

REPORT TO THE CALIFORNIA LEGISLATURE

submitted by

The Judicial Council of California
Administrative Office of the Courts
Center for Families, Children & the Courts

A Summary of the Evaluations of Six California
Victim Offender Reconciliation Programs

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Preface

This report to the California Legislature summarizes the results of six separate evaluations of Victim Offender Reconciliation Programs (VORPs) serving victims and their juvenile offenders in six California counties. The purpose of the report is to assess the efficacy of such programs.

The study is a consequence of Governor Wilson's veto of Assembly Bill 320 (Goldsmith), introduced in the California Assembly in 1997. That bill would have established a pilot victim-offender reconciliation program in up to three counties selected by the Judicial Council of California. In his veto message, the governor directed the Department of Finance to include money in the 1998–1999 budget for the Judicial Council to conduct an independent study of existing victim-offender reconciliation programs and to report findings to the Legislature.

The Judicial Council, through its Administrative Office of the Courts (AOC), assigned this work to one of its units, the Center for Families, Children & the Courts. Six sites were selected to participate. Six separate evaluations were completed. This report summarizes and discusses the results.

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Executive Summary

Background

Through the victim offender reconciliation programs (VORPs), trained volunteer mediators bring together victims and juvenile offenders to discuss what happened during a law violation. Participation is voluntary. The programs allow victims to meet juvenile offenders face to face and show how the violation has affected the victims and the community. VORPs both augment and provide an alternative to traditional justice processing.

Assembly Bill 320 (Goldsmith) was introduced in the California Assembly in 1997 and later vetoed by Governor Wilson. If enacted, it would have established VORP programs in up to three counties selected by the Judicial Council. In his veto message, Governor Wilson noted that VORPs are already permissible and have been established in many places in California. He concluded that the main thrust of AB 320 appeared to be the requirement that the Judicial Council sponsor a study to assess the efficacy of the program. He then directed the Department of Finance to include money in the 1998–1999 budget for the Judicial Council to conduct an independent study of existing victim offender reconciliation programs and to report its findings to the Legislature.

The Judicial Council, through its Administrative Office of the Courts (AOC), assigned responsibility for conducting this study to one of its units, the Center for Families, Children & the Courts, and selected the subjects. Six existing VORPs that operate countywide programs, located in counties having small, medium, or large populations, were selected. Listed alphabetically, by county, the sites are:

- The Centinela Valley Victim Offender Restitution Services (VORS) project in Los Angeles County;
- The Victim Offender Reconciliation Program of Mendocino County (VORPMC);
- The Victim Offender Reconciliation Program (VORP) in Orange County;
- The Restorative Justice Project (RJP) in Santa Barbara County;
- The Victim Offender Mediation Program (VOMP) in Santa Clara County; and
- The Redwood Empire Victim Offender Reconciliation Program (REVORP) in Sonoma County.

Study results

This study set out to determine whether the six studied California programs produce results that meet or exceed performance benchmarks set forth in AB 320. In each evaluation, a group of juveniles who had participated in the VORP program (treatment group) was compared with a group of juveniles who had not. Using the criteria established in AB 320, the studies comparing the two groups show that these VORP programs are successful. The study found that generally, as compared with juveniles not

participating in the program, juveniles in VORPs paid more restitution and were less likely to re-offend, and that VORP participants (both victims and offenders) were satisfied with the program. In most cases the VORP participants performed better than the comparison group, and they exceeded the standards for performance set forth in AB 320.

In brief, when the VORP groups were matched against comparison groups they:

- 1. Exceeded the amount of restitution collected from the comparison groups by much more than the 40 percent benchmark set forth in AB 320.**
 - When matched against the comparison groups, an additional 5 to 178 percent of the VORP groups were required to pay financial restitution, depending upon the site;
 - The average amounts of money collected at each site ranged from \$29.62 to \$271.15, depending on the site. These amounts exceeded the amounts collected from the comparison groups by between 158 percent and over 1,000 percent; and
 - The average amount of restitution collected from juveniles in the VORP groups who were *obligated* to pay restitution ranged from \$82.50 to \$542.30. These amounts exceeded the amount of restitution collected from juveniles in the comparison groups who were also *obligated* to pay restitution by between 95 percent and over 1,000 percent, depending on the site.

- 2. In five of the six programs, achieved recidivism rates at least 10 percent less than the comparison groups—the benchmark set forth in AB 320.**
 - Recidivism rates ranged from 21 to 105 percent *less* than those of the comparison groups at five of the six sites; and
 - The recidivism rate of the VORP group was 46 percent *higher* than those of the comparison group at one site, but, owing to the small sample, that result was not considered to be statistically significant.

- 3. Garnered satisfactory rates of participation by victims and offenders who were referred to the programs.**
 - The number of victims who declined to participate ranged between 10 percent and 33 percent of total referrals to the VORP, depending upon the site;
 - Between 6 percent and 39 percent of the offenders who were referred to the program declined to participate, depending upon the site; and
 - Between 70 percent and 93 percent of the mediated agreements were completed, depending on the site.

4. Received impressive participant satisfaction scores from victims, offenders, parents or guardians, mediators, probation officers, judges, and other justice system personnel.

- Measures of general satisfaction for both victims and offenders uniformly scored above 90 percent; and
- Satisfaction with the programs turned out to be one of the strongest measures of success.

5. Produced additional indicators of success.

- The evaluators listed additional elements of the programs that contributed to their success, each program reporting at least two of those elements, two reporting three elements, and one reporting four elements. These additional indicators of success included:
 - Community service ordered and completed;
 - Increasing number of mediations;
 - Decreases in case processing times;
 - Satisfaction among mediators;
 - Satisfaction among justice system officials;
 - Additional survey results of victims and offenders;
 - Open-ended survey responses;
 - Suggestions for improvements;
 - Examples of agreements contained in the mediation contracts; and
 - Case examples.

Eight of the key evaluation questions, and a summary of the results at each site, are presented in Chart 1.

Chart 1: EVALUATION OUTCOMES, BY VORP SITE

| Evaluation Questions | VORP Sites | | | | | |
|---|--|---|----------------------------|--|--|----------------------------|
| | L o s A n g e l e s | M e n d o c i n o | O r a n g e | S a n t a B a r b a r a | S a n t a C l a r a | S o n o m a |
| 1. Did the restitution collected from the VORP participants exceed that collected from the comparison group by at least 40 percent? | yes | yes | yes | — | yes | yes |
| 2. Was the recidivism rate of the VORP participants at least 10 percent lower than that of the comparison group? | yes | yes | yes | no | yes | yes |
| 3. How many offenders and victims participated in the VORPs? | 629 | 101 | 296 | 105 | 124 | 140 |
| 4. How many offenders declined to participate in the VORPs? | 8% | 22% | <29% | 39% | 6% | 23% |
| 5. How many victims declined to participate in the VORPs? | 14% | 32% | <33% | 12% | 10% | 29% |
| 6. How satisfied were victims and offenders in the VORP programs? | very | very | very | very | very | very |
| 7. How many offenders and victims completed the VORP programs? ^a | 70% | 93% | — | 71% | — | 84% |
| 8. What additional success factors were identified and tracked by the VORP programs? ^b | 2 | 3 | 3 | 2 | 4 | 2 |

^aCompletions as a percentage of mediated agreements.

^bEach program lists a number of additional success factors discussed in the evaluations. The number of factors is specified in this table.

CHAPTER 1

Introduction

This report summarizes the results of six separate evaluations of victim offender reconciliation programs (VORPs) serving victims and their juvenile offenders in six California counties.

In this introductory chapter, the victim offender reconciliation program is described and the relationship of these programs to their underlying restorative justice principles clarified. The chapter includes a list of the evaluation questions that the Legislature wanted to have answered and ends with a brief description of how the Center for Families, Children & the Courts of the Administrative Office of the Courts approached this assignment. In chapter 2 the evaluations are summarized.

Chapters 3 through 8 are devoted to detailed discussion of each of the VORPs. Each chapter begins with a description of the program. An overview of the evaluation approach follows and the chapter ends with a detailed summary of the evaluation results.

The last two chapters of the report list some of the lessons that have been learned and set forth conclusions. Appendixes contain copies of the legislative mandate, a contact list for the six programs that were studied, and listings of resources that will be of interest to readers who wish to learn more about VORPs in California and elsewhere.

WHAT IS A VORP?

A victim offender reconciliation program (VORP) is a process whereby victims and offenders are brought together by trained mediators to discuss what happened during a law violation. The program allows victims to meet face to face with offenders and show how their offenses have affected the victims and community. Mediation is central to all VORPs; there are, however, differences between and among the program philosophies that drive the mediation process. They can, for example, be driven by the notions of relationship or settlement. Relationship-driven mediations seek to restore broken relationships and are less likely to result in written agreements. Settlement-driven mediations emphasize the development of a mutually accepted plan detailing the method of reconciliation, restitution, or restoration. The outcome of the mediation is the principal product of the process.

Several experts operating well-regarded VORPs in California¹ have reached general agreement that:

- VORPs are an alternative to traditional juvenile justice processing. “Disputes are seen in terms of broken relationships rather than broken laws, and justice is the process of restoring the inequity and repairing the damage done as a result of wrongdoing.”²
- VORPs are rooted in the idea that crime is a violation against a person, as well as an entire community, rather than just against the state. The theory is that justice can truly be achieved if victims and offenders are active participants in the process.³
- VORPs seek to bring victims and their juvenile offenders together to work out an agreement that will restore the victim, the offender, and the community.⁴
- Participation is voluntary for the victim and for the offender. In most VORPs, the offender is asked if he or she wishes to participate and, if so, the victim is asked if he or she wishes to participate.⁵
- VORPs rely heavily on trained volunteer mediators to hold mediations between victims and offenders at locations agreed upon by the participants. A mediator is an impartial person trained in communication, facilitation skills, and problem-solving techniques. These trained mediators provide an opportunity for communication, accountability, restitution, and reconciliation.⁶
- A mediator guides parties through a simple process that helps them make informed decisions, resolve issues, and reach agreement. The mediators create an environment conducive to resolving conflict. They establish a safe place to discuss issues respectfully and thoroughly and to work toward mutually acceptable solutions. During mediation, the participants have the opportunity to be heard, describe what they want, and explore options to get what they need. Mediators do not make decisions nor tell parties what to do. Mediators help the parties negotiate with each other.⁷

-
1. A list of VORPs operating in California appears in appendix E. A separate contact list for the six VORPs involved in this study appears in appendix D.
 2. Scott Mather, project manager, St. Vincent de Paul Center for Community Reconciliation, Institute for Conflict Management, interview by author, Santa Ana, Calif., October 27, 1999.
 3. Jeanne Lucchesi, project manager, Victim Offender Mediation Project, interview by author, Santa Clara County, Calif., December 17, 1999.
 4. Annie Kirchner, project manager, Restorative Justice Project, Community Mediation Program, interview by author, Santa Barbara, Calif., October 25, 1999.
 5. Steve Goldsmith, project manager, Centinela Valley Juvenile Diversion Project, interview by author, Inglewood, Calif., October 27, 1999.
 6. Kirchner, *supra*.
 7. Richard Merriss, program director of the Redwood Empire Victim Offender Reconciliation Program, interview by author, Sonoma County, July 20, 1999.

- A mutually accepted plan detailing the method of reconciliation, restitution, or restoration is the result of this process.⁸

VORPS AND RESTORATIVE JUSTICE PROGRAMS

Restorative justice has been recognized for refocusing attention on the needs of victims and a more proximate community. Instead of viewing the state as the victim, restorative justice principles take the position that most violations of law represent conflict between parties, usually two or more individuals. The state is a victim, too, but of secondary importance. Restorative justice programs are preoccupied with developing and maintaining a balance among the needs of three parties: the victim or victims, the offender, and the community.⁹

There are many VORPs in the United States and throughout the world.¹⁰ A national directory lists about 300 in the United States.¹¹ However, even though they are not new in this country,¹² they are not well established here and many lack a secure funding base. This study identified 19 VORPs in California.

The people who operate VORPs in California generally agree that the restorative justice, mediation, and reconciliation process is valuable because it:

- Provides a process that helps to get the facts straight, recognizes the injustice done, provides for an expression of feelings, and assists the parties in reaching an agreement;
- Allows parties to a dispute to resolve the problem and address important emotional and relationship concerns;
- Provides an opportunity for victims of a crime to reassert control of their lives;
- Provides an effective way for victims of a crime to obtain restitution for losses;
- Makes juvenile offenders directly accountable to their victims;
- Gives offenders a chance to see the human consequences of their behavior and to work to make things right;
- Gives juvenile offenders an opportunity to regain a sense of dignity and respect for themselves;

8. Ed Dick, director of the Victim Offender Reconciliation Program of Mendocino County, interview by author, Mendocino County, October 21, 1999.

9. There is a well-developed literature on restorative justice and on VORPs. See appendix F1 for a list of references.

10. See appendix F1 for information about VORP programs in the United States.

11. See Umbreit and Greenwood, 1998; and *id.*, 1999.

12. The first VORPs were introduced into the United States from Canada in 1974.

- Clarifies future intentions and relationships;
- Provides for closure for all of the parties; and
- Can serve important community interests.¹³

THE PURPOSE OF THE STUDY

This study on the efficacy of VORPs can be traced to Governor Wilson’s veto of Assembly Bill 320 (Goldsmith),¹⁴ introduced in the California Assembly in 1997. That bill would have enacted pilot victim-offender reconciliation programs in up to three counties selected by the Judicial Council of California. Programs were to be established in a small county with a population under 100,000 people, a county with a population between 250,000 and 500,000, and a larger county with a population of over 500,000. According to the author of AB 320, “The program establishes victim-offender reconciliation programs (VORPs) patterned after existing community conflict resolution programs, to allow for face-to-face meetings between victim and offender to permit the offender to ‘make things right’ through the payment of restitution, performing of community service, or other ways deemed appropriate to both parties.”¹⁵

In his veto message, Governor Wilson noted that VORPs are already permissible and, in fact, have been established in many places in California.¹⁶ He said that the main thrust of AB 320 appeared to be the requirement that the Judicial Council study prospective pilot programs to establish the efficacy of the VORPs. He then directed the Department of Finance to include money in the 1998–1999 budget for the Judicial Council to conduct an independent study of existing victim-offender reconciliation programs.

WHAT THE LEGISLATURE WANTED TO KNOW

The information to be collected and evaluated is outlined in AB 320:¹⁷

- The number of offenders and victims participating in the program;
- The number of eligible offenders who declined to participate in the program;
- The number of victims who declined to participate in the program;

13. Mather, *supra*. This list was provided during the interview. Other project directors also expressed these themes during interviews.

14. See appendix A for the bill and an analysis.

15. Bill Analysis, AB 320, as amended September 4, 1997.

16. See appendix B.

17. Art. 29, § 992 (a)–(f).

- The success of the program, as measured by the reported satisfaction of both victims and offenders, completion of the program by victims and offenders, and any additional success factors that may have been identified and traced by the program;
- The annual operating administrative costs of the program; and
- A description of the program's operation, including staffing, volunteers, and any other pertinent information.

MEETING THE LEGISLATIVE MANDATE

The Judicial Council of California, through its Administrative Office of the Courts (AOC), assigned this work to the Center for Families, Children & the Courts, a unit within the AOC. Audrey Evje, an attorney with the Center for Families, Children & the Courts, was designated program manager for the project. Douglas Penson, a law clerk, was also assigned to the project on a part-time basis. Robert Cushman, special consultant to the AOC, was brought on board to provide advice on the design of the study, provide technical assistance to the sites, and summarize the results of the evaluations in a report to the Legislature.

Ms. Evje located 19 existing VORPs in California.¹⁸ She then assigned Mr. Penson to conduct a telephone survey to narrow the field of potential candidate sites. Selection criteria were guided by the criteria that were contained in AB 320, including county size and seriousness of offense. The staff sought programs in which the juveniles were (1) accused of committing nonviolent misdemeanor offenses, (2) had no prior history of violence, and (3) had no prior involvement with the program. The AOC staff was looking for sites where the VORP was interested in having an evaluation; sites that had existing and/or potential relationships with evaluators; sites where the programs were pretty well established; and sites where there was interest from the court or probation department.

After the telephone survey was completed, AOC staff visited each potential program. These site visits included discussions with the presiding judge of the juvenile court and officials from each county probation department.

Six sites, all operating countywide programs, were selected.¹⁹

18. A list of the VORPs in California appears in appendix E.

19. See appendix D for address and contact information for each of these sites.

Counties with populations of fewer than 100,000:

- The Victim Offender Reconciliation Program of Mendocino County (VORPMC)

Counties with populations of between 250,000 and 500,000:

- The Restorative Justice Project (RJP) in Santa Barbara County
- The Redwood Empire Victim Offender Reconciliation Program (REVORP) in Sonoma County

Counties with populations of more than 500,000:

- The Centinela Valley Victim Offender Restitution Services (VORS) project in Los Angeles County
- The Victim Offender Reconciliation Program (VORP) in Orange County
- The Victim Offender Mediation Program (VOMP) in Santa Clara County

The AOC considered three basic approaches to the evaluation. (1) One evaluator could make a statewide evaluation of the six VORP programs. (2) The evaluation could be decentralized by having funds passed to the programs and having them hire an evaluator who would design and carry out an evaluation. (3) The evaluation could essentially be decentralized, as in approach number 2, but each of the evaluators could be required to focus on the key evaluation questions that were contained in AB 320. (These questions are listed on pages 8–9.)

For several reasons, the third option was selected and it turned out to be a good decision. The VORPS were all very different. They operated in different local legal cultures. Their access to data varied, often depending upon their relationship with local probation departments. The quality of the available data was uneven. It would have been very difficult to achieve universal agreement on definitions of data elements and measures. The AOC sidestepped most of these potential impediments to the evaluation by having the sites focus on answering a few key evaluation questions and leaving the details to the programs.

The disadvantage of this decision was the need to work closely with the project directors and evaluators at each site to make sure that the key evaluation questions were indeed being addressed and to help them overcome the inevitable challenges that arise as evaluations progress.

As well as producing the material required for the report to the Legislature, the evaluation strategy helped accomplish four additional objectives:

- It produced six separate, competent evaluations;
- It strengthened the evaluation capacity of the VORP programs themselves;
- It provided the VORP project managers with a continuous flow of feedback that they could use to modify and improve their programs; and
- It produced information that will be useful to any jurisdiction that seeks to initiate a VORP.

As the evaluations were being completed, the AOC invited the project directors and evaluators from each site to meet at the AOC offices in San Francisco. The purpose of the meeting was to have each site make a short presentation that would inform everyone else of their results and to allow them to ask questions of clarification and comment on their outcomes. This meeting produced spirited and constructive discussion and reinforced the lessons that were learned during the project.

CHAPTER 2

Summary of the Six Programs

Each program turned out to be a distinctive version of the basic VORP concept. Their differences can be understood by examining some of the characteristics of the programs.

PROGRAM ORGANIZATION AND STRUCTURE

Though six is a very small number of sites to support generalizations, the evaluation suggests that typical or traditional organizational forms are likely to need modification for a VORP to operate successfully. This applies to nonprofits as well as to public agencies.

Five of the six VORPs are nonprofit 501(c)(3) organizations; the program in Santa Clara County is not. The VORP in Mendocino County is the only program that stands alone. Five of the six are also components of larger, more complex 501(c)(3) organizations that specialize in restorative justice, and house many related mediation and restorative justice programs together under one roof, at least organizationally. This is also true of the Santa Clara County program, although the county, not a 501(c)(3), administers it.

A nonprofit affiliation provides a program with credibility and cash flow. It is able to apply for and accept funds. Specialists are available to manage the business end of things and there is a board to represent the social conscience of the community.

The programs in Los Angeles and Santa Clara are notable because of their highly evolved, specialized organizational structures. The Los Angeles County program operates as a nonprofit 501(c)(3), but it is located in a city-owned office building and represents a consortium of mostly public agencies. In the Santa Clara program, two county agencies, the county probation department and the county office of human relations, work together in unusual collaboration: This is the only site where the probation department, the major source of referrals for all of the VORPs, administers the program.

The values that drive the programs are different, too. To illustrate, the word for which the letter R stands in the acronym VORP is different in the different programs. For example, in Mendocino, Orange, and Sonoma Counties, the R stands for Reconciliation; in Santa Barbara County, for Restorative; in Los Angeles County, for Restitution. (The acronym for the program in Santa Clara County, VOMP, emphasizes the M for Mediation.) The detailed descriptions of each of the programs will reveal yet other differences.

DEVELOPMENTAL HISTORY

With perhaps one exception (Los Angeles), the VORPs originated with the vision of one person who had the energy, dedication, vision, skill, and luck to start, regardless of the lack of funding, and gradually build a program. These are all strong leaders, with dearly held values, who are passionate about their work. Their presence and their dedication stamp the programs with a personality. They put in many hours without pay. Many of the programs emerged from church-based or church-affiliated roots. The usual trajectory is for the program to be converted eventually to a nonprofit organizational structure, or join an existing nonprofit entity.

REFERRAL CRITERIA AND SOURCES

Two sources of criteria govern referrals to the VORPs. Each referring agency will have its own criteria. Sometimes these are clear; often they are not. The programs themselves will also set criteria. The probation department provides at least 90 percent of the referrals in the programs that operate in Mendocino, Sonoma, and Santa Barbara Counties. The programs in Los Angeles, Orange, and Santa Clara Counties have a broad referral base and therefore are less dependent upon the probation department for referrals. The Orange County and Santa Clara County programs are set up so that the differences between victim-offender mediations and other mediations that are facilitated by the agencies involved are barely distinguishable.

