The offenses were placed into broad categories. Damage to property had 16 respondents (55.2\%); injury to person,
seven respondents (24.1%); and other/ disturbance of public peace six respondents (20.7%).

Twelve respondents (41.4%) participated in face-to-face mediation and 17 respondents (58.6%) held shuttle mediation. The majority of the respondents (n=17, 60.7%) indicated that they had the opportunity to talk about their point of view to the other party. Respondents also indicated that talking to the other party about their experience or point of view made them feel better (n=19, 95%).

All respondents indicated that they felt better after participation in the mediation process (n=29, 100%). When asked if they would accept an apology from the offender if they were the victim, a majority of the respondents (n=19, 90.5%) said, “Yes”. Most of the respondents (n=12, 57.1%) also accepted the fact that an apology is the most important outcome of the mediation program. They (very good, n=18, 62.1%; good, n=11, 37.9%) also felt that that the outcome of the mediation process was good. When alleged offenders were asked if they would get in trouble again, the majority of respondents (n=11, 40.7%) answered, “No”; and two (7.4%) said, “Yes”. Respondents felt that the mediators did a good job (very good, n=23, 79.3%; good, n= 6, 20.7%). All of the respondents (n=29, 100%) also indicated that they preferred mediation to court/trial. Four respondents (13.8%) had suggestions for program improvement. Those suggestions are presented later in this chapter.
ANALYSIS OF HYPOTHESES TWO THREE AND FOUR

Hypothesis Two

H$_2$ “Alleged victims and offenders feel much better after going through the mediation process” was analyzed by asking respondents the following questions:

1) Did you have the opportunity to talk about your point of view to the other party? □ Yes □ No.
   If yes, did it make you feel better? □ Yes □ No

2) How do you feel now that the mediation process is over? □ Better □ Worse □ No Change.

Table 12 depicts the responses of respondents on the questions asked for the analysis of H$_2$.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did you have the opportunity to talk about your point of view to the other party?</td>
<td>n=17</td>
<td>n=11</td>
</tr>
<tr>
<td></td>
<td>60.7%</td>
<td>39.3%</td>
</tr>
<tr>
<td>If yes, did it make you feel better</td>
<td>n=19</td>
<td>n=1</td>
</tr>
<tr>
<td></td>
<td>95%</td>
<td>5%</td>
</tr>
</tbody>
</table>

When asked if they had the opportunity to talk about their point of view to the other party, 17 (60.7%) people said, “Yes”, 11 (39.3%) people said, “No”. When asked
whether talking about their point-of-view made them feel better 19 (95%) answered Yes and one (5%) said No.

Table 13
Summary of Questions and Answers for Hypothesis Two (B)

<table>
<thead>
<tr>
<th>Question</th>
<th>Better</th>
<th>Worse</th>
<th>No Opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>How do you feel now that the mediation process is over?</td>
<td>n= 29 100%</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

All respondents (n=29, 100%) indicated that they felt better after the mediation process (See Table 13). Base on the responses of the questions, the second hypothesis for the study “alleged victims and offenders feel much better after going through the mediation process” was supported.

Hypothesis Three

H3 “Mediation programs cushion or reduce the burden that alleged victims suffer as a result of victimization” was analyzed by asking respondents the following questions:

1) How do you feel now that the mediation process is over? □ Better □ Worse □ No Change
2) How would you rate the outcome/results of the Mediation Program?
   □ Very Good □ Good □ Poor
3) If you were the victim, would you accept an apology from an offender? □ Yes □ No
   If “yes”, do you think an apology is the most important outcome of a mediation program?
   □ Yes □ No
All respondents (n=29, 100%) indicated that they felt better after the mediation process (See Table 14).

When respondents were asked how they would rate the outcome of the mediation, 18 (62.1%) said, “very good”, and 11 (37.9%) said, “good”. No one rated their experience negatively. This indicates that the outcome of the mediation was seen as fair by both victims and offenders (See Table 15).
Table 16
Summary of Questions and answers for Hypothesis Three (C)

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you were the victim, would you accept an apology from an offender?</td>
<td>n= 19</td>
<td>n= 2</td>
</tr>
<tr>
<td></td>
<td>90.5%</td>
<td>9.5%</td>
</tr>
<tr>
<td>If “yes”, do you think an apology is the most important outcome of a mediation program?</td>
<td>n= 12</td>
<td>n= 9</td>
</tr>
<tr>
<td></td>
<td>57.1%</td>
<td>42.9%</td>
</tr>
</tbody>
</table>

When asked if they would accept apology from the offender, 19 victims (90.5%) said, “Yes”, 2 (9.5%) said, “No”. The two, “No” respondents were male offenders. It is likely that the question did not apply to them. When respondents were asked if an apology is the most important part of the mediation process, 12 respondents (57.1%) said, “Yes” an apology is the most important part of the process, and nine (42.9%) answered, “No” an apology is not important (See Table 16). Based on the collective responses the third hypothesis for the study “Mediation programs cushion or reduce the burden that alleged victims suffer as a result of victimization” was substantiated.