Almost all the programs require that both the offender and the victim have a phone. All of the programs accept the most minor law violations. Even programs that now accept adjudicated cases all began by accepting only diversion cases. But as the juvenile offenses get more serious, more of the programs decline to accept them for mediation. The program in Santa Clara County seemed to accept more felony-level cases than did the other programs. If there is a trend, it seems to be that a program will take on more serious cases when it has a firm financial footing and well-trained, very skilled mediators are available.

No one knows the size of the potential population that could be referred to the VORPs. The answer certainly has something to do with how comfortable the juvenile justice system is with the VORP in each community. But, as a review of table 1 will show, a very few of the cases referred to probation departments are actually being referred on to the VORPs.

Table 1: BASIC WORKLOAD INDICATORS, BY SITE, 1998

| Site (1) | Juveniles Age 10-17 (2) | Juvenile Arrests (3) | Referrals to Probation (4) | Petitions Filed (5) | Referrals to VORP (6) | Referrals to VORP as a % of Referrals to Probation (7) |
|---------------|-------------------------------|----------------------------|-------------------------------------|---------------------------|-----------------------------|--|
| Los Angeles | 1,042,612 | 64,730 | 38,191 | 27,551 | 629 | 1.6 |
| Mendocino | 11,712 | 881 | 1,706 | 253 | 101 | 5.9 |
| Orange | 274,227 | 18,702 | 12,506 | 6,655 | 296 | 2.3 |
| Santa Barbara | 43,299 | 4,019 | 6,467 | 2,524 | 105 | 1.6 |
| Santa Clara | 170,460 | 13,538 | 10,105 | 3,735 | 124 | 1.2 |
| Sonoma | 51,793 | 3,916 | 2,931 | 1,560 | 140 | 4.8 |

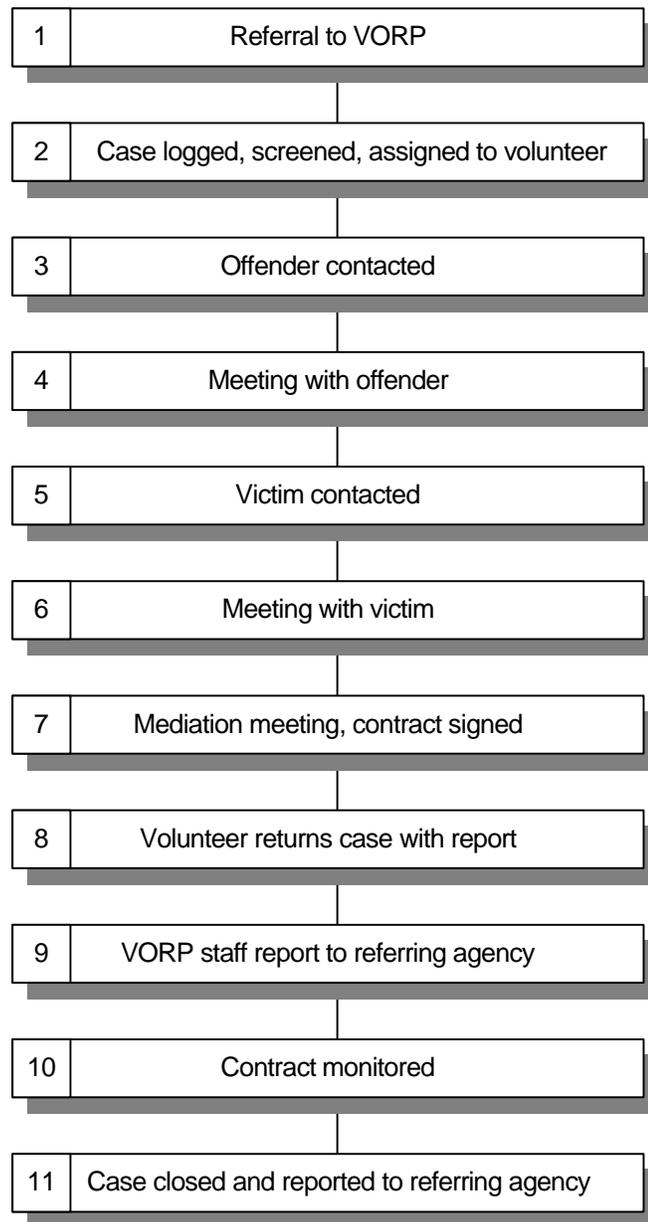
Sources: Column 2: The number of juveniles at risk, age 10–17, was obtained from the California Dept. of Finance, Population Research Unit; data as of July 1, 1998. Column 3: Juvenile arrests for calendar 1998 submitted by law enforcement agencies to the California Dept. of Justice. It includes all juvenile arrests for felony-level, misdemeanor-level, and status offenses. These are reported separately for each county in *California Criminal Justice Profile*, a supplement to *Crime and Delinquency in California* (Div. of Criminal Justice Information Services, Criminal Justice Statistics Center, California Dept. of Justice, 1999.) Note that Mendocino and Santa Barbara report fewer arrests than referrals to probation; reporting of arrests may be incomplete in these counties. Column 4: The number of juveniles referred to probation departments for 1998 was obtained from a representative of each department. It includes all cases referred to the department for action in 1998. Column 5: Sums of original and supplemental petitions filed for juvenile delinquency in fiscal year 1997–1998 as reported by each superior court to the Judicial Council in *Annual Report, Volume I: 1998 Court Statistics Report* (San Francisco, Calif.: 1999). Column 6: Number of referrals to each VORP in 1998 was obtained from each VORP office.

The table shows that the small program operating in Mendocino County is receiving referrals that total 5.9 percent of all referrals to the juvenile probation department from law enforcement and other sources, the largest percentage of any of the sites.

THE FLOW OF CASES

A simple flow diagram (figure 1) will depict all of the usual steps in the progression from referral to postmediation completion of any obligations that were agreed upon during a mediation.

Figure 1: STEPS IN THE VICTIM OFFENDER MEDIATION PROCESS



Adapted from *The VORP Volunteer Handbook*, produced by the Mennonite Central Committee and MCC U.S., Office of Criminal Justice (Akron, Pennsylvania).

The steps are executed differently in the different programs, for example:

- As noted earlier, the sources and criteria for referral (step 1) differ.
- All the programs make sure that a staff member receives the referral (step 2), but some do much more case-development work. In fact, employees in some of the programs are referred to as case developers. In the Sonoma County VORP, a needs assessment is also done at this point. In the Los Angeles program, the needs assessment has been dropped because the administrators of the program believe their job is to mediate, not establish a treatment relationship with a client.²⁰
- The initial contact with the offender (step 3) may be made by a case developer (a staff person) or initiated by a volunteer mediator. In Mendocino County, as a result of what the project director was learning during this evaluation, the procedure was changed to ensure that the staff made these contacts. This change was viewed as an opportunity to decrease the length of time from referral to mediation and was made possible by an increase in funds.
- In some of the programs, the staff believe that it is important to meet with the offender (step 4) and his or her parents at their home. In other programs, this meeting is accomplished over the phone. In some programs, cases may be conciliated at this stage; that is, some may not go to a mediation where victim and offender meet face to face.
- Step 5, contacting the victim, does not usually take place unless the offender has agreed to mediation. If the offender declines, the case is usually closed and returned to the referring agency. All of the VORPs agree that victims must not be pressured into participating in mediation. In some programs the staff is closely involved in these contacts with victims. In others, this is a responsibility of the volunteers. Resources are an issue. Some programs have no choice but to leave all of this work to the volunteer mediators (though, for some, this is the preferred method of operating). Unfortunately it is the programs that lack resources that must depend on volunteers more, and have less money to train mediators well.
- The programs vary in their practices and feelings of responsibility for documenting and reporting back results to the referring agency (step 9). Some programs emphasize written agreements; others do not. All of the VORPs have worked out a policy on the confidentiality of the agreements.

Data from three of the sites reveal very large differences among the VORPS in terms of the time it takes a case to go through this process. The processing times in Orange County, for example, are much longer than they are in the Santa Clara or Los Angeles County programs.

20. The needs assessment, when it was done, followed immediately after mediation.

FINANCING THE VORPS

The programs are starved, financially. All have had serious financial struggles establishing themselves. Most have achieved at least some temporary stability financially, but funding is a constant worry to all of them. Some of the programs are dependent upon a narrow source of funds; others have developed a broader financial base of support.

Funds from the Dispute Program Resolution Act, California's Office of Criminal Justice Planning (OCJP), and the Temporary Assistance to Needy Families program have been most important in establishing and maintaining these programs. The challenge grants from OCJP have been especially important because they provided enough financial support to allow the programs time to stabilize themselves financially and programmatically.

THE MEDIATORS

The volunteer mediators are the core of these programs. Each VORP emphasizes the recruiting, training, mentoring, and appreciating of its volunteers. In some of the sites the volunteer mediators are also board members or mentors for the project personnel. They play a variety of roles. Volunteers have much more responsibility at some of the sites than at others. The demographic profile of the mediators is very different from the demographic profiles of the offenders or victims. They tend to be middle-aged, female, nonminority, and both better educated and better off financially than are the victims and offenders or their families. All of the programs long for more trained mediators from minority groups, especially people with bilingual skills. At several sites, the mediators completed interview questionnaires or surveys for this evaluation. Their responses have helped the project directors better understand the needs of the volunteers.

DISTINGUISHING CHARACTERISTICS

Each site description contains a short section about elements of the VORP that stand out as distinguishing characteristics. This was an attempt to capture one or two of the things that make each program special, give each VORP a persona, and help establish its character.

PLANS FOR THE FUTURE

By way of conclusion, the project director at each VORP was asked to share his or her vision for the future. Each of the project directors has a vision; there wasn't a pessimist in the group. They all have plans and seem determined to press forward. The last sections of the more detailed site descriptions summarize these plans.

EVALUATION APPROACHES

Each of the VORPs was provided with funds to conduct an independent evaluation. All but one, the Mendocino County program, hired an independent outside evaluator. Several of the sites (those in Orange, Santa Barbara, and Los Angeles Counties) had previous or existing relationships with a proven evaluator. The VORPs in Santa Clara and Sonoma Counties started anew.

Each of the VORPs was contractually obligated to the AOC to produce an evaluation that addressed several core evaluation questions set forth by the AOC. They were also free and, in fact, encouraged to examine other questions, particularly issues that were of interest to the project directors. All of the evaluations were completed and competent. All of them went beyond what was required. The AOC believes that the VORPs received good value for the evaluation funds that they passed on to these evaluators.

Each VORP established an evaluation design that compared a group of juveniles who had participated in VORP mediation or conciliation (the treatment group) with a group of juveniles who had not (the comparison group). The nature of the comparison groups differed, depending upon the data that was available at each of the sites and the approach favored by the evaluator and the project director. But *at each site*, the rules were applied evenly and equally to the VORP and to the comparison group. This consistency permitted a fair test of the relative performance of the VORP and the comparison group.

Three of the sites (Santa Barbara, Santa Clara, and Sonoma Counties) selected comparison groups made up of juveniles who were comparable to the VORP participants, but who had not been referred to the VORP program. The Santa Barbara program did an especially careful job of matching the two groups on key variables such as age, sex, offense, and so forth. The Santa Clara County program also gave a good deal of attention to matching cases according to their characteristics.

Three sites (Los Angeles, Mendocino, and Sonoma Counties) selected the comparison group from juveniles who were referred to the VORP but who, for a number of reasons, did not participate in a conciliation or mediation. The evaluators reasoned that these juveniles were eligible for the VORP and therefore likely to be similar to those who did participate. (The Sonoma County evaluation used two comparison groups: one that was not referred to VORP, another that was.)

Two of these three comparison groups (Mendocino and Sonoma Counties) included offenders and victims who declined to participate; the Mendocino comparison group also

included a large number of juveniles who did not participate simply because no mediator was available.

In Los Angeles the evaluators used the creative approach of including as the comparison group only those juveniles who had agreed to participate in mediation but whose victims had declined to participate. The reasoning is that these juveniles must be very similar to the VORP group because they had been referred to the program, had been accepted into it, had been successfully contacted by the VORP, and had agreed to participate. In fact, they probably would have participated except for one thing: The victim declined to participate. The evaluator provides statistical tests to show that the VORP group and the comparison groups are very similar.

The number of cases involved in these evaluations was small. So, though there are sometimes large percentage differences in the outcomes between the comparison and VORP (treatment) groups, these differences were not necessarily statistically significant. The performance tests set forth in AB 320 were used as benchmarks for comparison purposes.

EVALUATION OUTCOMES

There is a growing body of research and evaluation literature concerning VORPs in Canada and the United States (see appendix F).²¹ These studies provide an important context for the work being described in this report. They generally report positive results for certain key factors, which the California studies evaluate: restitution, recidivism, program participation, and victim and offender satisfaction.

The evaluation questions and a summary of the results from the six sites are organized into four areas:

- Restitution
- Recidivism
- Program participation
- Additional indicators and measures of success

21. See Coates, 1989; Collins, 1983, and *id.*, 1984; Dignan, 1990; Fischer and Jeune, 1987; Marshall and Merry, 1990; Niemeyer and Shichor, 1996; Nugent and Paddock, 1996; Perry, Lajeunesse, and Woods, 1987; Schneider and Schneider, 1986; Shichor and Sechrest, 1998; Umbreit, 1994, and *id.*, 1997; Umbreit and Greenwood, 1998, and *id.*, 1999.

RESTITUTION

Research in the United States, Canada, and England lends support to the view that VORPs outperform other, more traditional juvenile justice options when it comes to making restitution to the victim.²² These findings provide an encouraging context for the evaluations described here, which, in general, also show that the VORP groups outperformed the comparison groups.

To evaluate restitution, the central question was: *Did the restitution collected from the VORP participants exceed that collected from the comparison group by at least 40 percent?*

The answer was yes: Restitution collected from the VORP participants exceeded the comparison groups by much more than the 40 percent benchmark.

Three measures, or indicators, were used to reach this conclusion.

1. A comparison of the percentages of juveniles required to make financial restitution;
2. The average amount of money collected;
3. The average amount collected from juveniles who were *obligated* to pay financial restitution.

A larger percentage of the VORP group was required to make financial restitution at all of the sites. As shown in table 2, this difference exceeded 40 percent in half of the sites.

Table 2: JUVENILES REQUIRED TO PAY FINANCIAL RESTITUTION, BY SITE

| Site | VORP Group % | Comparison Group % | Difference % |
|---------------|-----------------|-----------------------|-----------------|
| Los Angeles | 50 | 25 | 100 |
| Mendocino | 36 | 16 | 125 |
| Orange | 63 | 60 | 5 |
| Santa Barbara | 9 | 8 | 13 |
| Santa Clara | 50 | 18 | 178 |
| Sonoma | 20 | 15 | 33 |

The average amount of money collected provides a more direct measure of the evaluation question. As shown in table 3, much more money was collected from the participants in the VORP groups. Except for one site where this information was not available, all the sites exceeded the 40 percent benchmark by a wide margin.

22. See especially, Umbreit, 1994; Shichor and Sechrest, 1998; and Nugent, Umbreit, Wiinamaki, and Paddock (in press).

Table 3: AVERAGE FINANCIAL RESTITUTION COLLECTED, BY SITE

| Site | VORP Group | Comparison Group | Percentage Difference |
|---------------|------------|------------------|-----------------------|
| Los Angeles | \$ 81.59 | \$ 0.49 | Very large |
| Mendocino | \$ 29.62 | \$ 3.16 | 837 |
| Orange | \$123.90 | \$ 14.87 | 733 |
| Santa Barbara | — | — | — |
| Santa Clara | \$ 271.15 | \$ 44.24 | 513 |
| Sonoma | \$ 67.00 | \$ 26.00 | 158 |

Information on the average obligatory repayments provides the most direct answer to the evaluation question. As shown in table 4, much more money was collected from the participants in the VORP group. Except for the one site where the necessary information was simply not available, all of the sites exceeded the 40 percent benchmark by a wide margin.

Table 4: AVERAGE OBLIGATED RESTITUTION COLLECTED, BY SITE

| Site | VORP Group | Comparison Group | Percentage Difference |
|---------------|------------|------------------|-----------------------|
| Los Angeles | \$ 162.12 | \$ 2.11 | Very large |
| Mendocino | \$ 82.50 | \$ 20.00 | 313 |
| Orange | \$ 196.04 | \$ 24.78 | 691 |
| Santa Barbara | — | — | — |
| Santa Clara | \$ 542.30 | \$ 248.88 | 118 |
| Sonoma | \$ 334.00 | \$ 171.00 | 95 |

RECIDIVISM

Research in the United States and other countries also reinforces the thinking that VORPs may outperform other, more traditional juvenile justice options when it comes to reducing recidivism.²³ The results in five of the six California sites support this general conclusion.

To evaluate recidivism, the central question was expressed thus: *Was the recidivism rate of the VORP participants at least 10 percent less than that of the comparison group?*

The answer is yes: The recidivism rates for five of the six VORPs were much lower than were the recidivism rates of the comparison groups. Those VORPs reported rates much better than the 10 percent benchmark. As shown in table 5, recidivism rates ranged from 21 percent to 105 percent lower than those of the comparison groups at these five sites. In

23. See Nugent, Umbreit, Wiinimaki, and Paddock, in press; Umbreit, 1994; Schneider and Schneider, 1986; and Hughes and Schneider, 1990.

only one of the six sites was the VORP participants' recidivism rate worse than that of the comparison group.

Table 5: RECIDIVISM RATES, BY SITE

| Site | VORP Group % | Comparison Group % | Percentage Difference |
|---------------|-----------------|-----------------------|-----------------------|
| Los Angeles | 15.04 | 30.90 | -105 |
| Mendocino | 10.81 | 23.70 | -54 |
| Orange | 6.60 | 38.80 | -83 |
| Santa Barbara | 35.20 | 24.10 | + 46 |
| Santa Clara | 30.90 | 39.10 | -21 |
| Sonoma | 24.00 | 34.60 | -31 |

The definition of recidivism and the length of the follow-up period varied across programs. For example, the follow-up period ranged from 6 months at some sites to over 18 months at other sites. For this reason, it is not reasonable, on the one hand, to use the figures in this table to conclude that one of these sites had less recidivism than any other site. On the other hand, it is reasonable to conclude that the VORP groups far outperformed the comparison groups because, at any specific site, the *same* definitions and measures of recidivism were used to compare the VORP group with the comparison group.

PARTICIPATION

National and international research and evaluation work provides additional context for the material in this report that describes participation in the six California programs. Two national directories provide basic information about the number of VORPs in the United States and the numbers of victims and offenders who participate in these programs.²⁴ In addition, there is considerable research about specific programs at specific sites that provides information about the extent of participation by victims and offenders. For example, Umbreit's workbook is based upon a two-and-one-half-year study of VORPs in California (in Oakland), Minnesota, New Mexico, and Texas.²⁵

To evaluate participation, three questions were asked:

1. *How many offenders and victims participated in the VORPs?*
2. *How many offenders declined to participate in the VORPs?*
3. *How many victims declined to participate in the VORPs?*

24. See Umbreit and Greenwood, 1998, and Umbreit, 1994.

25. See, for example, Umbreit, 1994.

Table 1 (see page 15) provides one measure of current participation rates. It shows that a very small percentage of referrals to county probation departments in California are subsequently referred to VORPs. For example, the highest percentage was 5.9 percent (in Mendocino County). At three of the sites, VORP referrals totaled less than 2 percent of the total referrals made to probation departments.

Annual referrals to the VORPs, along with the number of referrals that formed the base number of referrals for the evaluation period, are displayed in table 6. (These numbers are identical at two of the sites because the study period used a full year of referrals to the VORPs.) In their separate evaluations, the sites employed four operational definitions for the word *participation*: (1) number of juveniles referred to the program during the evaluation period (paired with their victims), (2) victim and offender pairs that participated in mediation or conciliation during the evaluation period, (3) mediations and/or conciliations that resulted in a written agreement, and (4) completion of postmediation agreements. In the last two columns in table 6, we present results for indicators (1) and (2), that is, for referrals to the VORP during the evaluation period and the resulting mediations or conciliations. The result for indicators (3) and (4) are presented later.

Table 6: REFERRALS AND RESULTING MEDIATIONS, BY SITE

| Site | Referrals to VORP | | Mediations/Conciliations ^a |
|---------------|-------------------|-------------------|---------------------------------------|
| | Annual | Evaluation Period | |
| Los Angeles | 629 | 629 | 299 |
| Mendocino | 101 | 152 | 44 |
| Orange | 296 | 170 | 125 |
| Santa Barbara | 105 | 196 | 55 |
| Santa Clara | 124 | 183 | 107 |
| Sonoma | 140 | 140 | 68 |

^aMediations are always face-to-face meetings. Conciliations may be negotiated outside of a formal meeting between victims and offenders.

As shown in table 7, depending upon the site, between 6 and 39 percent of the offenders who were referred to the program declined to participate.

Table 7: JUVENILES DECLINING TO PARTICIPATE, BY SITE

| Site | Number of Juveniles | Number Declining to Participate | Percentage Declining |
|---------------|---------------------|---------------------------------|----------------------|
| Los Angeles | 629 | 51 | 8 |
| Mendocino | 152 | 33 | 22 |
| Orange | 170 | <49 ^a | <29 ^a |
| Santa Barbara | 196 | 76 | 39 |
| Santa Clara | 183 | 11 | 6 |
| Sonoma | 140 | 32 | 23 |

^aIncludes all offenders *and* victims who declined.

These percentages represent a simple, straightforward ratio of the number of offenders known to have declined to participate, matched against the total number of referrals in the evaluation sample. It is a rough measure.²⁶ The sites should not be ranked according to these differences because each site approached the measure differently, the VORP juveniles are not comparable across the sites, and the programs were operating in very different local legal cultures. These differences will become apparent to the reader of the site-specific chapters in this report. As shown in table 8, depending on the site, between 10 and 32 percent of the victims declined to participate. Again, the percentages represent a simple, straightforward ratio of the number of victims known to have declined to participate to the total number of victims, or cases, entering the program (the evaluation sample). It is a rough measure because, in most instances, it was the offenders who were asked first if they wished to participate in the program. Thus, the only victims who were even asked if they wanted to participate were those victims of offenders who had already agreed to mediation. This procedure was followed to avoid “re-victimizing” the victim.

26. This is a simplistic measure because it simply divides the number of offenders who actually said they wanted to decline (numerator) by the total number of referrals (denominator). In fact, there were many reasons that might reduce the total number of referrals (the denominator). For example, because these turned out to be mobile populations, many victims and offenders could not be reached because they had moved. Some of the sites had the data to make these kinds of adjustments to the base number of referrals, others did not. There was no uniform way of doing it across all the sites; thus, this most straightforward measure was used.

Table 8: VICTIMS DECLINING TO PARTICIPATE, BY SITE

| Site | Number of Victims | Number Declining to Participate | Percentage of Victims Declining |
|---------------|-------------------|---------------------------------|---------------------------------|
| Los Angeles | 629 | 81 | 14 |
| Mendocino | 152 | 49 | 32 |
| Orange | 324 | <107 ^a | <33 ^a |
| Santa Barbara | 196 | 24 | 12 |
| Santa Clara | 183 | 19 | 10 |
| Sonoma | 140 | 40 | 29 |

^aIncludes all victims *and* offenders who declined.

INDICATORS OF SUCCESS

The evaluators were required to address certain indicators of success. They were asked to measure victim and offender satisfaction and to determine how many victims and offenders completed the program.

Victim and offender satisfaction

According to the literature, satisfaction with the VORP process, and especially the satisfaction of the victims, is one of the great strengths of the program.²⁷ The six evaluations that were conducted as part of this study found high levels of satisfaction, not only among victims and offenders, but also among other participants in the process.

To evaluate success, the central question was: *How satisfied were victims and offenders in the VORP programs?*

The answer was that victims and offenders were highly satisfied with each of the VORPs. The measures of general satisfaction uniformly scored above 90 percent for both victims and offenders. Satisfaction with the programs turned out to be one of the strongest measures of success.

At each site, several questions were asked to measure both victim and offender satisfaction. The specific wording of the questions varied across the sites. Detailed results for each site appear in later chapters of this report. A sampling of the questions follows:

- In general, how would you rate the mediation services in which you participated? (Santa Clara)
- Are you satisfied with the results of the mediation? (Los Angeles)

27. See, for example, Umbreit, Fact Sheet, 1997, and *id.*, Information on Research Findings, 1997.

- Would you recommend the Victim Offender Mediation Program to family, neighbors, or friends who were also victims of a crime? (Santa Clara, Mendocino, and Los Angeles; slightly different versions of this same basic question)
- Was the restitution agreement satisfactory? (Mendocino)
- Was the restitution agreement fair? (Orange)
- My experience with the service was excellent/satisfactory/not satisfactory. (Santa Barbara)
- How satisfied were you with the way the staff and volunteers handled the mediation process? (Sonoma)
- All things considered, how satisfied are you *now* with the way the mediation process turned out in the end? (Sonoma)
- What was the overall atmosphere of the meeting? (Mendocino)

At several sites, satisfaction scores were also obtained from parents, mediators, probation officers, and other justice system participants. These, too, produced very high ratings.

Completion of postmediation requirements

To evaluate the extent to which agreements reached in mediation were performed, the question was: *How many offenders and victims completed the VORP programs?*

The sites developed four operational definitions of the criterion: “completed the VORP program.” They measured: (1) the number of cases that resulted in a mediation meeting or conciliation, (2) the number that resulted in a written agreement, (3) the number that completed their postmediation agreements, and (4) the number of cases successfully closed by the probation department. The results of the first three measures appear in table 9.

Table 9: REFERRALS AND MEDIATIONS, BY SITE

| | Referrals to VORP | Mediations | Mediation Agreements | | |
|---------------|-------------------|------------|----------------------|---------------|----|
| | | | Made No. | Completed No. | % |
| Los Angeles | 629 | 306 | 299 | 209 | 70 |
| Mendocino | 152 | 44 | 44 | 41 | 93 |
| Orange | 170 | — | 121 | * | — |
| Santa Barbara | 196 | 55 | 14 | 10 | 71 |
| Santa Clara | 183 | 116 | 107 | — | — |
| Sonoma | 140 | — | 68 | 57 | 84 |

*27.1 percent of restitution collected

Some of the programs were not settlement driven so the data to determine completion rates accurately were not available. Where data were available, the evaluations showed distinct differences in throughput, that is, in the ability of the VORPs to carry referrals through to the point of mediation and, from there, to have the case closed with the postmediation requirements fulfilled. There are many reasons for these differences. For example, the seriousness of the offenses varied across jurisdictions and there were substantial variations in the time from referral to the program to the mediation and from the mediation to the completion of the postmediation requirements. The project directors have an interest in improving their throughput and the evaluations provided them with valuable information that should help them accomplish this objective.

Additional indicators and measures of success

Many of the evaluations went beyond measuring the basic indicators of success that were asked for. In this section we summarize some of the other indicators and features of the VORPs that were addressed by the six evaluations.

To evaluate the effectiveness of the programs by using other measures, the central question was: *What additional success factors were identified and tracked by the VORP programs?*

The answers revealed nine additional factors, each of which was described by at least one program:

Community service. The evaluations for the programs in Los Angeles, Mendocino, and Orange Counties include information about community service.

In the Los Angeles County program, a larger percentage of the VORP participants were ordered or agreed to perform community service and a larger percentage of VORP

participants completed their community service requirement. But the juveniles in the comparison group were ordered to provide more than four times the number of community service hours that were required of the VORP participants and a large percentage failed to complete their obligation.

In Mendocino County, 19 of the 39 VORP participants were required to provide community service to the victim or the community. No one in the comparison group was required to do so.²⁸ An average (median) 16.34 hours was required. All but one juvenile completed the community service requirement; the exception provided 8 of the required 74 hours.

In the Orange County program, by the end of the evaluation period, juveniles responsible for 112 of the total 324 incidents had completed the agreed-upon community service hours. The 112 incidents represented a total of 2,742.4 hours and an average of 24.5 hours per incident. The average amount of community service each juvenile was required to perform was higher than this because the juveniles averaged 1.8 incidents each. This evaluation did not provide data for a comparison group.

Increasing number of mediations. The evaluation of the Santa Clara County program showed that the number of mediations gradually increased during the evaluation period. This reflects increased resolve to move referrals into mediation quickly.

Case-processing times. The programs in Los Angeles, Orange, and Santa Clara Counties present evaluation information about the length of time it takes to process cases.

In the Los Angeles County program, cases in the comparison group took a median time of 79 days from referral to case closing (return to the referring agency); the cases of the VORP participant group took a median time of 38 days. The evaluation makes the point that this difference is probably because the staff of the program are very persistent and will not close a case until all reasonable alternatives have been exhausted.

There also were substantial differences in the average processing times of the VORP and the comparison groups in the Orange County program. With a philosophy very different from that of the Los Angeles County program, cases in which there was no agreement were closed very early in the process in Orange County. Mediated cases took much more time to resolve. Further, the length of time between the commitment of an offense and the completion of case processing was much longer for both groups in the Orange County program.

28. In Mendocino County data concerning restitution include only what was required by the agreement worked out between victim and offender. According to the REVORP project director, several juveniles were also required to provide community service imposed by the justice system as punishment.

In the Santa Clara program, before 1996, it took between three and four months for a case to be mediated. During the evaluation period (January 1, 1998, through June 30, 1999) this time was reduced to between six and eight weeks. Currently, partly as the result of the evaluation, case-processing time has been reduced to between three and four weeks.

Satisfaction among mediators. The programs in Mendocino and Santa Clara Counties included mediators in their satisfaction surveys. The evaluator of the Santa Clara County program also asked mediators to describe how the program might be improved. This was followed up with a brainstorming session with a small group of mediators that resulted in useful feedback for the staff.

Satisfaction among justice system participants. The programs in Mendocino and Santa Clara Counties included other justice system employees in their satisfaction surveys. The evaluators in Mendocino County asked probation officers and judges to complete a survey and the VORP received high marks from these officials.

Similarly, in Santa Clara County a separate survey was directed to probation officers. The responses were sorted into two groups, those of probation officers who were familiar with the program, and those of probation officers who were not. Results show that the VORP needs to do a lot more to inform probation officers about the program.

Additional surveys of victims and offenders. The stakeholder surveys in the programs in Los Angeles, Mendocino, Orange, and Santa Clara Counties went beyond the basic questions of customer satisfaction. Particularly in the sites where there was a reasonable interval of time between the mediation and administration of the survey, the evaluators asked a wide variety of questions intended to ascertain the behavioral changes in juvenile offenders. In many of the surveys, these additional questions were also asked of mediators and parents or guardians.

Among other things, the participants were asked:

- To describe changes in feelings toward the other party before and after mediation (several sites)
- To describe how the mediation process was helpful (Santa Barbara)
- If lives had changed for the better since mediation (Los Angeles)
- If family relationships had improved since mediation (Los Angeles)
- If school performance had improved since mediation (Los Angeles)
- If the victim got paid/received an apology/personally made things right/got questions answered (Orange)

Open-ended survey responses. The programs in Mendocino and Santa Barbara Counties also included opportunities for victims, offenders, and others to make open-ended comments. There is a positive tone to these responses. No particular theme runs through these comments, but some do contain constructive suggestions for improving the programs; for example, victims and parents asked that mediators make themselves more familiar with the cases that are being mediated.

Suggestions for improvements. The programs in Santa Clara and Sonoma Counties specifically asked victims, offenders, and other stakeholders to make concrete suggestions to improve the program. The mediators asked for more training. For instance, a fifth of the respondents in the Santa Clara County survey said that they needed more information and more preparation before beginning a specific mediation.

Examples of agreements. The programs in Santa Barbara and Sonoma Counties and, to a lesser extent, the programs in the other counties, articulated a list of the kinds of things that appear in the mediation agreements. This list goes far beyond financial restitution and community service. It confirms the findings of other research that indicates that many victims are more interested in an agreement in which the juvenile agrees to change his attitude and behavior than they are in recovering their losses. They have, or come to have, a genuine interest in the well-being of the juvenile.

The written agreements cover a wide range of resolutions and reparations including agreements to:

- Maintain an after-school study schedule, from 3:00 to 4:00 each weekday, for the remainder of the high school semester. The juvenile's grandmother will supervise and confirm that he is following this study schedule.
- Improve his grades for the current school semester to a C-level average and attend summer school to make up any Fs.
- Make a formal apology for stealing the victim's bike. The victim agreed that he has forgiven the juvenile and simply wants him to acknowledge that what he did was wrong and that he should not steal.

Other agreements include undertakings to:

- Stay away from the victim for a year;
- Attend an alcohol education class;
- Attend a session of former gang members;
- Work with a graffiti removal crew;
- Write a letter of apology;
- Talk to the victim;

- Learn how to manage anger; and
- Apologize to the victim.

CHAPTER 3

The VORP in Los Angeles County

The Centinela Valley Victim Offender Restitution Services (VORS) is one of several mediation programs operated by the Centinela Valley Juvenile Diversion Project (CVJDP), a 501(c)(3) nonprofit organization founded in 1975 and operated by the City of Inglewood on behalf of a consortium of city and county agencies under a joint-powers agreement. The staff are employees of the City of Inglewood, but in all other respects, the program operates as a nonprofit organization. Its offices are located in a municipal office building operated by the City of Inglewood in Los Angeles County (population 9,757,500).²⁹

DEVELOPMENT

The VORS program is a countywide expansion of the CVJDP's Mediation and Restitution Services program, which was launched in 1992 as a pilot project in the southwest area of Los Angeles County. VORS was created in 1995 at the request of the presiding judge of the juvenile court, who continues to chair the Victim Offender Services Collaboration Team, which includes the probation department, the district attorney, the public defender, and chiefs of police from several local law-enforcement agencies. The high-level collaboration team meets twice a year. This provides the VORP with a powerful, broad-based network of referral agencies. Steve Goldsmith, the project director, joined the CVJDP staff in October 1992 as mediation coordinator. He became project director in July 1993.

REFERRAL CRITERIA AND SOURCES

Relationships with the referring agencies are governed by written memorandums of understanding. Eligibility for referral to the program is determined by each referring agency. The collaboration team, in negotiations led by the district attorney, developed eligibility criteria that include the requirement that both victim and offender have a phone, that the offender be between the ages of 7 and 17, and arrested for the first or second time for a nonviolent offense, and that there is an identifiable victim. The sources of referrals in the financial year 1997–1998 are summarized in table 10.

29. Population as of January 1, 1999; data from California Dept. of Finance, Population Research Unit. Los Angeles, Orange, and Santa Clara Counties were the three counties of over 500,000 population that participated in this study.

Table 10: LOS ANGELES COUNTY, SOURCE OF REFERRALS

| Source of Referral | Number | Percentage |
|-------------------------|--------|------------|
| Probation department | 386 | 62 |
| Court | 65 | 11 |
| District attorney | 108 | 17 |
| City police departments | 35 | 6 |
| Sheriff | 9 | 1 |
| Other | 15 | 2 |

THE PROCESS FROM REFERRAL TO CASE CLOSING

When the VORS receives a referral to the program the coordinator reviews it for eligibility. Intake information is entered into a database,³⁰ and letters are sent to the victim, the offender, the offender's parent or guardian, and the referring agency. The offender and his or her parent or guardian are contacted to determine whether they are willing to take part in mediation. If they are, the victim is contacted and, if he or she agrees to participate, the volunteer mediators are selected and contacted, a mediation site is selected, and mediation is scheduled. The staff does this work, not the mediators. A special court order, signed by presiding judge of juvenile court, permits a limited exchange of information between the court and the VORS program.

Two trained volunteer mediators facilitate the session. Mediations usually result in a specific, written agreement. A copy of the contract is sent to the referring agency and is subject to its approval. The VORS maintains a countywide resource directory, which is used by the volunteer mediators and the staff to refer victims and/or offenders to services that they may need. The parties are asked to complete a follow-up survey after the mediation session is finished. The staff follows up so that the referring agency can be told when restitution, community service, and any other terms of the agreement are completed. A written document is returned to the referring agency to close the case when the agreement has been completed or at some earlier point, if the case is terminated before mediation or the completion of the postmediation financial or community service obligations.

30. In addition to the Los Angeles program, several other VORPS use the VORP Case Management 3.1 software, a database program developed by Steven L. Mullet. He can be contacted at smullet@keybridgelt.com or by phone at 330-893-6200.

FINANCING

The annual budget for financial year 1997–1998, the period covered by the evaluation, was \$179,000. The budget for financial year 1998–1999 was \$232,000. This does not include in-kind contributions such as office space, phone, and other support services. Nor does it include the large number of hours devoted to the program by volunteers. Three years of funding from the California Office of Criminal Justice Planning helped stabilize the program. Today, the program enjoys a broad funding base, with support from the Dispute Resolution Programs Act, cities, foundations, corporations, and other county grants — e.g., the Community Services Block Grant Program.

About 90 percent of this budget supports a 7½ full-time equivalent staff consisting of:

- 5¼ full-time equivalent case managers, who do the intake of cases, make the initial phone contact with the offender and victim, contact the mediators and set up the mediation session, follow cases to the point of case closure, and manage statistical data;
- 1 full-time clerical support person;
- 1 full-time program coordinator who supervises the case managers, trains, and certifies volunteer mediators, schedules and transmits case file information to the mediators, and debriefs the mediators following mediation sessions; and
- One-fourth of the project director's time.

THE MEDIATORS

Volunteer mediators are required to have 40 hours of training and between 2 and 4 hours of in-service work as co-mediators. The program uses a mentoring model to provide new mediators with experience. The volunteer mediators are courted and well treated. Training conferences, award and appreciation dinners, and other social occasions are scheduled to reinforce volunteerism and develop mediation skills. The VORS program recently began to give volunteers a small stipend (\$10) to help offset their travel expenses. These volunteer mediators do about 80 percent of the mediations.

Often, language is an issue. There are four bilingual people on the staff. The VORS aggressively recruits mediators who speak Spanish, Chinese, Korean, and other Pacific Asian languages. Translators are paid to facilitate mediations if mediators are not available.

DISTINGUISHING CHARACTERISTICS

Certain principles and practices distinguish the VORS in Los Angeles County. These include:

- The personal involvement of agency heads on the VORS collaboration team and support from the county board of supervisors sets the program apart from others of its kind.
- The program is less dependent upon referrals from the probation department than are other VORPs. It has a broader base of referral agencies. Relationships with the probation department are more complicated because there are many regional probation offices to deal with.
- Unlike other VORPs that have grown from church-based roots, the VORS is a product of collaboration among public agencies. But it does not have the appearance of a public agency. It makes skilled use of a nonprofit 501(c)(3) structure, which for example, allows the program to form important links to other community-based agencies. Nor does it have to worry about problems with cash flow that smaller, less established organizations must contend with.
- Like the program in Orange County, which is described in chapter 5, it is a large, diverse program, serving a huge geographic area, with severe inner-city social problems, in one of the most complicated urban areas of the United States.
- The program does not conduct face-to-face premediation interviews with victims and offenders. Distances and the safety concerns that mediators and staff feel in the neighborhoods of some areas of Los Angeles County prohibit this approach; therefore, all the prescreening is conducted by the staff over the telephone and not by volunteer mediators, as is done in many of the other restitution programs. According to the project director: “This leaves the volunteer mediators free to mediate, which is what they love to do. It allows us to manage quality control, and it is more efficient because it allows us to handle more cases.”
- VORS projects and values a responsive, professional, businesslike approach to its work. There are memorandums of understanding with all referral agencies with a copy provided to the presiding judge of juvenile court. All cases are officially closed with some form of communication going back to the referral agency. Great effort goes into tending the relationships with the sources of referral, volunteer mediators, and the collaboration team.
- As in other VORPs, there is strong internal leadership. An entrepreneurial manager with a clear vision, energy, and skill is at the helm. His personality, his approach, and his beliefs help give the organization a distinct personality.
- The tension between settlement-driven and relationship-driven mediation is being skillfully managed. Note that the R in the title of this program stands for “Restitution.” This is deliberate. It gives the program credibility in Los Angeles

County. Even though accountability, especially financial and other types of restitution (in the form of community service), is a major theme, other, more relational outcomes are also valued; for example, an apology, an undertaking to work for the victim, an agreement to get better grades in school.

- There is a good deal of collaboration with other mediation development organizations; e.g., the Claremont Mediation Center, the Crenshaw Community Center, Loyola Law School's Mediation Program, and the Asia-Pacific Dispute Resolution Center.

PLANS FOR THE FUTURE

In the future the VORS leadership would like to begin a program that would provide mediation services for offenders and victims in cases where the offender is returning home from a juvenile camp or juvenile hall. They would like to increase the amount of training for the volunteer mediators, and they hope to expand the Mediator Training Service that has been established at the CVJDP. For example, they would like to offer the training to probation officers themselves. In the long run, the project director would like to integrate mediation services into the juvenile justice system; that is, to institutionalize it within the system itself.

EVALUATION APPROACH

In the evaluation of the Centinela Valley Victim Offender Restitution Services (VORS),³¹ 153 juveniles who participated in the program were compared with 81 juveniles who were referred to the program but who did not enter mediation because the victim declined to participate. This comparison group was different from those evaluated in other sites in the study in that it was made up of juveniles who were referred and eligible for the program, had been successfully contacted, and had indicated at least a preliminary willingness to engage in mediation. They did not participate only because the victim was unwilling.

To get to these sample sizes, the evaluators began with 629 referrals to the VORS program between June 23, 1997, and June 22, 1998. Almost half dropped out of the process for many reasons, the most frequent being that the program was unable to locate the juvenile (101 cases); the victim refused to meet or would rather go to court (81 cases); and that the offender refused to meet (28 cases), denied any charges (17 cases), or did not respond (7 cases). Other less frequently occurring circumstances also decreased the number of cases that could be mediated. This left a subtotal of 306 offenders and victims

31. An independent evaluation of the VORS program was conducted by Clifford R. Carr, Ed.D. and Perry Nelson, Ed.D. See appendix C for citation of the report.

who reached a VORS mediation. A random sample of half of these yielded 153 cases for the treatment group of VORP participants who went to mediation.

The content of evaluation goes beyond what the AOC asked for and includes information about the personal characteristics of the juveniles (their age, gender, ethnicity, and a classification of their offenses as either felonies or misdemeanors), and a brief discussion of small differences between the two groups. It presents information about community service that was ordered or agreed to by the VORP and the comparison group, and includes data to show how much of that was actually performed. The report also compared the case-processing times of the two groups.