Hypothesis Four

H₄ “Alleged victims and offenders who participate in mediation programs prefer mediation to adjudication/court” was analyzed by asking respondents the following question:
1) If asked to choose, which one would you prefer: ☐ Court/Trial  ☐ Mediation Program

The answers given by respondents are depicted in the Table 17 below:

**Table 17**

**Summary of Questions and answers for Hypothesis Four**

<table>
<thead>
<tr>
<th>Question</th>
<th>Mediation Program</th>
<th>Court/Trial</th>
</tr>
</thead>
<tbody>
<tr>
<td>If asked to choose, which one would you prefer</td>
<td>n= 29</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

All respondents (n=29, 100%) indicated that if they had the opportunity to make a choice between mediation and court/trial, they would choose mediation. The fourth hypothesis was therefore substantiated.

Comparative statistics were conducted between the gender (male and female), the victim and the offender, and age groups. There were no statistical differences between their responses. This may be due, in part, to the small sample size.
EVALUATION OF MEDIATORS AND RESPONDENTS SUGGESTIONS

The following part of the study was intended to assist the mediators and the juvenile court in assessing their program. Figure Two shows what respondents thought about the mediators’ abilities.

**Figure 2**

![Bar chart showing responses](chart)

Twenty-three respondents (79.3%) thought the mediators did “very good”, and six respondents (20.7%) thought that the mediators did “good”. None of the respondents answered “poor”, “very poor” and or “no opinion”. When respondents were asked if they...
had any suggestion for program improvement, 25 (86.2%) said, “No”, and four (13.8%) said, “Yes”. The following were the suggestions given by the four respondents:

1. Encourage or enforce community service, so offender may learn a lesson

2. Give them more power to collect money damage in full for victims

3. I think not only have the juvenile take responsibility for their actions and pay for damages. They should volunteer for a homeless shelter and visit the county jail.
   Hopefully they won’t want to do it again.

4. It helped because I will be nervous, I just want it to be over

One of the respondents who had no suggestion, made a comment. The comment was:

“I like the way things were handled in a very professional manner”.

**Summary**

Chapter four involves data analyses of the study. The chapter presents findings from analyses of the two datasets for the study. The first dataset was analyzed to evaluate the first hypothesis of the study, while the second was analyzed to evaluate the second, third, and fourth hypotheses of the study. The first hypothesis “alleged victims and offenders who participate in mediation reached agreement or consensus, which may include restitution” for the study was analyzed using the secondary data obtained from
the juvenile court. The first hypothesis was supported. The majority (98.53%) of the participants (victims and offenders) in the program reached agreements at the end of mediation. The second hypothesis, “alleged victims and offenders feel much better after going through the mediation process” was supported. This was based on 60.7% of respondents saying they were able to talk to the other party about their point-of-views; 95% indicating that talking about their point-of-views makes them feel better; and 100% saying they felt better at the end of the mediation session.

The third hypothesis “mediation programs cushion or reduce the burden that alleged victims suffer as a result of victimization” was substantiated. The fourth hypothesis, “alleged victims and offenders who participate in mediation programs prefer mediation to adjudication/court” respondents indicated that if they had the opportunity to make a choice between mediation and court/trial, they would choose mediation. The fourth hypothesis was therefore substantiated. The chapter also provided the views of the respondents about the work of the mediators and their suggestions for the improvement of the program. The next chapter explained the contributions of the study, limitations, and suggestions for future research.
CHAPTER FIVE

CONCLUSION AND DISCUSSION

This study was undertaken to evaluate Victim Offender Mediation program and its impacts on both victims and offenders. The evaluation of the program was meant to find out how mediation works as a restorative justice tool. Another important reason for evaluating the VOM is to obtain the views or perceived satisfaction of victims and offenders who participated in the program. Does it help victims when given the opportunity to tell their side of a story or the opportunity to be heard by the mediator/offender, and with the answers they receive from offenders. Additionally the study seeks to find how VOM participants can improve VOM programs to make them more effective and also assist individuals and society in restoring them to their pre-crime states.

Hypotheses

The hypotheses of this study were:

H$_1$ Alleged victims and offenders who participate in mediation reach an agreement or consensus (which may include restitution).  

(Supported)

H$_2$ Alleged victims and offenders feel much better after going through the mediation process.  

(Supported)
H₃  Mediation programs cushion or reduce the burden that alleged victims suffer as a result of victimization.