Similarly, the respondent opinion survey results in the evaluation report went beyond the measurement of victim and offender satisfaction required by the AOC. The offenders, their parents or guardians, and the victims completed evaluation surveys immediately after the mediation meeting. In addition, the offenders and their parents or guardians were surveyed six months later, the survey providing convincing evidence of behavioral change in the juveniles who participated in the program.

EVALUATION OUTCOMES

RESTITUTION

Did the restitution collected from the VORP participants in Los Angeles County exceed the comparison group by at least 40 percent?

The answer was yes. Twice as many of the VORP group were ordered to pay restitution by the court or agreed to pay restitution at mediation than the comparison group. Of the 153 juveniles, 77 (50 percent) in the VORS were ordered to pay financial restitution compared with 19 of the 75 juveniles (25 percent) in the comparison group.³²

The amounts of the ordered or agreed-upon restitution that were actually paid by the participant group and the average amounts paid per juvenile were much greater than was the total amount of restitution paid or the average payments by each juvenile in the comparison group.

The 153 participants in the VORP group (*including* those who did not have a financial obligation to pay restitution) were ordered or agreed to pay a total of \$19,113.86, of

32. Some of the juveniles in the comparison group had court orders that required them to pay restitution or perform community services; 13 of them were ordered to pay an indeterminate amount. Mediations always result in agreements, not orders.

which a total of \$12,482.96 (65 percent) was actually paid. The average amounts ordered or agreed upon and paid were \$124.923 and \$81.59 respectively.

The 81 juveniles in the comparison group (*including* those who did not have a financial obligation to pay restitution) were ordered to pay or agreed to pay a total of \$5,235.62, of which \$40 were actually paid (0.8 percent). The average amounts ordered or agreed-upon and paid were \$64.64 and \$0.49.

The 77 VORS participants who *agreed or were ordered to pay* restitution paid a total of \$412,482.96, or \$162.12 each. The 19 juveniles in the comparison group who had restitution orders paid a total of \$40 or \$2.11 each.

RECIDIVISM

Was the recidivism rate at least 10 percent lower than that of the comparison group?

Yes. In fact, the participant group's recidivism rate was 51 percent lower. One year after mediation, 23 of the 153 juveniles (15 percent) in the VORS participant group had been arrested for a delinquent act.³³ This is compared with 25 of the 81 juveniles (31 percent)³⁴ in the comparison group who were arrested again within a year of case closing.

PARTICIPATION

How many offenders and victims participated in the VORP in Los Angeles County?

The VORS program received 629 referrals between June 23, 1997, and June 22, 1998. Of these, 306 offenders and victims were willing to participate in a VORS mediation. Agreements were reached in 299 (98 percent) of these cases. A total of 209 juveniles (70 percent) fulfilled their agreements.

How many eligible offenders declined to participate?

Fifty-one of the 629 juveniles (8 percent) declined to participate. Twenty-eight simply declined to participate. The parents or guardians of three juveniles did not want to give permission to have the juvenile participate. Another 17 declined because they denied the charges of which they were accused (acceptance of responsibility for the offense is a requirement for eligibility); and 3 others preferred to go to court.

33. This included seven who were arrested again in the period between referral to the VORP and mediation.

34. The term *case closing* is defined as the return of the case to the probation department.

How many victims declined to participate in the VORP in Los Angeles County?

Eighty-three victims (14 percent) associated with the 629 juvenile cases³⁵ declined to participate. Seventy-one did not give a reason; 10 stated that they would rather go to court; 1 stated that there was nothing to negotiate; and 1 declined in fear of retaliation.

How many joint victim and offender mediations were completed?

Of the 629 referrals to the VORS between June 23, 1997, and June 22, 1998, 306 offenders and victims were willing to participate in a VORS mediation. The process produced 299 agreements.

INDICATORS OF SUCCESS

Victim and offender satisfaction

How satisfied were VORP victims and offenders with the program?

In a short-term survey (information collected immediately after the mediation session), all three groups of participants—victims, offenders, and parents or guardians—rated the VORS mediation process very favorably, as is shown in tables 11 and 12. Offenders and their parents or guardians were also surveyed six months later.³⁶ As shown in table 13, these results, too, were very positive.

The short-term survey revealed that between 97 and 99 percent (depending on the group) were satisfied with the mediation results and were glad they participated. Between 98 and 100 percent thought that the agreement that had been reached would be completed.

35. The total number referred is the base used for this measure at all of the sites. This percentage can be calculated in other ways. For example, if the denominator of 629 were changed to reflect only cases in which victims were asked if they wished to participate, the percentage of those “declining to participate” would be larger. For example, note that offenders were approached first. Thus, the only victims who were asked if they would participate were the victims of offenders who had already agreed to mediation. The VORP follows this procedure in order to avoid “re-victimizing a victim” (it would be awkward to have a victim agree, only to be told later that the offender is not willing to participate). The 14 percent figure, then, probably understates the number of victims who would have declined to participate, but it also excludes victims who never had a chance to express an opinion.

36. The longer-term follow-up produced a 90 percent response rate. One hundred follow-up telephone interviews were completed with 51 English-speaking juveniles and 49 English-speaking parents and guardians.

Table 11: LOS ANGELES COUNTY, SATISFACTION RATINGS

| | Offender | Parent | Victim |
|--|----------|--------|--------|
| | N = 138 | N =135 | N =133 |
| | % yes | % yes | % yes |
| Did the meeting go the way you expected it would? | 89.3 | 95.5 | 94.7 |
| Are you satisfied with the results of the mediation? | 97.0 | 99.3 | 97.7 |
| Were the mediators fair to you? | 97.7 | 99.3 | 100.0 |
| Were the mediators fair to your child? | — | 100.0 | — |
| Was the process too complicated? | 10.3 | 3.8 | 2.3 |
| Did it take too much time? | 8.2 | 3.0 | 5.3 |
| Do you think you/the youth will be able to fulfill the agreement? | 99.2 | 100.0 | 98.4 |
| Are you glad you chose to take part? | 98.4 | 100.0 | 97.7 |
| Do you have a better idea of how (the victim/your child/the youth) feels about the conflict? | 91.3 | 87.3 | 95.9 |
| Would you recommend this program to a person in a similar situation? | 99.2 | 100.0 | 98.4 |

Note: This survey of victims, offenders, and parents or guardians was made immediately after the mediation was completed.

The program received an overall rating of “good” or “excellent” from at least 96 percent of each participant group.

Table 12: LOS ANGELES COUNTY, RATINGS IMMEDIATELY AFTER MEDIATION

| | Offender | Parent | Victim |
|------------------|----------|--------|--------|
| | % | % | % |
| Excellent | 82.4 | 86.6 | 79.2 |
| Good | 16.0 | 12.7 | 17.7 |
| Not good/not bad | 1.5 | 0.7 | 0.8 |
| Poor | 0.0 | 0.0 | 2.3 |
| Waste of time | 0.0 | 0.0 | 0.0 |

The longer-term survey also showed that offenders and their parents or guardians still viewed the program favorably. The results show that most of the program participants were doing better in school and in the community, they stayed out of trouble, and they functioned better in their family relationships.

Table 13: LOS ANGELES COUNTY, RATINGS SIX MONTHS LATER

| | Juvenile | Parent or Guardian |
|---|----------|--------------------|
| | % yes | % yes |
| Very or somewhat satisfied with the mediation outcome | 96.0 | 95.9 |
| Feel that people in the community care about them | 82.4 | 89.8 |
| Lives have changed for the better since mediation | 64.7 | 95.9 |
| Improved family relationships since mediation | 80.4 | 79.6 |
| Improvement in school performance since mediation | 60.8 | 65.3 |
| Involved in organized activities since mediation | 56.9 | 55.1 |
| Feel optimistic about their or their child's future | 84.3 | 94.0 |
| No longer hanging with the same crowd | 52.9 | 51.0 |
| Positive attitude toward crimes committed by friends | 0.0 | 0.0 |
| Not been in trouble since mediation | 94.1 | 98.0 |
| Fulfilled their mediation agreements | 86.2 | 87.8 |
| Would recommend mediation to other youths and guardians | 94.1 | 95.9 |

Completion of postmediation requirements

How many offenders and victims completed the program?

There were 299 agreements and 208 juveniles (70 percent) completed their agreements.

Additional indicators and measures of success

What additional factors were identified and tracked?

The two additional factors tracked were community service and case-processing times.

Community service. In this program, community service is viewed as a form of restitution. Compared with the comparison group, a larger percentage of the VORS participants were ordered or agreed to perform community service. A larger percentage of VORS participants also completed their community service requirement.

- Of the 153 juveniles in the VORS participant group, 125 (81.7 percent) were ordered or agreed to provide community service, and 72 (58 percent) completed that requirement.
- Of the 81 juveniles in the comparison group, 27 (33 percent) were ordered to provide community service, and only 2 (7 percent) completed that requirement.
- Of the total of 2,305 community service hours that the 125 VORS participants were ordered or agreed to provide, 1,103 hours (48 percent) were actually provided. Another way of looking at this is that they were each required to provide 18.44 hours and each completed an average of 8.8 hours.
- The 27 juveniles in the comparison group were ordered to provide 2,083 hours of community service and actually provided only 89 hours (4 percent). Their obligation, however, amounted to an average of 77.15 hours each, about four times the hours committed to by the VORS participants. Only two of the juveniles in the comparison group completed their obligations. The average for the whole group was only 3.3 hours of completed community service.

Case-processing times. The evaluation presents data that describe differences in the case-processing times of the VORS participants and the comparison group. These show that, for the comparison group, there was a median time of 79 days from referral to case closing (the return of the case to the referring agency). For the VORS participant group, the median time was 38 days. The evaluation makes the point that this difference is probably because the VORS is very persistent and will not close a case until all reasonable alternatives have been exhausted.

CHAPTER 4

The VORP in Mendocino County

The Victim Offender Reconciliation Program of Mendocino County (VORPMC) is a countywide, private nonprofit mediation service operated from donated office space in a downtown church in Ukiah, California. Of the six counties, Mendocino's population, 87,100, is the smallest.³⁷

DEVELOPMENT

The VORP is small, too. Like many other VORPs, it began as an informal effort, championed by one volunteer who had a vision and the energy, interest, and determination to initiate, develop, and maintain a program. This person was Ed Dick, a lay leader of a local church congregation and chair of the county delinquency commission. There was no funding during the first year. Mr. Dick contributed his time, personally absorbed program expenses, and served as the volunteer coordinator and trainer for the program. He contributed software and a computer. A local church donated office space.

As for many other VORPs, other more experienced programs aided the initiation of the VORP in Mendocino County. Mr. Dick was able to attend mediation training provided by the Orange County VORP. He also attended a training session in Fresno, California, titled "How to Start a Church-Based VORP." And, in the summer of 1997, he visited Eastern Mennonite University to take courses in the Conflict Transformation Program taught by Howard Zehr and his colleagues. This training helped equip him to begin to train other volunteer mediators.

REFERRAL CRITERIA AND SOURCES

From its inception on January 1, 1997, through July 1, 1999, the period covered by the evaluation, the VORP had a total of 152 referrals, all but 2 from the probation department.

Ed Dick also had a close, effective working relationship with the probation department, especially with the chief probation officer, who was a proponent of restorative justice. Mr. Dick was encouraged to go through the files of juveniles scheduled for nonpetition hearings and actively select participants for the VORP. To be eligible, a juvenile case had

37. Population as of January 1, 1999; data from California Dept. of Finance, Population Research Unit. Mendocino County was selected to participate in the study as an example of VORP in a county of under 100,000 population.

to have an identifiable victim and offender and the offender had to take responsibility at some level. The VORP staff stresses that it is a voluntary program.

FINANCING

Like many fledgling VORPs, the Mendocino program had to work hard to achieve financial stability. Funding is always tenuous. Today, the program is still vulnerable because its funding base is narrow and barely sufficient to maintain the program.

In May 1998, with support from the probation department, the VORP program secured \$18,600 in Temporary Assistance to Needy Families funds. In order to receive these funds, the program incorporated as a 501(c) (3) nonprofit entity. The funds supported a half-time position, which was shared by Mr. Dick and Janet Larson, a part-time case manager. An additional contribution of \$3,000 was made by individual and community organizations during that first fiscal year (May 1, 1998–April 30, 1999). Contributions in the form of office space and utilities, valued at another \$2,400, helped keep the program going. In May 1999, funding for the program from the probation department was increased to \$29,100 for the following fiscal year. This allowed for a three-fourths full-time equivalent case manager and a one-quarter full-time-equivalent director. The budget for the fiscal year May 1, 1999–April 31, 2000 is \$31,800. Still a bare-bones budget, it does not include the many volunteer hours provided by the mediators and the staff, nor office rent, utilities, or other in-kind contributions.

THE MEDIATORS

Sixteen of the 152 referrals could not be provided services because the fledgling program did not have trained mediators available when they were needed. Most cases are assigned to co-mediators. The staff does a few of the mediations, but most are done by about a dozen volunteers. Their initial training consists of between 8 and 12 hours of classroom instruction on the philosophy and practice of restorative justice in victim/offender conferencing. Then, new volunteers are teamed with more experienced volunteers or staff for hands-on training at actual mediation sessions. They also have access to training materials and conferences sponsored by other existing VORP programs. In early 1999, VORP had enough trained mediators to be able to move beyond taking nonpetitioned cases and to accept cases for which petitions had been filed in the juvenile court.

Table 14: MENDOCINO COUNTY, OPERATING BUDGET
May 1, 1999–April 31, 2000

| Expenditure Category | Expenditure | Subtotals |
|---|-------------|-----------------|
| Personnel | | \$22,000 |
| Director (1/4 FTE) | \$ 5,600 | |
| Case Management (3/4 FTE) | \$16,400 | |
| Office | | \$ 3,400 |
| Telephone | \$ 350 | |
| Postage | \$ 500 | |
| Printing | \$ 500 | |
| Misc. supplies | \$ 600 | |
| Equipment purchases | \$ 1,200 | |
| Equipment maintenance and consultation | \$ 250 | |
| Organization | | \$ 6,400 |
| Conference/training fees and transportation | \$ 1,000 | |
| Local transportation | \$ 1,600 | |
| Volunteer training | \$ 1,250 | |
| Dues and subscriptions | \$ 50 | |
| Disability insurance | \$ 200 | |
| Liability insurance | \$ 2,300 | |
| Total | | <u>\$31,800</u> |

DISTINGUISHING CHARACTERISTICS

This program is an example of a VORP that operates in a mostly rural, sparsely populated county. The program director notes that VORPs have a special appeal in small communities because the people in conflict are more likely to live in proximity with one another, meeting in the grocery store, in the small schools, or on the street. Thus, because there is less anonymity, mediation becomes more important and more possible in a small county. It is also a setting in which bureaucratic relationships blend with personal relationships, making it easier to fashion collaborations between community-based agencies and governments.

PLANS FOR THE FUTURE

Priorities for the future include strengthening the board, systematizing mediator training, achieving financial stability, and expanding the program. The VORP plans to double the number of trained mediators. It especially wants to increase the number of mediators who can work on the coast and in outlying areas of the county. More Spanish-speaking mediators are needed. The VORP believes it could easily double the number of juveniles involved in the program if it could garner the resources to do so. It would like to expand

the program to include parent-teen mediation modeled after a San Luis Obispo program and begin to offer the program to adults.

EVALUATION APPROACH

The VORP evaluation was based on 152 cases referred to the program from January 1, 1997, the beginning of VORP operations, through July 1, 1999.³⁸ In table 15, these cases are listed as they were classified into categories for follow-up.

Table 15: MENDOCINO COUNTY, DISPOSITION OF CASE REFERRALS

| | Number |
|------------------------------------|--------|
| Total referrals to the VORP | 152 |
| No facilitator available | 16 |
| Cases not meeting program criteria | 4 |
| Unable to contact victim | 2 |
| Unable to contact offender | 4 |
| Offender declined to participate | 33 |
| Victim declined to participate | 49 |
| Total cases mediated | 44 |

The 44 cases resulting in mediation represented 39 individual juveniles. These cases were designated as the VORP program cases. The comparison group was made up of 38 juveniles representing 49 cases that, though eligible and referred to the VORP, did not reach the point of mediation. They were selected from cases that were not mediated because there was no mediator available (16 cases) and cases in which the offender declined to participate (33 cases). The 38 juveniles were selected to best approximate the characteristics of the VORP group.

The evaluation report goes beyond the scope of the evaluation questions posed by the Legislature. For example, the report provides evaluation information about community service. The stakeholder survey was expanded to include mediators and to determine their satisfaction with the program. Probation officers and judges were also asked to complete survey questions.

EVALUATION OUTCOMES

RESTITUTION

Did the restitution collected from the VORP participants in Mendocino County exceed that collected from the comparison group by at least 40 percent?

38. The project director, Ed Dick, evaluated the VORP. See appendix C for the citation of the report.

The answer was yes.

- Thirty-six percent of the VORP participants were required to make restitution versus 16 percent of the comparison group—a difference of 125 percent.
- The average amount of money collected from VORP participants (\$29.62) was greater than the average amount collected from the comparison group (\$3.16)—a difference of 837 percent.
- The average amount collected from project participants who were required to make monetary restitution (\$82.50) was 313 percent greater than the average amount of money (\$20.00) collected from the comparison group.
- Of the 14 project participants required to pay monetary restitution, 100 percent made at least some payments. Seventy-nine percent (11 of 14) completed all of their restitution requirements. The sum of \$1,195 was paid. This is 70 percent of the total \$1,697 required to be paid.
- Of the six comparison group participants who were required to pay restitution, five did not make any payments. The remaining participant (one of the six, or 17 percent) completed all restitution requirements. Less than 1 percent of the total amount required of the six participants was actually paid. (One offender was ordered to pay \$30,200, none of which was paid.)

RECIDIVISM

Was the recidivism rate in Mendocino County at least 10 percent lower than that of the comparison group?

The answer was yes. Recidivism for both the Mendocino County VORP program group and the comparison group was measured at three, six, and nine months. The period of exposure for recidivism began with the date of the original offense that brought the juvenile into the juvenile justice system. At three months, the Mendocino County VORP participant and comparison group recidivism rates were about the same. But Mendocino County VORP participants substantially outperformed the comparison group at six and nine months.

Table 16: MENDOCINO COUNTY, RECIDIVISM RATES

| | Project Group | | Comparison Group | |
|-------------|---------------|-------|------------------|-------|
| | N | % | N | % |
| At 3 months | 3 of 39 | 7.69 | 3 of 38 | 7.89 |
| At 6 months | 4 of 37 | 10.81 | 9 of 38 | 23.68 |
| At 9 months | 5 of 32 | 15.63 | 16 of 37 | 43.24 |

PARTICIPATION

How many offenders and victims participated?

The 152 case referrals to VORP resulted in 44 mediations that resulted in contracts (28.9 percent). Five offenders were involved in incidents in which there were two victims; thus, there were 44 victims and 39 offenders.

How many offenders declined to participate?

Thirty-three of the 152 case referrals (22 percent) to the VORP declined to participate. One hundred eight of the total 152 cases did not result in an agreement. In 33 cases an offender declined to participate, in 49 cases a victim declined to participate, in 16 cases no facilitator was available, 4 cases did not meet the program criteria, in another 4 cases the offender could not be contacted, and in 6 cases the victim could not be contacted.

How many victims declined to participate?

Forty-nine of the 152 case referrals (32 percent) to the VORP declined to participate.

How many joint victim and offender mediations were completed?

Forty-four mediation cases were conducted with both victims and offenders participating in meetings together, amounting to 29 percent of the 152 referrals to the program.

INDICATORS OF SUCCESS

Victim and offender satisfaction

How satisfied were VORP victims and offenders with the program?

Table 17 shows victim and offender satisfaction scores. The scales range from 1 as the most negative, to 5 or 10 as the most positive. Victims and offenders both scored their satisfaction with the restitution agreement as 4.7 out of a possible 5 points, were pleased with the overall atmosphere of the mediation meeting, and scored improvements in their feelings toward the other party after the mediation.

Table 17: MENDOCINO COUNTY, SATISFACTION RATINGS

| | Scale | Score | |
|--|-------|---------|----------|
| | | Victim | Offender |
| Satisfaction with restitution agreement | 1–5 | 4.7 | 4.7 |
| Overall atmosphere of mediation meeting | 1–5 | 4.2 | 4.0 |
| Change in feelings toward other party before and after mediation | 1–10 | 7.2–8.2 | 5.4–6.5 |

Completion of postmediation requirements

How many offenders completed the program?

Thirty-six of the 39 juveniles involved in the study completed their postmediation requirements. Three cases involving three victims had not completed their postmediation requirements by December 2, 1999. One of these was service on behalf of the victim; the other two involved a monetary reimbursement. In all of the cases with other types of postmediation requirements the agreements were discharged satisfactorily.

Forty-four (29 percent) of the original 152 referrals agreed to a mediation contract. Eighteen (95 percent) of the 19 offenders who were required to perform community service completed all the service required of the contract. Eleven (76 percent) of the 14 offenders (76 percent) who were required to provide monetary restitution completed their requirements.

Additional indicators and measures of success

What additional factors were identified and tracked by the program?

The additional factors tracked were community service, mediator satisfaction, and justice system participant satisfaction.

Community service. In the Mendocino VORP, restitution is commonly translated into monetary restitution, community service, or both. Nineteen of the VORP participants were required to provide community service to the victim or the community. An average (median) of 16.34 hours was required. All but one offender completed the community service requirement; the one who did not provided 8 of the required 74 hours. No one in the comparison group had an agreement that required a juvenile to provide community service.³⁹

Mediator satisfaction. A five-point scale was used to measure the mediator's impressions of the success of the mediation. Twelve items were scored. The mediators gave highest scores to elements surveyed by the following questions: how satisfactory was the attitude of the victim during meeting? (4.2); was the restitution agreement satisfactory in your estimation? (4.2); and, did the victim seem satisfied with the meeting and outcome? (4.1).

Satisfaction among justice system participants. Probation officials and judges were asked to fill out a survey. A sample of responses follows.⁴⁰

“There is nothing that the court can impose that will be as meaningful to the victim or the offender as a resolution they have personally formulated and both agreed to.”

39. Data were kept only on restitution that was required by the agreement worked out between victim and offender. According to the VORP director, several juveniles were also required by the justice system to provide community service as punishment.

⁴⁰. Included as appendix 4a and 4b of the evaluation report. See appendix C for a full citation.

“I have received several excellent reports from juveniles and their families about the VORP process. It is wonderful for the offender and the victim to cooperatively solve the problem—it is more meaningful to them and can often times spare the offender a juvenile record.”

“In my estimation, VORP is the best program to assist the justice system in holding juveniles accountable in victim crimes. VORP provides a format for the offending juvenile to meet face to face with the victim of his crime; to be able to obtain a sense of what the victim experienced as a result of the juvenile’s actions; to feel the victim’s sense of violation, loss, fear, and anger. This gives the victim a chance to perhaps bring some resolution to a terrible experience. Before VORP, the victims were faceless entities to the juveniles, who had no comprehension of what a victim experienced or felt. Now they do!”

CHAPTER 5

THE VORP IN ORANGE COUNTY

In Orange County, the Victim Offender Reconciliation Program (VORP) is a county-wide, victim-offender mediation program operated by the Institute for Conflict Management (ICM), a unit of the Council of Orange County of the Society of St. Vincent de Paul, a national, private 501(c)(3) nonprofit organization. St. Vincent de Paul operates related services, including Friends Outside, other mediation services, a detention ministry, a food bank, and a thrift store. The VORP is located in the ICM office in a mixed-use, strip commercial building, near freeway access in the City of Santa Ana. The population of Orange County is 2,775,600.⁴¹

DEVELOPMENT

St. Vincent de Paul staff chaplains initiated the Orange County VORP in 1987. In 1989, the county Community Service Agency, a department of county government, issued a request for a proposal to establish an Alternative Dispute Resolution Program, using DRPA funds. The idea was to promote the effective resolution of community-based disputes outside the formal judicial system. The program director, Scott Mather, and two others put a successful application together. It resulted in \$68,000 to fund the VORP for the initial year. At about this time the St. Vincent de Paul Center formally established the VORP as an official program for community reconciliation. The Orange County probation department sent the first referrals to the VORP in August 1989. Subsequently, the DRPA funding was extended for a three-year period so the financing of the VORP program in Orange County, unlike that of other sites in this study, stabilized quickly.

Over the years, the Orange County program expanded into new areas, including mediation/conciliation programs for adult offenders (Access to Justice) and juvenile truants (Keeping Kids in Schools), and a mediation training program. To manage this growth, in 1996, the VORP created the Institute for Conflict Management (ICM), to serve as an umbrella organization.

The program has also had the advantage of being part of the larger St. Vincent de Paul organization, which had business-management skills and experience and could help the VORP manage cash flow. The three-year DRPA contract has been renewed and is currently augmented by funds from cities that participate in the program, church and private donations, and fees for training mediators.

41. Population as of January 1, 1999; California Dept. of Finance, Population Research Unit. Orange, Santa Clara, and Los Angeles Counties were the three large-sized California counties that participated in this study.

FINANCING

The budget for the financial year 1999–2000 is \$348,854. About 66 percent of this amount provides for 7¼ full-time equivalent employees, and the rest is devoted to support services, including transportation, professional fees and services, supplies, rent, conferences, and training. See table 18.

Table 18: ORANGE COUNTY, BUDGET SUMMARY
Financial year 1999–2000

| Expenditure Category | Expenditure |
|---|------------------|
| Personnel, including benefits | \$253,526 |
| Special program supplies | \$ 7,488 |
| Vehicle repair and maintenance | \$ 7,998 |
| Permits, audit fees, operation fees | \$ 312 |
| Office and computer supplies | \$ 11,824 |
| Telephone expenses | \$ 4,046 |
| Rent, utilities, maintenance, insurance and other related occupancy expenses | \$ 53,356 |
| Advertising and promotion | \$ 3,229 |
| Conference travel | \$ 5,700 |
| Depreciation and amortization | \$ 1,000 |
| Special projects | \$ 375 |
| | <u>\$348,854</u> |

REFERRAL CRITERIA AND SOURCES

VORP receives referrals from the Orange County juvenile court, the Orange County probation department, and various police departments throughout the county, including Santa Ana, La Habra, Buena Park, Brea, and Newport Beach. These relationships are governed by written memorandums of understandings between the VORP and the referring agencies.

The referral sources determine their own criteria for making a referral. The central VORP criterion is that restitution or a relationship issue needs to be worked on. Beyond that, the VORP requires that both offender and victim have a telephone and that parents be willing to allow mediation to take place.

About 40 percent of referrals come from the probation department, another 20 percent are adjudicated cases referred by the juvenile court. The remaining 40 percent are police diversion cases that are referred from local law-enforcement agencies.

THE PROCESS FROM REFERRAL TO CASE CLOSING

Referral agencies send a paper referral to the VORP. The ICM staff set up a computerized intake record in a computer system that was developed especially for the agency and then create a paper file. The case is assigned to an ICM case manager, who verifies the address and phone numbers of the offender and victim and then assigns two mediators to the case. The mediators contact and then meet with the offender first. If the offender agrees to mediation, they then contact and meet with the victim. If the victim also agrees to mediation, the mediator arranges a mutually convenient time and place and facilitates a mediation session. The mediation usually results in a written agreement, signed by all the parties. The details of the agreement are deemed confidential. The ICM staff notifies the referring agency that the parties have reached an agreement and monitors agreements involving restitution or community service until these have been completed. At this point the case is formally closed. ICM can close a case and return it to the referring agency at any earlier point in the process, if that is necessary.

DISTINGUISHING CHARACTERISTICS

Certain principles and practices characterize the Orange County VORP.

- ICM case-management procedures are essentially the same for all cases, regardless of referral source and regardless of which of the ICM programs the participant flows into. This serves to reduce the stigma that might otherwise be associated with contact with the program.
- Referrals with requirements for restitution are routinely made to the VORP from the probation department. The court may order the juvenile to pay financial restitution without specifying an amount. Instead, the juvenile is expected to pay restitution “as determined by the probation officer.” This allows the matter to be negotiated during the conciliation or mediation.
- Restitution is clearly a selling point in the environment of the Orange County justice system, so financial reparations are a significant component of the program. But, in the tension between the principles of restorative and retributive justice, neither is clearly dominant. Verbal and written apologies, along with community service, are also important program outcomes. Because the mediation process in this program is more dialogue driven, the main interest is in restoring relationships.

- There is a clear demarcation between conciliation and mediation and there is support for both approaches. Conciliations take place without an actual meeting between the victim and the offender. Instead, the mediator talks with each party, then shuttles back and forth, attempting to reach resolution and agreement. In a mediation, the parties sit down together and the mediator acts as an impartial facilitator and go-between.
- There is a diverse core of staff and volunteer mediators. Mediations can take place in Vietnamese, Spanish, English, and other languages.

EVALUATION APPROACH

The evaluation of the Orange County Victim Offender Reconciliation Program was based on incidents involving 170 cases of juveniles that had been referred to the VORP from January 1, 1997, through June 30, 1999.⁴² Cases that had been referred to the program during this period but had not been completed (referred to as pending cases in the evaluation) were removed for purposes of most of the analysis. Thus, unlike the other evaluations, which all used referrals to the program as a starting point, the Orange County program evaluation focused on cases that had been closed, either after postmediation requirements were completed or at some earlier point in the process.

The VORP, or treatment group, consisted of 121 juveniles involved in 217 incidents that were closed with some type of mediation or conciliation. In the evaluation report this group is referred to as the mediation/conciliation group. The performance of this group was compared with that of a comparison group made up of 49 juveniles involved in 107 incidents that were closed without a conciliated or mediated settlement having been reached. This group is referred to as the no-agreement group.

The content of the evaluation goes far beyond what the AOC asked for. The evaluation includes information about the personal characteristics of the juveniles who were referred to the program (age, gender, ethnicity, prior referral history), the number and nature of the offenses for which they were referred to the program, and the case-processing times involved in the different phases of the mediation process. The evaluation report describes and then classifies victims into specific types. It also presents information about community service performed by the VORP participants.

Similarly, the respondent opinion survey results in the evaluation report went beyond the victim and offender satisfaction items required by the AOC. The evaluators asked victims

42. See appendix C for a full citation of the report. For previous evaluations of this program, see Shichor and Sechrest, 1998, and Niemeyer and Shichor, 1996.

if they believed mediation helped the juvenile offender and they probed for reservations that the victim might have had about the process.

EVALUATION OUTCOMES

RESTITUTION

Did the restitution collected from the participants exceed the amount collected from the comparison group by at least 40 percent?

The answer is yes. Restitution was agreed to in 106 of the 170 closed cases. These 106 cases were divided into two groups: (1) 79 cases in which mediation/conciliation was completed (the mediation/conciliation group); and (2) 27 cases in which no agreement was reached, but some restitution was paid (the no-agreement group). Results appear in table 19.

The mediation/conciliation group paid \$15,487 or more than 23 times the amount paid by the no-agreement group (\$669). However, because there were many more juveniles in the mediation/conciliation group (79 versus 27 in the no-agreement group), a more reasonable test is to compare the *average* amount of restitution paid by the juveniles in the two groups. By this measure, the average payment by the 125 juveniles in the mediation/conciliation group was \$123.90; the average payment by the 45 juveniles in the no-agreement group was \$14.87.

But the most useful comparison is obtained by weighing the average amount of restitution paid by the juveniles who were *required* to make payments. By this measure, the participants in the mediation/conciliation group paid an average of \$196.04 per person or nearly seven times more than the average of \$24.78 paid by the no-agreement group.

Table 19: ORANGE COUNTY, RESTITUTION

| | Number of Juveniles | Payment Required | Paid | % Paid | Average Payment |
|------------------------------|---------------------|------------------|----------|--------|-----------------|
| Mediation/conciliation group | 79 | \$40,897 | \$15,487 | 38% | \$196.04 |
| No-agreement group | 27 | \$16,238 | \$ 669 | 4% | \$ 24.78 |

Restitution was part of the contract in 113 (35 percent) of the total of 324 incidents that were mediated or conciliated. The total sum was \$59,568, or \$527.15 per incident. Of

that total, \$16,156 (27.1 percent) had been collected by the end of the review period. This is not a final sum because it includes 22 cases that had not been closed at the end of the evaluation period and additional restitution payments might be made later.

RECIDIVISM

Was the recidivism rate of the VORP participants at least 10 percent lower than that of the comparison group?

The answer is yes. The recidivism rate of VORP participants (6.6 percent) was 83 percent lower than the recidivism rate of the comparison group (38.8 percent). See table 20.

Table 20: ORANGE COUNTY, RECIDIVISM RATES

| | Number | Percentage |
|------------------------------|----------|------------|
| Mediation/conciliation group | 8 of 121 | 6.6 |
| No-agreement group | 19 of 49 | 38.8 |

PARTICIPATION

How many offenders and victims participated?

The evaluation is based upon 192 cases referred to the VORP program. Twenty-two of these cases were still active, that is, they had not been resolved at the end of the evaluation period, so they have been excluded from the analysis. The remaining 170 closed cases included 324 referral incidents. Because some of the juveniles had more than one offense, each offense was treated as a case for referral purposes. Thus, the offenders had a mean average of 1.89 referrals each. Seventeen had 1 referral; 3 juveniles had 15 referrals, usually multiple shoplifting “runs.” Each juvenile was, however, sent to the program as a single case for mediation. In the evaluation, each offense was treated as a separate event to be mediated.

How many offenders declined to participate?

No more than a maximum of 29 percent. This question was not answered specifically in the evaluation because the reasons that cases dropped out were not identified. However, of the 170 closed cases, 49 (29 percent) were closed with no agreement. This percentage also includes all the cases in which the offender or victim or both declined to participate.

How many victims declined to participate?

No more than a maximum of 33 percent. Again, this question was not answered specifically, because reasons for cases dropping out of the process were not given. Forty-nine of the 170 closed cases, which represented 324 incidents, were closed without an agreement. Of these 324 incidents, 107 (33 percent) were closed without an agreement. The number also includes all the cases in which the offender declined to participate.

How many joint victim and offender mediations were complete?

One hundred twenty-one (71 percent) of the 170 juvenile cases resulted in a mediated agreement. Two hundred seventeen (67 percent) of the 324 closed case referrals resulted in mediated agreements.

INDICATORS OF SUCCESS

Victim and offender satisfaction

How satisfied were VORP victims and offenders with the program?

A subsample of victims and offenders was asked to indicate the most satisfying aspect of the mediation experience. The opportunity to express their feelings in a face-to-face mediation session was the aspect singled out most often by both victims and offenders (44.4 percent) though twice as many victims as offenders mentioned it. Reaching an agreement was mentioned by 23.1 percent of the offenders and getting restitution paid was expressed by 14.3 percent of the victims. See table 21.

Table 21: ORANGE COUNTY, MEASURES OF SATISFACTION

| Question: What was most satisfying about mediation? | Victim | | Offender | | Total | |
|---|--------|------|----------|------|-------|------|
| | N=14 | % | N=13 | % | N=27 | % |
| Feelings expressed | 8 | 57.1 | 4 | 30.8 | 12 | 44.4 |
| Restitution paid | 2 | 14.3 | 1 | 7.7 | 3 | 11.1 |
| Nothing positive | 1 | 7.1 | 3 | 23.1 | 4 | 14.8 |
| Agreement reached | 0 | 0 | 3 | 23.1 | 3 | 11.1 |
| No response | 3 | 21.4 | 2 | 15.4 | 5 | 18.5 |

Another question was designed to determine the effect of mediation on attitudes toward the juvenile justice system. Thirty-eight percent of the respondents were “satisfied”;

another 25.5 percent were “very satisfied.” Offenders had higher average satisfaction scores than did victims. See table 22.

Table 22: ORANGE COUNTY, ATTITUDES TOWARD THE JUVENILE JUSTICE SYSTEM

| Question: How satisfied are you with the juvenile justice system? | Victim | | Offender | | Total | |
|---|--------|------|----------|------|-------|------|
| | N=27 | % | N=20 | % | N=47 | % |
| Extremely dissatisfied | 0 | 0.0 | 3 | 15.0 | 3 | 6.4 |
| Dissatisfied | 9 | 33.3 | 2 | 10.0 | 11 | 23.4 |
| Undecided | 2 | 7.4 | 1 | 5.0 | 3 | 6.4 |
| Satisfied | 9 | 33.3 | 9 | 45.0 | 18 | 38.3 |
| Very satisfied | 7 | 25.9 | 5 | 25.0 | 12 | 25.5 |

The evaluators asked victims and offenders: “Was the restitution agreement fair?” Most of the respondents in both groups viewed these agreements as “fair” or “very fair.” See table 23.

Table 23: ORANGE COUNTY, FAIRNESS OF RESTITUTION AGREEMENTS

| Question: Was the restitution agreement fair? | Victim | | Offender | | Total | |
|---|--------|------|----------|------|-------|------|
| | N=19 | % | N=27 | % | N=42 | % |
| Very unfair | 3 | 15.8 | 0 | 0 | 3 | 7.1 |
| Unfair | 2 | 10.5 | 6 | 26.1 | 8 | 19.0 |
| Undecided | 1 | 5.3 | 3 | 13.0 | 4 | 9.5 |
| Fair | 8 | 42.1 | 5 | 21.7 | 13 | 31.0 |
| Very fair | 5 | 26.3 | 9 | 39.1 | 14 | 33.3 |

The evaluators assessed changes in the feelings of both the offenders and victims before their participation in VORP and after going through it. The responses show a moderately improved change. The answers show that 31.9 percent had negative feelings (hostility and anger) toward the other party before starting the program, 25.5 percent still had those feelings after mediation. The percentage that described their feelings as “caring” increased from 31.9 percent to 40.4 percent. Those who felt indifferent increased from 25.5 percent to 29.8 percent. See tables 24 and 25.

Table 24: ORANGE COUNTY, ATTITUDES BEFORE MEDIATION

| Question: Describe your feelings toward the other party before mediation. | Victim | | Offender | | Total | |
|---|--------|------|----------|------|-------|------|
| | N=20 | % | N=27 | % | N=47 | % |
| Hostile | 3 | 15.0 | 1 | 3.7 | 4 | 8.5 |
| Angry | 2 | 10.0 | 9 | 33.3 | 11 | 23.4 |
| Undecided | 2 | 10.0 | 3 | 11.1 | 5 | 10.6 |
| Indifferent | 8 | 40.0 | 4 | 14.8 | 12 | 25.5 |
| Caring | 5 | 25.0 | 10 | 37.0 | 15 | 31.9 |

Table 25: ORANGE COUNTY, ATTITUDES AFTER MEDIATION

| Question: Describe your feelings toward the other party after mediation. | Victim | | Offender | | Total | |
|--|--------|------|----------|------|-------|------|
| | N=20 | % | N=27 | % | N=47 | % |
| Hostile | 3 | 15.0 | 0 | 0 | 3 | 6.4 |
| Angry | 2 | 10.0 | 7 | 25.9 | 9 | 19.1 |
| Undecided | 0 | 0.0 | 2 | 7.4 | 2 | 4.3 |
| Indifferent | 8 | 40.0 | 6 | 22.2 | 14 | 29.8 |
| Caring | 7 | 35.0 | 12 | 44.4 | 19 | 40.4 |

Completion of postmediation requirements

How many offenders and victims completed the program?

One hundred seventy closed cases were evaluated and, of this number, 121 were closed with some type of mediation or conciliation agreement. In another 49 cases agreement was not reached. The evaluation does not include information about the number of offenders who completed the requirements of their mediation agreements.

Additional indicators and measures of success

What additional factors were identified and tracked?

The additional factors listed were: time spent in the VORP process, community service hours, and additional information about the perception of victims and offenders.

Case-processing time. The average numbers of case-processing days for the mediated/conciliated cases and the no-agreement cases were computed and compared. Results show that considerable periods of time elapsed between the committing of an offense and the completion of the case. Cases in which there is no agreement are closed very early in the process. Mediated cases take much more time to resolve. See table 26

Table 26: ORANGE COUNTY, CASE-PROCESSING TIMES

| Time Elapsed | Mediation/Conciliation Group (days) | Comparison Group (days) |
|-------------------------------------|--|----------------------------|
| Offense to VORP referral | 217 | 107 |
| Offense to case closing | 232 | 204 |
| VORP referral to case closing | 209 | 105 |
| Referral to 1 st meeting | 216 | 89 |
| Referral to mediation | 210 | 204 |

Community service. By the end of the evaluation period, the agreed-upon community service hours had been completed by juveniles responsible for 112 (34.6 percent) of the total 324 cases (34.6 percent). This represented a total of 2,742.4 hours and an average of 24.5 hours per case. Using the minimum wage as a basis for calculation, the value of the community service was \$15,768.80, an average of \$140.87 per case. However, because each juvenile had an average of 1.89 cases, the average amount of community service per juvenile was higher than this. No similar data were provided for a comparison group.

Additional information about victims and offenders. In addition to questions about victim and offender satisfaction with the VORP program, the evaluation reports other perceptions of victims and offenders. Fifty-six percent of the respondents said that they believed mediation proved helpful to the offender. Victims expressed reservations about whether mediation resulted in fairness with respect to “paying back” the victims for losses; giving or receiving an apology; and making things right. The overwhelming majority of victims and offenders thought that the restitution agreements were fair.

The overall atmosphere of the mediation meeting was also measured. Both victims and offenders found mediation “somewhat helpful,” “helpful,” or “very helpful” in answering questions about the offense, the reasons for it, and its consequences. Ninety percent of the offenders and 74 percent of the victims said that they would recommend mediation to others.

CHAPTER 6

The VORP in Santa Barbara County

The Restorative Justice Project (RJP) is a countywide victim-offender mediation program operated by the Community Mediation Program (CMP), a private, nonprofit 501(c)(3) organization. It is located in a small, older residence that has been converted for office use in the downtown business district of the city of Santa Barbara. A satellite office has been established in Santa Maria to serve the northern part of the county. The population of the county is 409,000.⁴³

DEVELOPMENT

The Santa Barbara VORP sprang from the interest and energy of Annie Kirchner, who originated the program and continues to serve as its director. Encouraged by support from the director of the detention ministry of the Archdiocese of Los Angeles and the chaplain at the Santa Barbara county jail, Ms. Kirchner was trained at the VORP program in Fresno, California, in October 1996. Subsequently, in January 1997, she began to bring community members together to launch a VORP. Her initial effort was directed toward involving local churches, but she lacked an organizational affiliation and raising funds left her little time to do volunteer mediation work.

At about this time the CMP identified a source of funding, approached Ms. Kirchner, and proposed that she fold the VORP into CMP. It was a good match. The CMP provides business-management services to the RJP, a necessary ingredient to a VORP, and which, Ms. Kirchner says, require skills she does not have personally but knew she could not do without. In July 1997 the organization secured a DRPA grant, funded by court filing fees. The RJP started accepting cases in August of that year.