( Supported)

H₄  Alleged victims and offenders who participate in mediation programs prefer mediation to adjudication/court.

( Supported)

All four hypotheses for the study were supported.

Contributions

This research can help future investigators, the scientific community, and society. It enhances the understanding of academia and other stakeholders about mediation and restorative justice. VOMs assist in the reduction of caseloads at various juvenile/ adult courts and also reduce the number of people incarcerated in the various jails/detention centers that are often full to capacity. In the current study, 98.53% of the mediations reached agreements. This shows that if mediations are encouraged, many of the cases would not go through adjudications, which consequently reduce the number of juveniles detained by the Department of Youth Service, and the same will apply to adult institutions.
In addition, better relationships are achieved among disputed parties which may reduce future crimes and deviance. The burden created in the lives of victims, as a result of victimization, can be reduced by the information and answers they receive at the mediation sessions and also by the agreements (which may include restitutions). Many offenders feel responsible for their actions. They also appreciate the opportunity given to them to take actions to cushion the burden they created for their victims. The participants’ suggestions and recommendations about the program, if given the necessary consideration, would improve the current program and other similar programs. This helps mediation programs better serve the communities that undertake them. Also, from the various restorative justice perspectives (Chinese, Christianity, Islam, Jewish, and so on) mentioned in this study, it is clear that restorative justice practices are cross-national.

Limitations of the Study

The number of respondents used for the study was very small (n=29). Twenty-nine responses are not enough for a comprehensive evaluation. Also, one of the strategies used in evaluating mediation in this study is victim and offender points of view or perceived satisfaction of the mediation program and their outcomes. Satisfaction as far as individual human beings are concerned, is subjective. Some victims may be satisfied because restitution has been agreed to be paid to them for their lost properties. On the other hand, some offenders are satisfied because their punishments are minimal or reduced as a result of their participation in the mediation program. Because of possible self-serving motives on the parts of the offenders, satisfaction alone may not be enough
for program evaluation. In addition, the data used for evaluation in this study are from
the juvenile justice system. The results obtained in evaluating a program in the juvenile
justice system might not be applicable to the adult system. As a result, a study in the adult
system has to be done to obtain a holistic idea of the evaluation of mediation program.

Most offenders, and some victims referred to VOMs, feel reluctant to participate
in the program or VOMs meetings. They may be nervous, especially offenders. Many
offenders are fearful, trying to think or predict how the meeting will go, what the victim’s
reaction will be when he or she sees them, and they generally feel uncomfortable (Coates,
and Gehm, 1989). Some victims are also fearful of meeting the offender possibly
because of vulnerability to, or possible revictimization. They simply do not want to know
the offender or have anything to do with him or her. This unwillingness and reluctance on
the part of offender(s) and victim(s) influences the difference in the numbers of referrals
and actual participation in Mediation programs. In some cases, victims and offenders end
up resolving their differences and as a result they do not need to participate in VOMs. For
example in a situation where stolen items are returned, there will not be the need for
participation in mediations.

Suggestions for Future Research

The current research is in the juvenile justice system as a result, it is not
representative of the whole criminal justice system. A future research project should be
conducted in the adult system. The findings of which can be used to make general
statements or conclusion about mediation programs. In addition, this study only evaluated one mediation program in the northeastern part of Ohio. The findings of a single site cannot be applied to all mediation programs. A future multi-site analysis is needed to make a comprehensive conclusion about Victim Offender Mediation Programs. Also future studies can look at the cost of mediation programs compared to adjudication/trial. This would help society to know and possibly make a choice between mediation adjudication in terms of cost and effectiveness.

Summary

Chapter five explains the contributions the study brings to the academia and the society in general. The chapter also explains the limitations of the study. The limitations included the fact that, the study was conducted in the juvenile justice system and as a result its findings cannot be applied to the adult system. It also provides suggestions for future studies. This study according the chapter only analysis or evaluates a program at one site. As a result a multi-site analysis needs to be done to obtain a much more comprehensive view about mediation programs. It was also suggested that future studies may compare the cost of mediation to adjudication/trial.
Reference List


APPENDIX A

Evaluation Form

Mediation Program

This research is being conducted for two reasons. First, the Juvenile Court is seeking your impressions about the usefulness of the Mediation Program in which you just recently participated. Second, a student at Youngstown State University (YSU) has been given permission to evaluate the research project for the purpose of completing his master’s degree in Criminal Justice. The Human Subjects Research Committee at YSU has reviewed and approved this project. No names are used in this study. Your confidentiality is protected.

Please complete the questionnaire to the best of your ability. Place a check mark or “X” in the best answer. There are questions on the back of this form.