Subsequently, the RJP received a second grant, which has allowed it to open a north county office in Santa Maria. A three-year challenge grant financed by the state Board of Corrections, DRPA funds, and a grant from the Fund for Santa Barbara, a community foundation, have helped stabilize funding and establish the program financially. Contributions from local foundations, churches, and individuals have also been secured to widen the base of financial support for the program.

43. Population as of January 1, 1999; data from California Dept. of Finance, Population Research Unit. Santa Barbara and Sonoma Counties were the two medium-sized counties that participated in the study.

REFERRAL CRITERIA AND SOURCES

Over 400 referrals have been received since the program began. About 98 percent of referrals come from the juvenile division of the probation department. Teen court and county police departments also refer cases directly to the program. The RJP requires only that cases have an identifiable victim. Referrals can be either diversion or adjudicated cases. Most referrals are for misdemeanor property crimes, with an occasional felony. The RJP would welcome referral of more serious cases.

THE PROCESS FROM REFERRAL TO CASE CLOSING

Soon after a case has been referred, the basic case-management information is entered into an electronic database maintained by the RJP, and the case is immediately assigned to two volunteer mediators. The mediators make the initial contact with the offender's parents in order to set up a case-development meeting. These premediation screening interviews with offenders normally take place in their homes. Either the offender or a parent can stop a case from going forward to mediation. If the offender wishes to meet with the victim, one of the mediators then contacts the victim. A separate meeting between the mediators and the victim, usually in the victim's home, is arranged. If both parties agree to participate, a mediation session is scheduled to take place at a neutral location.

The outcomes of mediation take many forms. There may be an apology, a simple answering of questions, or a written agreement for some type of restitution. If the parties sign a written agreement, RJP staff follows up to determine if the terms of the agreement have been kept. The probation department is notified when any postmediation agreement requirements have been satisfied (or not completed).

FINANCING

Ms. Kirchner devotes nearly full time to the RJP, though she is paid for 30 hours per week. Another person staffs the north county office in Santa Maria for about 25 hours a week. For the financial year 1998–1999, the RJP budget was \$29,870. This will increase to \$56,450 for the financial year 1999–2000 if the financing can be secured. These amounts do not include in-kind contributions of time and materials or the services of volunteers and board members. The CMP provides business support, rent, telephone, and related services.

THE MEDIATORS

Community volunteer mediators are the heart of the program. They receive 32 hours of basic mediation training followed by 8 hours of training in restorative justice mediation. Subsequently, as interns they are matched with a more experienced mediator and conduct mediations as part of a two-person team.

DISTINGUISHING CHARACTERISTICS

Certain values and practices characterize the RJP. The name of the program, which includes the word Restorative instead of Reconciliation, conveys a key value. Restoration refers to healing the relationship or repairing the damage. Reconciliation connotes forgiveness. In many cases, all a victim wants is an apology from the offender; the victim's forgiveness may or may not be forthcoming.

The nature of the relationship between the probation department and the RJP is important. Before a minor is referred to the RJP, the probation department or the court has already determined any fines, restitution, or community service that the juvenile must perform.⁴⁴ As a result, this is not normally a matter that is settled at mediation. For this reason, the mediation of RJP cases rarely results in an agreement to pay financial restitution or to provide community service. Resolution and conciliation usually focus on mending other aspects of the relationship.

A case-development meeting with RJP staff is an additional obligation the juvenile must meet as a result of his or her involvement with the probation department. The RJP, however, considers participation by the juvenile in mediation to be strictly voluntary. Minors who do not wish to mediate are referred back to the probation department, apparently without prejudice.

PLANS FOR THE FUTURE

Priorities for the future include expanding a fledgling parent-teen mediation service, serving more felony offenders, and expanding a newly initiated Family Group Conferencing program. Ms. Kirchner is also interested in establishing a statewide voluntary program that would bring together victims of serious crime with incarcerated

44. In many cases, the RJP participants were also required to participate in other programs, such as anger management or drug or alcohol treatment, as were cases referred to the probation department but not referred to the VORP. These multiple interventions may have produced other effects.

offenders. This victim-driven program would allow victims to meet their offenders face to face, get answers to their questions, and hasten the recovery process for the victim.

EVALUATION APPROACH

The RJP evaluation compared 54 juveniles who participated in the RJP (the VORP group) with 54 juveniles who did not participate (the contrast group).⁴⁵ The VORP group came from 196 RJP cases that closed between September 4, 1997, and March 10, 1999, and were classified in the categories listed in table 27.

Table 27: SANTA BARBARA COUNTY, DISPOSITION OF CASES

| Disposition | N = 196 |
|--|---------|
| Juveniles who could not be contacted | 32 |
| Juveniles whose parent refused case-development meeting | 23 |
| Juveniles who participated in case-development meeting | 141 |
| Offenders who declined to mediate | 53 |
| Cases that were inappropriate for mediation | 3 |
| Victims who could not be contacted | 6 |
| Victims who declined to participate | 24 |
| Completed victim and offender joint meetings | 55 |
| Offender who chose to have his case sealed after mediation | 1 |
| Total number of juveniles in the RJP treatment group | 54 |

A stratified matching procedure was used to select the group of 54 juveniles who did not participate in the RJP. This sample was selected from a master list of all juveniles referred to the probation department between September 4, 1997, and March 10, 1999. Members of the contrast group were carefully matched to the RJP treatment group by important characteristics, in the following order: most recent offense, number of prior offenses, whether or not they were on probation prior to their most recent offense, age, sex, and ethnicity. This procedure served to assure that the RJP treatment group and the contrast group were as similar as possible.

45. A team from the University of California, Santa Barbara, conducted an independent evaluation of the program. See appendix C for a full citation of the evaluation report.

EVALUATION OUTCOMES

RESTITUTION

Did the restitution collected from the Santa Barbara VORP participants exceed the amount collected from the contrast group by at least 40 percent?

The answer was no. The Santa Barbara VORP simply did not emphasize financial restitution. Instead, other forms of restitution were emphasized.

Four (9 percent) of the 44 subjects in the VORP mediation group were required to pay financial restitution; three (75 percent) complied. The probation department required three (8 percent) of the 39 subjects in the comparison group to make financial restitution; two (67 percent) complied.

The probation department did not capture data about financial restitution during the early phases of the project; therefore, the evaluation had fiscal restitution data on only 83 of the 108 subjects in this study. Still, only 7 of these 83 juveniles were required to pay financial restitution. And for the four cases referred to VORP, the financial restitution requirement was imposed by the probation department before referral to the VORP. It was not addressed in the mediation.

RECIDIVISM

Was the recidivism rate of the VORP participants at least 10 percent lower than that of the contrast group?

The answer was no.

- Nineteen (35 percent) of the 54 Santa Barbara VORP participants and 13 (24 percent) of the 54 juveniles in the contrast group were arrested again. The evaluators present statistical tests to show, however, that these are not statistically significant differences.
- A small subgroup of juveniles, those already on probation for earlier offenses, showed less recidivism after participating in the program than did juveniles who were already on probation but who did not participate in the program. The differences were statistically significant. This result suggests that the Santa Barbara VORP may be more effective with juveniles who have prior probation histories.

PARTICIPATION

How many offenders and victims participated in the VORP in Santa Barbara County?

One hundred ninety-six referrals to the VORP program closed during the study period. Fifty-four juveniles participated in mediation sessions. Written mediation agreements were made in 14 of the 54 mediations and 10 of those written agreements were completed.

How many offenders declined to participate in the VORP in Santa Barbara County?

Seventy-six (27 percent) of the 196 juvenile referrals to the VORP declined to participate (27 percent): 23 declined (or their parents declined) to participate in the case-development meeting, and 53 declined to participate at the point of the mediation. Thirty-two other offenders could not be reached by phone; some of them may have also been unwilling to participate.

How many victims declined to participate in the VORP in Santa Barbara County?

In 24 (12 percent) of the 196 VORP cases, the victims declined to participate; however, only 85 victims were asked to participate. Twenty-four (28 percent) of those 85 victims declined to participate (28 percent).

Though there were 196 referrals to the program, only 85 victims remained to make a decision about participating. The difference, 111 referrals, fell out of the process for various reasons: 32 offenders could not be contacted; the parents of 23 of the juveniles declined to allow their participation in the case-development meeting; 53 offenders declined to participate; and 3 cases the VORP staff decided were inappropriate for mediation. Note that offenders are contacted first. The victim is not contacted if an offender does not want to participate. Some of those victims, had they been contacted, might have refused to participate, thus the true number of victims who declined to participate may be understated.

How many joint victim and offender mediations were completed?

Fifty-four meetings between victim and offender were completed.

INDICATORS OF SUCCESS

Victim and offender satisfaction

How satisfied with the program were VORP victims and offenders?

Satisfaction data were obtained from a subsample of 21 juvenile offenders and 21 victims.

The first question asked was about the mediation process. The results show that it helped 76 percent of the victims “feel heard” and helped 62 percent of the victims “arrive at an acceptable resolution.” Victims also provided high marks on the other items in the survey. For offenders, the most frequently cited items were: “Helped me understand the other party’s interests” (62 percent) and “Helped me clarify and articulate my needs to the other party” (52 percent). See table 28.

Table 28: SANTA BARBARA COUNTY, MEASURES OF SATISFACTION

| The mediation process | Victim | | Offender | |
|--|--------|----|----------|----|
| | N=60 | % | N=44 | % |
| Helped me feel heard | 16 | 76 | 7 | 33 |
| Helped me clarify and articulate my needs to the other party | 12 | 57 | 11 | 52 |
| Helped me understand the other party’s interests | 12 | 57 | 13 | 62 |
| Helped me negotiate restitution with the other party | 7 | 33 | 7 | 33 |
| Helped me arrive at an acceptable resolution | 13 | 62 | 6 | 29 |

Eighty-six percent of the victims and 76 percent of the offenders said the service provided was excellent. See table 29.

Table 29: SANTA BARBARA COUNTY, SATISFACTION RATINGS

| My experience with the service provided was . . . | Victim | | Offender | |
|---|--------|----|----------|----|
| | N=21 | % | N=21 | % |
| Excellent | 18 | 86 | 16 | 76 |
| Satisfactory | 3 | 14 | 5 | 24 |
| Not satisfactory | 0 | 0 | 0 | 0 |

Ninety percent of the victims and 76 percent of the offenders rated their experience with the mediators as excellent. See table 30.

Table 30: SANTA BARBARA COUNTY, RATINGS OF MEDIATORS

| My experience with the mediators who assisted my negotiation was . . . | Victim | | Offender | |
|--|--------|----|----------|----|
| | N=21 | % | N=21 | % |
| Excellent | 19 | 90 | 16 | 76 |
| Satisfactory | 2 | 10 | 5 | 24 |
| Not satisfactory | 0 | 0 | 0 | 0 |

Ninety-five percent of both victims and offenders said they would consider using mediation services in the future. See table 31.

Table 31: SANTA BARBARA COUNTY, RECOMMENDATIONS FOR MEDIATION

| I would consider using mediation services in the future. | Victim | | Offender | |
|--|--------|----|----------|----|
| | N=21 | % | N=21 | % |
| Yes | 20 | 95 | 20 | 95 |
| No | 0 | 0 | 0 | 0 |
| Maybe | 1 | 5 | 1 | 5 |

Completion of postmediation requirements

How many victims and offenders completed the program?

Mediations were held with 54 juveniles and 54 victims. This was defined as “program completion.” The evaluation shows that written agreements emerged from 14 of the mediations, and 10 (71 percent) agreements were fulfilled.

Additional indicators and measures of success

What additional success factors were identified and tracked?

The additional factors tracked were: other agreements in the mediation contracts, and open-ended evaluation comments by victims and offenders.

Examples of other agreements. The Santa Barbara County program’s evaluation report provides information about the agreements that have been included in written contracts. A few examples follow:

- Juvenile has agreed to maintain an after-school study schedule, from 3:00 to 4:00 each weekday, for the remainder of the current high school semester. His grandmother will supervise and confirm that he is following this study schedule. He has agreed to improve his grades for the current school semester to a C-level average. He will attend summer school to make up any Fs received during the current school semester.
- Juvenile agrees that he is sorry for stealing victim’s bike and he formally offers his apologies to victim. Victim agrees that he has forgiven juvenile and simply wants him to acknowledge that what he did was wrong and he should not steal.
- Juvenile agrees to provide 10 hours of service for the school. The school principal will decide how juvenile will use this time working at the school. He may work under the supervision of the school custodian, Mr. Smith. Juvenile agrees that he will not tag anywhere in the future.
- Juvenile said that he would not steal from victim’s car or from anyone else’s car. He apologized to victim for causing him any trouble. He offered to do yard work for victim. Victim said that wasn’t necessary, but appreciated the offer.

Comments from victims and offenders. The evaluation report contains open-ended responses to three questions. A sample of the open-ended responses follows each question:

- Briefly, what has happened since your last session?

Responses of victims

“The case was settled.”

“I now understand why he did wrong and he apologized.”

“We have been able to move on.”

Responses of offenders

“Me and [victim] have talked and agreed on some stuff.”

“I understand what the effects of what I was doing were.”

“Things got cleared up between me and [victim]. Hopefully, in the future, we could at least say ‘hi’ and ‘bye.’”

- The mediation process has helped me in the following ways . . .

Responses of victims

“It gave me an opportunity to hear [juvenile’s] reflections on the incident.”

“I came to an understanding of what was done and why it was done.”

Responses of offenders

“It helped me move on.”

“It resolved differences and [means that I will] not be disliked by the [other] party.”

- Additional comments?

Responses of victims

“It really did make a difference to me to be able to hear these two young men apologize to me and to meet them. I believe they will now be able to go on and do much better.”

“Hopefully, this will be a character-building lesson to help him in his future choices.”

Responses of offenders

“Thank you for setting this meeting. I think it was the best thing to do.”

“Thank you for your help.”

CHAPTER 7

The VORP in Santa Clara County

The Victim Offender Mediation Program (VOMP) is one of five restorative justice projects that have been created from an interagency collaboration between the Santa Clara County probation department and the Santa Clara County Dispute Resolution Services, which is a unit within the county office of human relations. The five programs are collectively referred to as Victim Offender Mediation-Restorative Justice Projects (VOM-RJPs).⁴⁶

The juvenile division of the probation department is responsible for administering the VOMP, which is part of county government and is physically located in county office buildings at the probation department's juvenile division and the office of human relations, in the County Government Center in San Jose, in Santa Clara County, California. (The county population is 1,715,400.)⁴⁷

DEVELOPMENT

The VOMP program was initiated in 1988 as a mediation service based on the Mennonite peace-making model. Friends Outside, a community-based organization located in San Jose, received Delinquency Prevention Act funds from the U.S. Department of Justice, funneled through a block grant to California's Office of Criminal Justice Planning (OCJP). Friends Outside partnered with the probation department, which provided matching funds as an in-kind contribution for the grant. The original OCJP grant was \$20,000. Subsequently, this grant was increased to \$30,000.

In 1991, the OCJP funds were replaced with DRPA funds. A half-time deputy probation officer, provided by the county as an in-kind contribution, and a half-time Friends Outside project manager led the program. The role of the deputy probation officer was to obtain referrals, encourage fellow deputies to refer cases to the program, and manage cases for the mediators. The project manager tracked restitution orders and collected and distributed victim restitution. The holders of both positions were responsible for recruiting and training volunteer mediators.

46. The other projects are Parent-Teen Mediation, Youth-Youth Conflict Mediation, which is a school-based program, Parent-Youth Communication Workshops, and Victim-Awareness-Victim Impact Workshops.

47. Population as of January 1, 1999; data from California Dept. of Finance, Population Research Unit. Santa Clara, Orange, and Los Angeles Counties were the three large counties to participate in the study.

The current program coordinator, deputy probation officer Jeanne Lucchesi, was assigned to administer the program on a half-time basis in May 1995. Her review of program operations at that time indicated that cases were taking a very long time from referral to mediation. There were about 18 trained volunteer mediators at that time, too few to handle the potential number of referrals. As a result, referrals were limited by the number of volunteers. In addition, the case-management and mediation processes were underdeveloped. The recruitment and training of mediators was a problem because neither agency had expertise in this area. The program was struggling financially, and it had never been able to develop the basic managerial infrastructure that would allow any manager to assume overall operation and oversight.

Solutions to these problems gradually emerged. First, the county reorganized the way it collects money from offenders. A new procedure centralized these payments at the Department of Revenue. This made it possible to have juveniles who owed restitution deal directly with this county agency.

Second, the county's office of human relations, which had initiated a Community Justice and Mediation Center in 1976, had gradually created a cadre of trained mediators to provide a wide range of mediation services for county programs. It also had a well-regarded training program for mediators. The probation department and the office of human relations collaboratively developed a systemic approach to serve the needs of their clients more readily, ensure trained and supervised mediators, and improve the collection and payment of restitution. Thus, in July 1996, a memorandum of agreement was crafted with the office of human relations to provide mediation and training services and to jointly manage and coordinate the VOMP.

REFERRAL CRITERIA AND SOURCES

The VOMP will accept diversion as well as postadjudication-level cases, with an identifiable victim and offender, where parties are willing to participate and conciliation or restitution is appropriate. The program will accept juveniles involved in property and nonproperty offenses, mainly vandalism (28 percent), burglary (18 percent), and assault and battery (17 percent), but also including arson, forgery, robbery, theft, and auto theft.

The probation department makes about 84 percent of the referrals to the program. The juvenile court can refer a case directly, but this is rare. Restorative Justice Projects (RJP) refer about 15 percent of the cases. In other words, VOMP also serves as a resource for RJP cases.

THE PROCESS FROM REFERRAL TO CASE CLOSING

The VOMP process begins with a referral to the deputy probation officer who serves as the coordinator for VOMP. The VOMP process from referral to case closing is illustrated in figure 2. This process follows the general pattern that has been described for the other sites involved in the study. Note that once a case is closed it is returned to the probation department or other referring agency.

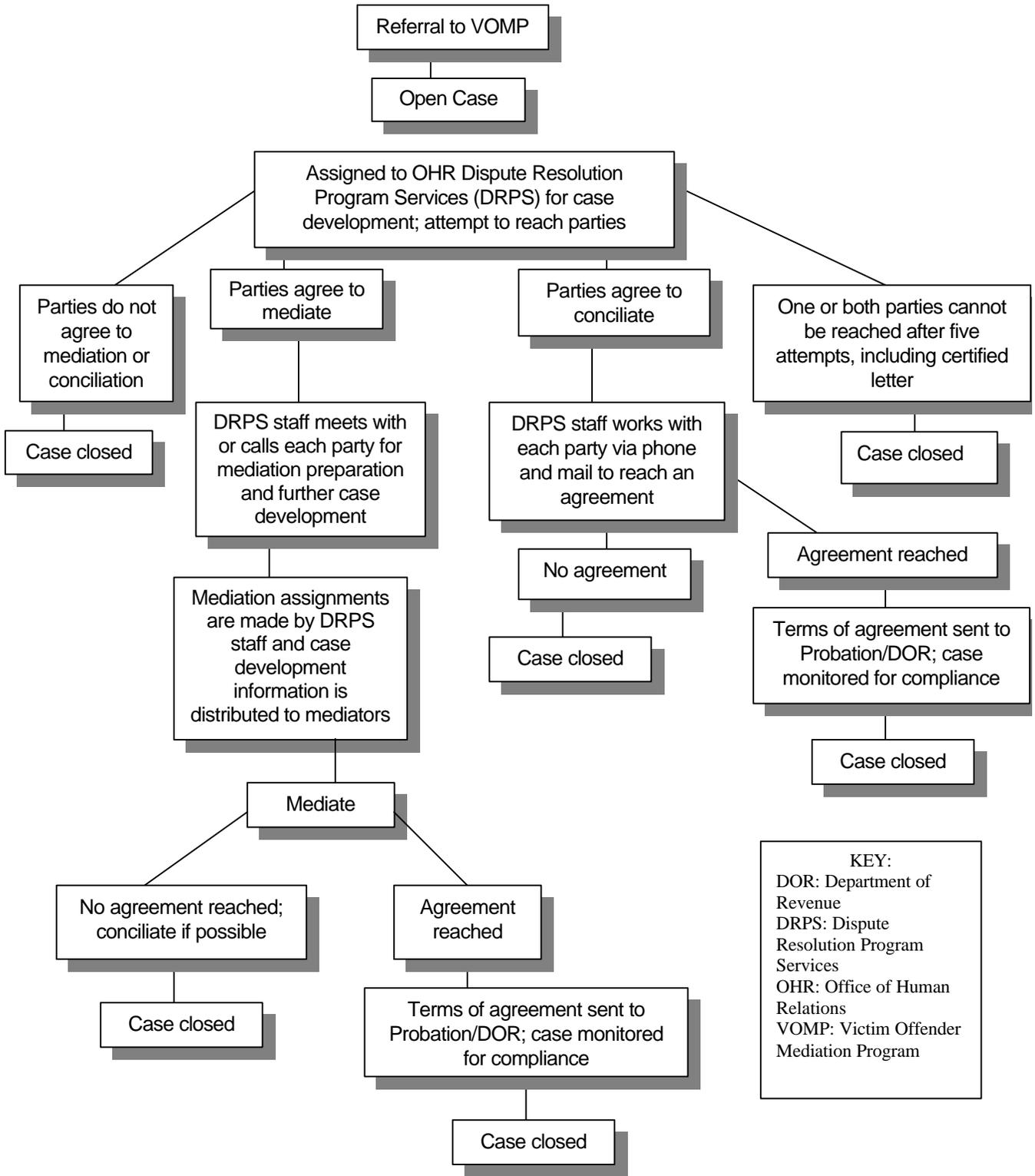
Three features of the process in Santa Clara County deserve special mention.

(1) In Santa Clara County a judge will order restitution “as determined by the probation officers” if an amount has not been determined before the court date. This means that the amount and form of the restitution, if the court orders it, can be determined during mediation. Of course, restitution may also result from mediation in any case in which a judge has not ordered restitution.

(2) Mediations may result in a written agreement or they may be verbal agreements. Also, as in some other VORPs, parties that do not wish to mediate may choose conciliation; about 11 percent did.

(3) Because the mediations are arranged by Dispute Resolution Program Services (DRPS) of the office of human relations, and because the DRPS administers many mediation services that are not related to offenses, it is not easy to distinguish VOMP cases from other mediations. For example, people arriving at the office of human relations for a mediation session may or may not be VOMP cases. A mediator may participate in a VOMP case one day and another kind of case on another day. The cases are not treated differently. This serves to diminish any stigmatizing that might set VOMP participants apart.

Figure 2: THE VOMP PROCESS FROM REFERRAL TO CASE CLOSING



Reproduced from Shirley Lee, *Victim Offender Mediation Program Evaluation* (San Jose, Calif.: Community Crime Prevention Associates and the Santa Clara County Probation Department and Santa Clara County Office of Human Relations, 1999), 18.

FINANCING

The VOMP is financed through a combination of DRPA grants, county funds provided through the office of human relations, and probation department funds. The budget for the fiscal year 1990–2000 is \$80,568, but this amount does not include expenses for office space, phone, expenses for staff benefits or other support items, or volunteer time, which is used to match grants and is valued at about \$10,000; see table 32. About 82 percent of this amount supports a full-time equivalent staff of 1¾ positions: a full-time VOMP office of human relations coordinator and a half-time deputy probation officer coordinate the program, supported by small percentages of the time of ancillary staff.

THE MEDIATORS

The office of human relations, which provides centralized recruitment and training of mediators, had 82 trained mediators available during the evaluation period. They are all volunteers. In addition to VOMP cases, they might also mediate referrals coming from the superior court, small claims court, neighborhood disputes, and schools. A minimum of 40 hours mediation training is required. Additional specialized VOMP and parent-teen mediation training is emphasized for those who serve as mediators for the VOMP. Training updates are also provided. The program works hard to recruit and retain mediators who speak various languages and represent diverse ethnic backgrounds.

Table 32: SANTA CLARA COUNTY, BUDGET SUMMARY
Fiscal year 1999–2000

| Budget Item ^a | Grants | Office of Human Relations Funds | Probation Department Funds |
|--|-----------|---------------------------------|----------------------------|
| Office of Human Relations Director (3 percent) | | \$ 2,094 | |
| Office of Human Relations Program Manager (15 percent) | | \$ 9,960 | |
| Deputy Probation Officer (50 percent) | | | \$ 24,390 |
| Receptionist (5 percent) | | | \$ 1,679 |
| Secretary I (3 percent) | | | \$ 1,203 |
| VOMP/Office of Human Relations Coordinator (100 percent) | \$ 27,092 | | |
| Paid trainers | \$ 12,000 | | |
| Office supplies | \$ 1,300 | | |
| Travel and training | \$ 850 | | |
| | \$ 41,242 | \$ 12,054 | \$27,272 |

^aPercentages are of full-time equivalent staffing.

DISTINGUISHING CHARACTERISTICS

Certain values and practices distinguish the Santa Clara County VOMP.

- Like the five other VORPs in the study, the title of the Santa Clara County program has special meaning. The M in the acronym VOMP stands for Mediation, which is central to the philosophy and character of the program.
- The VOMP is probably more institutionalized than are the VORPs at any of the other sites. It is operated by government employees, is solidly based within county government, and is but one of many mediation programs operated directly by local government, which appears to have embraced the concept.
- Still, like that of other VORPs, its success has been the result of a unique, special form of organization. It has evolved from private, nonprofit roots and now operates as a collaboration between the probation department's juvenile division and Dispute Resolution Program Services, a unit within the Santa Clara County office of human relations.
- The link to the office of human relations provides the probation department with access to experienced skilled mediators and specialized mediation training.
- There is a specific person in the probation department, the department that provides the most referrals, who has the responsibility and authority to make the program work.

PLANS FOR THE FUTURE

Guided by restorative justice principles and concepts, the VOMP plans to broaden, decentralize, and diversify its services. It has the active support of the juvenile court and other leaders within the justice system and in general government. Victim Awareness Workshops, one of the projects being managed by the collaborative, is developing a community-based model in two target areas. If the approach is successful, the VOMP hopes to incorporate something similar.

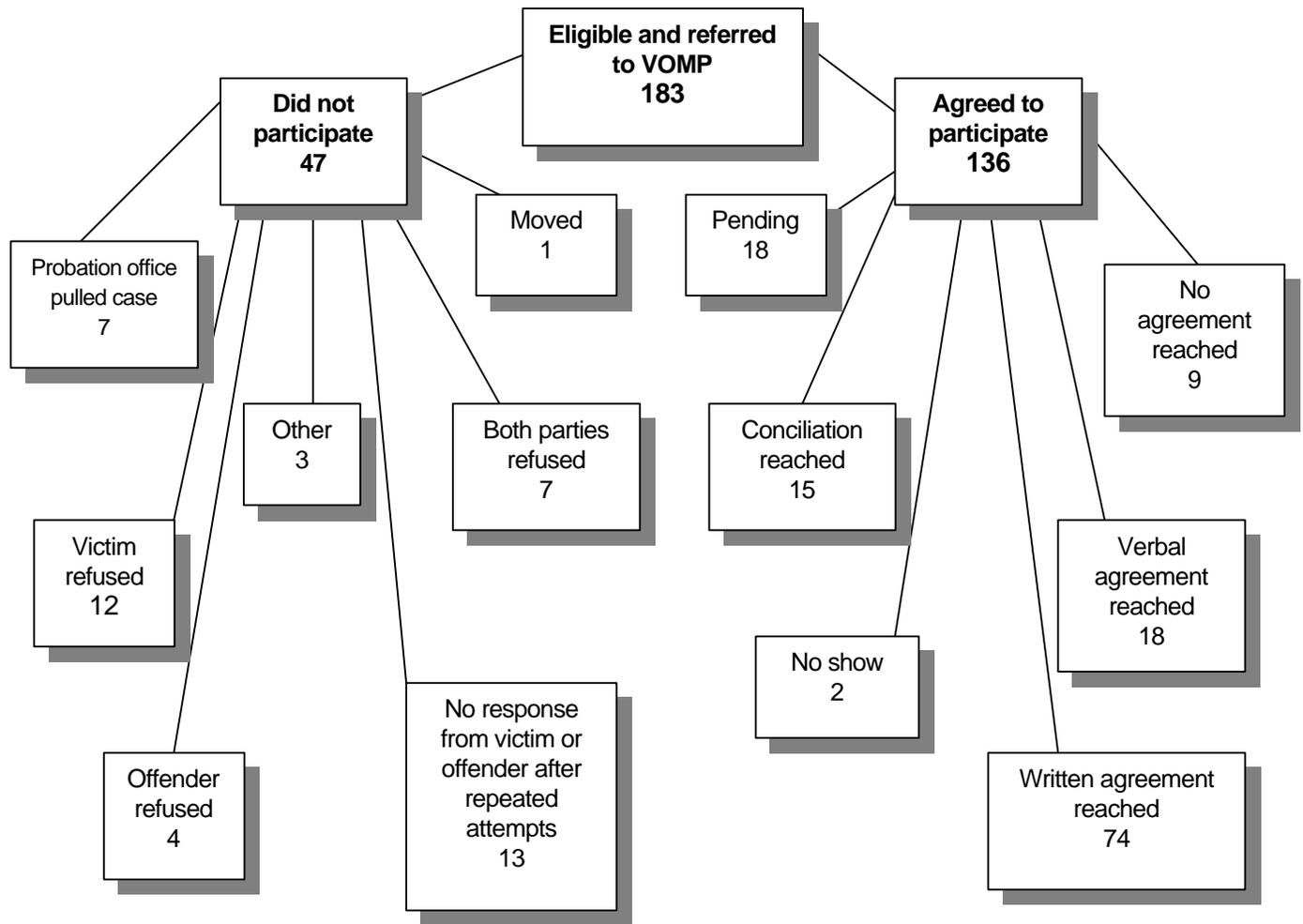
EVALUATION APPROACH

The Victim Offender Mediation Program (VOMP) evaluation compared 136 juveniles and victims who agreed to participate in the VOMP (the VORP group) with 135 juveniles who did not participate (the comparison group).⁴⁸

The 136 juveniles in the VORP group were a subset of a larger group of 186 juveniles referred to VOMP during an 18-month evaluation period between January 1, 1998, and June 30, 1999. Figure 3 illustrates the disposition of the 136 juveniles who agreed to participate, as well as the 47 who did not.

48. An independent evaluation of the program was conducted by a team of evaluators from Community Crime Prevention Associates, of San Jose, California. See appendix C for a full citation of the evaluation report.

Figure 3: DISPOSITION OF CASES REFERRED TO THE VOMP



Reproduced from Shirly Lee, *Victim Offender Mediation Program Evaluation* (San Jose, Calif.: Community Crime Prevention Associates and the Santa Clara County Probation Department and Santa Clara County Office of Human Relations, 1999), 25.

The 135-person comparison group was a convenience sample selected from several hundred records of referrals to the probation department. The records were selected on the basis of eligibility for VOMP and a date of referral that fell during the 18-month evaluation period. Participants were selected if they had court orders for restitution.

The evaluators considered the alternative of defining some or all of the 47-person group that did not participate (see figure 3) as a comparison group, an approach adopted by other VORPs in this study. The VOMP staff and evaluators believed, however, that the 135-person comparison group would turn out to be a more equivalent group of subjects for comparison purposes. In addition, the probation department was willing and able to provide the information about those subjects that the study design required. Statistical tests were run to determine that the groups were similar in terms of ethnicity, gender, age, and type of offense. Some disparities in social class differentiated the two groups.

Like those of the other VORPs, the Santa Clara County evaluation report contains much more than was required to answer the evaluation questions asked by the AOC. For example, the report describes the improvements in case-processing time, an increase in the number of mediations, particularly detailed surveys of victims, offenders, parents, mediators, and probation officers, and several recommendations for improving the program. To make sure it also included a human element, the report concludes with several moving success stories.

EVALUATION OUTCOMES

RESTITUTION

Did the restitution collected from the VORP participants exceed that collected from the comparison group by at least 40 percent?

The answer is yes. A total of \$36,877 in financial restitution was collected from the 136 VORP participants, not all of whom were required to pay restitution. A total of \$5,973 in financial restitution was collected from the 135 juveniles in the comparison group.

- Sixty-eight (50 percent) of the 136 of the referrals to VOMP were required to make restitution compared with 24 (18 percent) of the 135 juveniles in the comparison group—a difference of 178 percent.
- The average amount of money collected from the 136 participants (\$271.15) was greater than the average amount collected for the 135 juveniles in the comparison group (\$44.24)—a difference of 513 percent.

- The average amount collected from each of the 68 project participants who were required to make monetary restitution (\$542.30) was 118 percent greater than the average amount of money collected from the 24 members of the comparison group who were under similar orders (\$248.88).⁴⁹

RECIDIVISM

Was the recidivism rate of the VORP participants at least 10 percent lower than the rate of the comparison group?

The answer was yes. The recidivism rate among the VOMP participants (31 percent) was 21 percent lower than the recidivism rate of the comparison group (39 percent).

Thirty-five of the 113 Santa Clara VORP participants committed additional offenses. This is a recidivism rate of 31 percent. Of those 35 participants, 30 percent committed their second offense within one to six months of referral to the VORP; another 30 percent committed their second offense within 7 to 12 months, and 40 percent after 13 or more months.⁵⁰

Forty-five of the 115 juveniles in the comparison group committed additional offenses. This is a recidivism rate of 39 percent.

PARTICIPATION

How many offenders and victims participated in the VORP?

One hundred eighty-three juveniles were referred to the program during the 18-month evaluation period. One hundred thirty-six juveniles and their victims agreed to participate. There were 107 conciliations or agreements reached, including 68 that included financial restitution.

49. As of December 1, 1999, a total of \$36,877 had been paid by the VORP group and a total of \$5,973 by the comparison group.

50. Twenty-three of the 136 juveniles in the participant group and 20 of the 135 in the comparison group had turned age 18 as of December 1, 1999. Because recidivism data for these cases was not available in the juvenile records system, they were excluded from the recidivism portion of the analysis.

How many offenders declined to participate?

Eleven juveniles, or 6 percent of the 183 referrals to the program, declined to participate. In four cases the offender clearly refused; in seven cases both the offender and the victim refused.

How many victims declined to participate?

Nineteen victims declined to participate in the program, 12 clearly refusing and, in another 7 cases, both offender and victim refusing, or a total of 10 percent of the total 183 referrals to the VORP. Refusals aside, there were several reasons for nonparticipation. In one case, the victim or offender had moved; 7 cases were “pulled” by the probation officer; in 13 cases there was no response from the victim or offender in spite of repeated attempts to communicate with them (which might be interpreted as a sign of unwillingness to participate); for 3 cases no specific reason was given.

How many joint victim and offender mediations were completed?

One hundred seven cases were completed (58 percent of the 183 referrals to the VORP). Of these, a conciliation was reached in 15 cases and 92 were mediated. A verbal agreement was reached in 18 of the cases that were mediated and a written agreement was reached in 74 cases.

INDICATORS OF SUCCESS

Victim and offender satisfaction

How satisfied were VORP victims and offenders with the program?

The great majority of victims, offenders, and mediators expressed satisfaction. Each victim and parent of a juvenile who participated in VOMP during the evaluation period was mailed a survey to assess their experience with the VOMP. Offenders were canvassed by telephone. Of the 135 surveys (which were also available in Spanish) sent to parents of offenders, 36 percent replied, 44 percent did not reply, and 20 percent were returned with no forwarding address. Twenty-nine percent of the surveys sent to victims were returned, 56 percent did not reply, and 15 percent were returned with no forwarding address. The telephone survey of juvenile offenders had a 29 percent response rate. All of the VOMP mediators completed and returned their surveys. Their satisfaction ratings are summarized in tables 33–35.

As shown in table 33, more than 75 percent of each group expressed general satisfaction with the program.

Table 33: SANTA CLARA COUNTY, SATISFACTION RATINGS

| Rating | Victim % | Juvenile % | Parent or Guardian % |
|-----------|----------|------------|----------------------|
| Excellent | 21 | 44 | 23 |
| Good | 56 | 51 | 63 |
| Average | 5 | 5 | 6 |
| Fair | 10 | 0 | 2 |
| Poor | 5 | 0 | 2 |

As shown in table 34, 60 percent of the offenders, 83 percent of the parents or guardians, and 72 percent of the victims said they would recommend the program to other victims of crime.

Table 34: SANTA CLARA COUNTY, RECOMMENDATIONS FOR MEDIATION

| Would you recommend the program to family, neighbors, or friends who were also victims of crime? | Victim | Juvenile | Parent or Guardian |
|--|--------|----------|--------------------|
| Yes | 72 | 60 | 83.4 |
| Maybe | 18 | 30 | 8.3 |
| No | 10 | 10 | 8.3 |

As shown in table 35, 69 percent of the victims and 76 percent of the mediators said that they believed the program had an effect on the youthful offender.

Table 35: SANTA CLARA COUNTY, EFFECT ON OFFENDERS

| In general, how would you rate the impact of the Victim Offender Mediation Programs in assisting the offender to live respectfully in your community? | Victim % | Mediators % |
|---|----------|-------------|
| A lot of impact | 33 | 41 |
| Some impact | 36 | 35 |
| No impact | 16 | 0 |
| Don't know | 15 | 24 |

These respondents, and others, were also asked questions about the impact of the VOMP on the youth offender. Asked to comment on specifics, the respondents (offender, parent, victim, probation officer, and mediator) mentioned several beneficial results of the program.⁵¹

51. See the evaluation report for details.

- The offender is better able to accept responsibility for his or her behavior by “making good” on the offense.
- The offender is better able to make peace with the victim.
- The offender has a better understanding that his or her crime is an injury to victims and is disrespectful to the community.
- The offender has a better understanding of the need to repay victims for their losses either through direct payment or community service.

Completion of postmediation requirements

How many offenders and victims completed the program?

The evaluation did not capture information about the number of offenders and victims who completed the program.

Additional indicators and measures of success

What additional factors were identified and tracked?

The additional success factors that were tracked included improvement in case-processing time and in the number of mediations, surveys of victims, offenders, parents, mediators, and probation officers, and success stories.

Improvement in case-processing time. Prior to 1996, it took between three and four months to process cases. During the evaluation period (January 1, 1998, through June 30, 1999), that time had been reduced to between six and eight weeks. Currently, and partly as the result of the evaluation, case-processing time has been reduced to between three and four weeks.

Increasing number of mediations. The number of mediations gradually increased during the evaluation period. This reflects the staff’s resolve to move referrals into mediation quickly.

Mediator survey. When surveyed, mediators provided additional information.

- Seventy-one percent of the mediators said they would recommend service as a mediator to family or friends.
- Ninety percent said that they felt appreciated by the people who run VOMP.
- Twenty percent said that they were not provided with sufficient information about a particular case before mediation.
- Twenty percent thought the case-assignment procedure needed to be improved.

Asked to illustrate the value of VOMP, the mediators said that the program:

- Allows the juveniles to experience a positive emotional connection with adults;
- Provides a venue for authorities to guide both the offender and the victim, each of whom understands that he or she has a crucial role in working out a solution; and
- Provides an opportunity for the parties and the mediator to be creative.

The mediators were also asked about their training needs. See table 36 for the answers.

Table 36: SANTA CLARA COUNTY, MEDIATOR TRAINING

| Aspect of Training Desired | % |
|---|------|
| Confidentiality related issues | 8.7 |
| Effective co-mediating | 13.0 |
| Reporting requirements, such as of child abuse | 13.0 |
| Communication skills | 8.7 |
| Case development or follow-up | 17.4 |
| Negotiating skills | 21.7 |
| Administrative requirements such as closing paperwork | 17.4 |

The evaluator and project director conducted a brainstorming exercise with a group of 25 mediators with varying levels of experience. This produced a list of the project's strengths and weaknesses and a list of elements that might be improved.

In considering improvement, the mediators listed these answers to two questions:

What works well?

- Restitution payments are sent to the probation department or the department of revenue. This allows for accountability and prevents the victim from having unwanted contact with the offender.
- Effective trainers who are able to get the message across.
- Small-group training sessions are helpful, as are coaching and sharing stories.

What needs improvement?

- VOMP could draw more mediators and willing participants if there were more media coverage and information to the public about the program.
- Need a more ethnically diverse pool of mediators, especially considering the offender demographics.

- Generally need more staff for VOMP (e.g., case developer). Some cases are multiparty and may be extremely involved.

Probation officer survey. Deputy probation officers in the juvenile division of the probation department were also given a survey, to which 39 (40 percent) responded; 74.4 percent of the respondents had previously referred a youth to the program. This survey helped determine how familiar the probation officers were with the program and what they thought of the service. Most of the probation officers who had not referred clients to VOMP stated that they were not familiar with the program and others said that the process takes too long or is confusing. Ninety percent of those who had not made any referrals said that they would if their concerns were addressed.

Forty-six percent of the probation officers who had referred clients to VOMP stated that they made such referrals routinely, when appropriate. Thirty percent described it as an excellent service, 38 percent, as good.

Success stories

Five success stories are included in the report. These illustrate the effect of the VOMP in a manner that cannot be conveyed with statistics and evaluation instruments. One example follows:

The victim of this particular case felt compelled to tell her story. Five offenders, co-participants ranging in age from 15 to 17 years, stole and damaged a van, as well as the contents of the vehicle. As the victim explained, the mediation helped to determine which part of the restitution each participant would be responsible for. The victim felt that the resolution was efficient, but more importantly, fair.

All five offenders were present at the mediation. The mediator was able to facilitate with the offenders the difficult process of determining who was going to be financially responsible for each part of the offense. As the victim explained, “I was concerned about getting reimbursed, but also needed to express what impact the crime had on my children.” This victim is a single parent and supports her family by working as a janitor. The van was used for her work—to get her from job to job [and] to haul cleaning equipment. Obviously, the victim had to cancel a few cleaning

jobs due to her damaged vehicle. The offenders realized the extent of their wrongdoing when the victim explained that she could not work.”⁵²

52. For the complete citation, see appendix C.

CHAPTER 8

The VORP in Sonoma County

The Redwood Empire Victim Offender Reconciliation Program (REVORP) is one of several mediation programs operated by Redwood Empire Conflict Resolution Services (RECOURSE), a private nonprofit organization. REVORP provides services countywide. It is located in a professional office building in downtown Sonoma, in Sonoma County (population 443,700).⁵³

DEVELOPMENT

Like many other VORPs, the program had humble and tenuous beginnings. The program director, Richard Merriss, traces his interest in mediation to a one-unit elective course that he took in law school in 1992. This interest turned to action when he became a volunteer mediator for REVORP in Sonoma County in 1993.