1) What is your Gender? □ Male □ Female

2) What is your Age in years? □ 9-14 □ 15-18 □ 19-21 □ 22-30 □ 30 +

3) What was your role in the mediation process?
□ Alleged Victim □ Alleged Offender □ Parent of Alleged Victim
□ Parent of Alleged Offender □ Other (no role in the process)

4) Which of the following crime type did this case concerning?
□ Damage to a Property □ Injury to a Person □ Other

5) What form of mediation did you participate in?
□ Face-to-face with the other party □ Shuttle (a member of the Court Staff walked between you and the other person)

6) Did you have the opportunity to talk about your point of view to the other party?
□ Yes □ No
If yes, did it make you feel better? □ Yes □ No

7) How do you feel now that the mediation process is over? □ Better □ Worse □ No Change

8) If you were the victim, would you accept an apology from an offender?
☐ Yes  ☐ No
If “yes”, do you think an apology is the most important outcome of a mediation program? ☐ Yes ☐ No

PLEASE TURN FORM OVER

9) How would you rate the outcome/results of the Mediation Program?
   ☐ Very Good  ☐ Good  ☐ Poor

10) If you were the alleged “offender”, after participation in the mediation program, do you think you will get in trouble with the police again? ☐ Yes ☐ No ☐ This question does not apply to me
If “yes,” would you commit the alleged crime again ☐ Yes ☐ No

11) How do you think the mediator did?
   ☐ Very Good  ☐ Good  ☐ Poor  ☐ Very Poor  ☐ No Opinion

12) If asked to choose, which one would you prefer: ☐ Court/Trial  ☐ Mediation Program

13) Are there any improvements or changes to the Mediation Program you would recommend?
   ☐ Yes ☐ No.

If “yes,” Please specify below how the process should be improved?
________________________________________________
________________________________________________
________________________________________________
________________________________________________

THANK YOU for your assistance. It is greatly appreciated.
APPENDIX B

Approval from Youngstown State Human Subject Review Committee

Dr. Hazy and Mr. Alhassan,

The Human Subjects Review Committee has reviewed your protocol, HRSR# 47-10 and determined it can be approved upon satisfaction of the following conditions:

(1) the Investigator should specify the number of participants to be recruited;
(2) the dataset in 1.C must remain anonymous, with no identifiers;
(3) the Investigator should explain the method to protect the confidentiality of the database;
(4) the Informed Consent form and the Cover Letter should be combined into one document in order that all of the information is available in one document;
(5) the Investigator should proofread the survey and provide the Committee with a clean copy;
(6) the Investigator should provide a letter of cooperation from Judge xxxx.

Please submit your response and receive full approval before you begin collecting data.

Human Subjects Review Committee
Dear Mediation Program Participant:

Allow me to introduce myself. I am Mukaddas Alhassan, a graduate student at Youngstown State University. I am in the process of completing my thesis project. My thesis deals with evaluating a Mediation Program; therefore, I am requesting that you complete the attached survey instrument and sign a consent form to participate.

The information you provide will not contain your name or any contact information. Your answers will be discussed jointly with others who have completed the survey. The information will appear in my thesis project, which will be published for others to read and the information will be given to the Juvenile Court so that they can evaluate the Mediation Program.

Participation in this study is voluntary and there are no rewards for participation and no penalties if you decide not to complete the survey instrument. If you begin to complete the survey instrument and decide not to continue, simply destroy the materials. If you complete the survey, please seal your survey instrument in the attached envelope and give it to the Juvenile Court Employee. The Employee will then give the envelope to me.

If you would like a final copy of the research project, please e-mail me and I will send it to you. The estimated publication date is May 2010.

Thank you for your assistance,

Mukaddas Alhassan, B.A.

Department of Criminal Justice and Forensic Science

PLEASE SIGN CONSENT FORM ON THE BACK
APPENDIX C

CONSENT FORM

Mediation Program Evaluation

I __________________________ have read the cover letter and agree to complete the attached survey instrument. I will keep a copy of the cover letter so I have contact information for the researcher.

By signing my name below, I agree to the following:

• I have read the cover letter and understand that there are no rewards for participation; no punishments for non-participation,
• If I begin to answer questions, and change my mind, I simply destroy the materials given to me,
• I understand that the results from this project will be published. My answers will NOT be discussed individually.

I agree to participate:

__________________________  ____________________
(Signature)             (Date)

PARENTAL / GUARDIAN CONSENT

If I am under the age of 18, and wish to participate, I must also have my parent/guardian sign below.

As the Parent/Guardian, by signing below, I agree to allow my child/ward to participate in this research project.

__________________________  ____________________
(Signature)             (Date)
APPENDIX D

Appendix D has been removed. Please refer to the print copy of this thesis held by Maag Library Archives and Special Collections.