The initial program had significant fluctuations. There were some periods where there was no funding. At some points volunteers did all of the work. A breakthrough occurred in 1993, when the REVORP was folded into RECOURSE and REVORP obtained a grant from the National Institute for Dispute Resolution in Washington, D.C., to fund training and a part-time program manager. Mr. Merriss had been impressed with the VORP operating in Oakland. LouAnn Lucke from the Oakland-based VORP operated by Catholic Charities provided the initial training of probation officers. Later, this same organization began training volunteer mediators. The chief probation officer and the head of the juvenile division of the probation department were receptive to the mediation approach. This has turned out to be crucial to successful implementation, not only during the start-up period, but also throughout the entire operation.

From 1995 to 1997, the program operated with limited funding. Then in 1997, it received a grant of \$100,000 from California's Office of Criminal Justice Planning (OCJP). This provided the program with financial stability. An extension of that grant carried the program through June 1999. Since then, REVORP has received an additional three years of funding from an OCJP challenge grant, and TANF funding from the Sonoma County probation department.

53. Population as of January 1, 1999; California Dept. of Finance, Population Research Unit. Sonoma County and Santa Barbara County were the two medium-sized counties that participated in the study.

FINANCING AND STAFFING

Today, REVORP operates on an annual budget of approximately \$110,000. There is a full-time case manager, a half-time youth and family service manager, a half-time training manager, and a project manager who spends 20 percent of her time on the program. There are about 50 active volunteers who receive 32 hours or more of training before they are allowed to participate in mediations.

REFERRAL CRITERIA AND SOURCES

Ninety-two percent of the juveniles referred to REVORP come from the Sonoma County probation department's juvenile division; others are referred by local schools or other social service agencies.

All of the referrals are nonpetitioned cases. To be eligible, a juvenile case must involve a victim who has suffered from the wrongdoing, and the offender must take some responsibility for the offense.

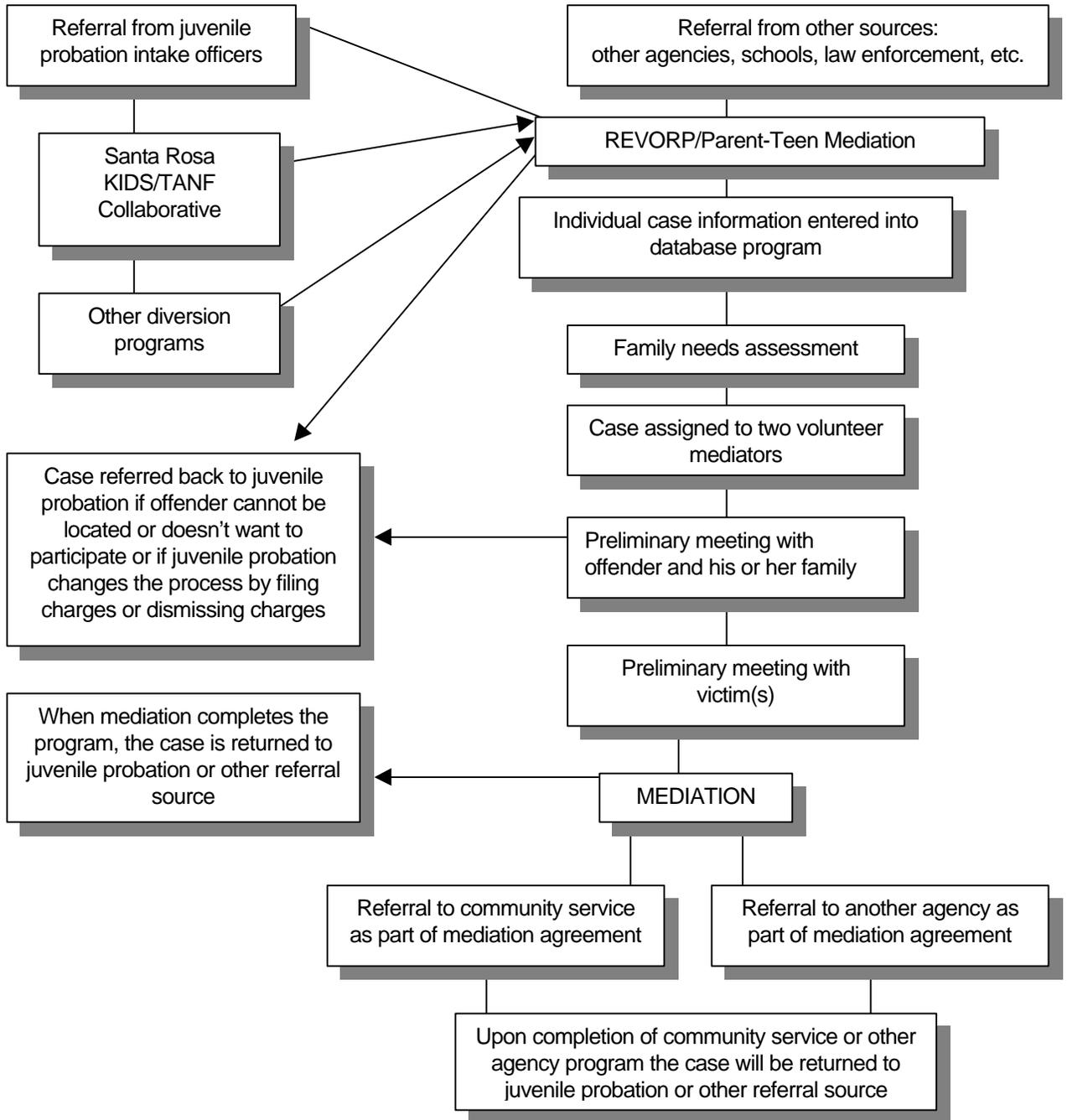
THE PROCESS FROM REFERRAL TO CASE CLOSING

Once the case has been accepted by REVORP, case information is entered into a database maintained by the program, and a family needs assessment is completed. Referral for other services may be made as a result of this assessment, whether or not the case continues on for mediation. Thereafter, the case is assigned to two volunteer mediators, who contact the offender (and/or family) and, if the offender and his or her family are willing, the mediators have a face-to-face preliminary meeting with them. A similar preliminary meeting is held with victims who are willing to participate.⁵⁴ Mediation follows. If follow-up is necessary, the REVORP monitors progress, then closes the case and reports back to the probation department .

Figure 4 depicts the flow of cases from referral source to postmediation program completion.

54. Note that the offender is contacted first. Thus, victims are only contacted when the offender indicates a willingness to participate. This procedure is followed in order to avoid "re-victimizing" the victim. Most VORPs have adopted this approach. However, sometimes a juvenile may agree to perform community service, even if the victim is unwilling to participate.

Figure 4: FLOW DIAGRAM FOR CASES FROM REFERRAL TO PROGRAM COMPLETION



Reproduced from Gig Hitao, *Measures of Program Participation and Success for the Redwood Empire Conflict Resolution Services Victim Offender Reconciliation Program*. Data Trends (Santa Rosa, Calif., October 1999), p. 5.

DISTINGUISHING CHARACTERISTICS

The supportive and cooperative relationship with key staff in the probation department continues to be an important element of the program. The staff is now familiar with the program, have confidence in it, and often refer as many cases as REVORP can manage.

The focus is on restoration rather than on retributive justice. This offers the opportunity for a conciliation or settlement that is both fair and workable for both parties. The mediation is party based, that is, the mediators make it clear that the process is totally voluntary and the outcomes are the responsibility of the victim and the offender. The process does not presume that a reconciliation or a resolution will occur. The mediators provide equal support to the victim and the offender to say whatever needs to be said and to help them listen to each other.

In addition, the family needs assessment and the follow-up referral to other services mean that offenders and victims are offered many services that may augment the victim-offender mediation. Networking with other agencies is an important activity. Because about 20 percent of the referrals to REVORP are the results of conflict between parents and teens, the program has begun to facilitate specialized parent-teen communication and referral services designed to restore the family relationship.

PLANS FOR THE FUTURE

Priorities for the future include strengthening the parent-teen mediation service and expanding the program by (1) incorporating family group conferencing into the program, (2) taking more serious juvenile cases, (3) providing services to adjudicated cases, and (4) providing victim-offender mediation services for adults.

EVALUATION APPROACH

The evaluation was based on 55 cases referred to the REVORP from January 1, 1998, through April 30, 1998.⁵⁵ Twenty-five of these cases completed a REVORP mediation. These cases made up the VORP study group.

The study group was compared with two comparison groups. The first was made up of 13 cases randomly selected by the probation department from the large group of juveniles who were not referred to the REVORP. The second was made up of 13 cases randomly selected from 30 that were deemed eligible for VORP but, for a variety of reasons, including the reluctance of the victim or of the offender to participate, did not proceed to

55. Gig Hitao, Director, DataTrends, Santa Rosa, California, conducted an independent evaluation of the REVORP. See appendix C for a citation of the evaluation report.

mediation. Unless specifically distinguished from each other, the information from the two groups used for comparison purposes has been aggregated throughout this report.

The evaluator conducted telephone interviews with victims and offenders of about half of the completed cases. These interviews took place about a year after the mediations took place.

As for the other evaluations, the report of this program went beyond what was required. For example, the evaluation employed not one, but two comparison groups. It included a follow-up survey of the program participants that also incorporated open-ended questions. A section on lessons learned appears at the conclusion of the report.

EVALUATION OUTCOMES

RESTITUTION

Did the restitution collected from the VORP participants exceed that collected from the comparison group by at least 40 percent?

The answer was yes. The VORP group produced 158 percent more in average restitution amounts than did the comparison group.

- The average amount of restitution collected from all REVORP participants was \$67. The average sum collected from all the comparison cases was \$26.
- Twenty percent of the REVORP participants were required to make restitution versus 15 percent of the comparison group—a 33 percent difference.
- For cases *where restitution was due*, the Sonoma REVORP collected an average of \$334. The comparison group average was \$171. Thus the REVORP produced 95 percent more.

Five of the 25 REVORP participants were required to pay restitution. All 5 (100 percent) completed their restitution requirements.

Four of the 26 offenders in the comparison group were required to pay restitution. Two (50 percent) completed their restitution requirements; 1 made partial payment; 1 made no payments. Forty-five percent of the total restitution required of the comparison group was actually paid.

RECIDIVISM

Was the recidivism rate of the VORP participants at least 10 percent lower than that of the comparison group?

The answer was yes. The Sonoma REVORP recidivism rate (24 percent) was 31 percent below the recidivism rate of the total comparison group (35 percent). However, one component of the comparison group—the group returned to probation—did better: It had a 15 percent recidivism rate. The portion of the comparison group made up of offenders who had not been referred to the VORP had a 54 percent recidivism rate. See table 37.

Table 37: SONOMA COUNTY, RECIDIVISM RATES

| Juveniles, by Group | Subsequent Arrests | | No New Offenses |
|-----------------------|--------------------|----|-----------------|
| | Number | % | |
| VORP group | 6 | 19 | 24 |
| Two comparison groups | 9 | 17 | 35 |
| Returned probation | 2 | 11 | 15 |
| No VORP referral | 7 | 6 | 54 |

The follow-up period averaged 18 months. For the REVORP–mediated cases, this period began the day after the postmediation agreements were completed. For the comparison cases that were returned to probation without mediation services, the follow-up began on the date on which they were referred back to the probation department. For the comparison cases that were never referred to REVORP, the beginning date was the filing date, that is, date on which the case was filed with the probation department. None of the VORP cases recidivated between the time of referral to the program and the mediation. Similarly, none of the VORP cases recidivated after mediation and before the postmediation requirements were met.

PARTICIPATION

How many offenders and victims participated?

One hundred forty juvenile offenders were referred to the Sonoma project in the financial year 1998–1999. The number of offenders and victims is nearly equal; that is, there were few cases with more than one victim or more than one offender. Sixty-eight matched offender-victim mediations took place. Fifty-seven offenders completed their mediation requirements.

How many offenders declined to participate?

Thirty-two (23 percent) of 140 juveniles referred to the VORP declined to participate.

How many victims declined to participate?

Forty (29 percent) of the 140 cases involved victims who declined to participate.⁵⁶

How many joint victim and offender mediations were completed?

There were 68 mediation cases conducted with both victims and offenders participating together in meetings (49 percent of the 140 referrals to the program).

INDICATORS OF SUCCESS

Victim and offender satisfaction

How satisfied were VORP victims and offenders with the program?

Victims and offenders gave high marks to the VORP program experience. In a follow-up telephone interview⁵⁷ victims and offenders were asked three questions:

1. How satisfied were you with the way the staff and volunteers at RECURSE handled the mediation process?
2. How satisfied were you with the decisions that were made as a result of the mediation?
3. All things considered, how satisfied are you *now* with the way the mediation process turned out in the end?

The results are presented in table 38.

56. Note that, because the offenders are usually asked first, the data on victims do not reflect situations in which the offender and victim both declined to participate. Thus, the number of victims who declined to participate may be understated.

57. The telephone interviews produced a 52 percent response rate. Thirteen of 25 offenders and 9 of 17 victims were interviewed.

Table 38: SONOMA COUNTY, SATISFACTION RATINGS

| | Scale | Score | |
|--|-------|--------|----------|
| | | Victim | Offender |
| Satisfaction with mediation process | 1–4 | 3.44 | 3.08 |
| Satisfaction with decisions resulting from mediation | 1–4 | 3.22 | 3.42 |
| Satisfied now? | 1–4 | 3.56 | 3.58 |

Both victims and offenders were asked two additional questions about the type and amount of restitution. The first question was: In your opinion, was the type of restitution [required] (1) too hard to do, (2) a fair thing, or (3) not enough to make a difference? As shown in table 39, 78 percent of the victims and 80 percent of the offenders felt that the type of restitution was fair.

Table 39: SONOMA COUNTY, RATINGS OF RESTITUTION, BY FAIRNESS

| Rating | Victim | | Offender | |
|---------------------------------|--------------|----|---------------|----|
| | <i>N</i> = 9 | % | <i>N</i> = 10 | % |
| Too hard to do | 0 | 0 | 1 | 10 |
| A fair thing | 7 | 78 | 8 | 80 |
| Not enough to make a difference | 2 | 22 | 0 | 0 |
| None required | 0 | 0 | 1 | 10 |

The second question was: In your opinion, was the amount of restitution [required] (1) too much, (2) a fair amount, or (3) not enough to make a difference? As shown in table 40, where restitution was clearly measurable in the form of monetary payment or service work, all the victims and 86 percent of the offenders felt that the amount was fair.

Table 40: SONOMA COUNTY, RATINGS OF MONETARY RESTITUTION, BY AMOUNT

| Rating | Victims | | Offenders | |
|--------------------------------------|--------------|-----|---------------|----|
| | <i>N</i> = 9 | % | <i>N</i> = 10 | % |
| Too hard to do | 0 | 0 | 1 | 14 |
| A fair thing | 5 | 100 | 6 | 86 |
| Not enough to make a difference | 0 | 0 | 0 | 0 |
| No restitution required ^a | 4 | — | 3 | — |

^aIn these cases the decision involved an agreement in which there was no measure of what had to be done.

Completion of postmediation requirements

How many offenders and victims completed the program?

Sixty-eight mediation cases were conducted with both victims and offenders participating in meetings together. Fifty-seven (84 percent) offenders completed the requirements that were determined during the mediation process.

Additional indicators and measures of success

What additional factors were identified and tracked?

The additional factors tracked included examples of other agreements in the mediation contracts and the ideas of victims and offenders about improvements to the project.

Examples of other agreements

1. [I'll contribute] hours—don't know what for.
2. Stay away from [the victim] for a year;
3. Alcohol education class;
4. Attend a [discussion] session with former gang members;
5. Got a vandalism ticket on top of damages;
6. Work with a graffiti removal crew;
7. Talk to the victim;
8. Acquire some skills in anger management;
9. Apologize to victim;
10. Write a letter of apology;
11. Sign a written contract to keep the relationship [with the victim] cordial [to ensure that they will be] friends, not enemies;
12. Make a list of [conflicts to be resolved] and agreed to cool off and talk about it next time;
13. Shake hands and agreed to be sociable, to say "hi."

Suggestions for improvements. In response to the question, How can the program be improved?, the victims and offenders offered a number of suggestions.⁵⁸

58. See page 19 of the evaluation report for detail.

Responses of victims

“Phone tag was frustrating, but not bad.”

“[The mediators should] introduce the program with a more accurate description of how the sessions will go and make it clear that it will be okay to vent feelings.”

Responses of offenders

“[The mediation was a] good thing—a little boring but much better than going to court.”

“Mediators should know the situation that brought about the need for meeting. They didn’t know what they were talking about.”

CHAPTER 9

Lessons Learned

Though six sites are a very small number to support generalizations, important lessons have emerged from the six evaluations.

The program's relationship with the probation department is critical.

The VORPs depend upon the goodwill, interest, and support of probation departments, particularly the top leadership within these departments. They provide the majority of referrals to the VORPs and are instrumental in helping them secure funds to operate. It is unlikely that a VORP could be initiated, or that an established VORP could continue, without the active support of the local probation department.

VORPs may be underutilized.

No one knows the number of juvenile arrests or referrals to probation departments that might be truly appropriate and eligible for the VORPs in these six jurisdictions. But this number is potentially much larger than the number now being referred. For example, less than 6 percent of the total referrals to probation departments are being referred on to the VORPs. In half of the VORPs, less than 2 percent of referrals to the probation department are flowing to the VORP. See table 1. And, ironically, despite strong support for VORPs by the leadership of the probation departments, there is ample evidence that many line probation officers are not familiar with the VORP in their jurisdiction and/or simply do not make use of it. This suggests that there may be many more appropriate and eligible cases that could be referred to each VORP.

But the potential number of cases is also larger and, perhaps, much larger than the existing programs can now accommodate. The number of case referrals a VORP can take is constrained by the case-processing capacity of the staff and the number of trained volunteer mediators that are available. Most of the VORPs said they could take more cases if they had more mediators and case-development personnel.

Everyone learned more about what questions to ask and what it takes to answer these questions.

The project directors and the evaluators learned more about the measures and indicators they need in order to evaluate program performance. They also learned more about how to assemble and analyze this information. The evaluations strengthened the evaluation capacities of the VORPs themselves. Any subsequent round of evaluations should be easier to accomplish and even more informative.

The evaluations “informed” the programs.

The evaluations provided useful feedback to the project directors. This led to changes that promise to make these programs more effective and efficient. For example, in the Mendocino VORPMC, the project director found that the evaluation quickly told him that the time between referral to the VORP and mediation was too long. He made adjustments to the premediation screening and interview process. And, in the RJP operating in Santa Barbara County, the project director is considering changes after learning that the project seemed to help participants with prior probation experience.

Data needs to be improved.

All of the evaluations revealed that some of the data that was wanted and needed was simply not available or was poorly organized, incomplete, or unreliable. The evaluators overcame these problems, but it took creativity and hard work. These impediments will continue to handicap project directors who rely on evaluation feedback to improve their programs. They will also create problems for any other evaluation efforts in the juvenile justice system. The data systems within probation departments need to be improved to permit follow-up of recidivism, verify compliance with court orders, and show that the agreements that come out of mediations are being completed.

VORPs seem to have special organizational requirements.

The evaluations suggest that typical or traditional organizational forms are likely to need modification for a VORP to operate successfully. This applies to nonprofits as well as to public agencies. But, given a proper organizational environment, VORPs can be implemented in a great variety of settings, from small, rural counties such as Mendocino County to medium-sized localities such as Sonoma and Santa Barbara Counties and to large, complex urban environments such as Los Angeles, Orange, and Santa Clara Counties. No one model will serve as a cookie cutter or provide a cookbook recipe for success. Rather, the basic VORP approach will need to be localized, that is, adapted to address local community values and the local legal culture.

CHAPTER 10

Conclusions

This study set out to determine if six victim offender reconciliation programs in California produce results that meet or exceed performance benchmarks set forth in AB 320, article 29, section 992(a)-(f). The evaluations show that the programs can produce the desired effects. In most cases they exceeded the benchmarks. When the VORP groups were matched against comparison groups they performed at levels considerably higher than the benchmarks established for amounts collected as restitution and for rates of recidivism.

On restitution, the VORP would be considered successful if its participants paid out at least 40 percent more than was paid out by participants in comparison groups. Depending upon the site, between 5 percent and 178 percent more of the VORP group participants were required to pay financial restitution. See table 2. Again depending on the site, the average amounts of money collected ranged from \$29.62 to \$271.15, and exceeded the amounts collected from the comparison groups by between 158 percent and more than 1000 percent. See table 3. The average amount of restitution collected from juveniles in the VORP groups who were *required* to pay restitution ranged from \$82.50 to \$542.30. These amounts exceeded the amount of restitution collected from those juveniles in the comparison groups who were *required* to pay restitution, by between 95 percent to more than 1000 percent. See table 4.

On recidivism, a VORP would be considered successful if its participants' rates of re-arrest were at least 10 percent lower than the rates of the participants in the comparison groups. At five sites, recidivism rates of VORP groups ranged from 21 percent to 105 percent lower. At the sixth site, the VORP participants' recidivism rate was 46 percent *higher*. The evaluation presents statistical tests to show, however, that these differences involved a small number of subjects and are therefore not statistically significant. In other words, the result could be due to chance. See table 5.

Measures of success also included levels of participation in the program (which was entirely voluntary), expressions of satisfaction by participants, and evidence of other favorable elements that became apparent during the evaluations.

On levels of participation, only a small percentage of the total referrals of juveniles to local probation departments were subsequently referred to the VORPs. See table 1.

The proportion of referrals to the VORPs that proceeded to mediation or conciliation varied from site to site; see table 6. Because some sites did more early screening of cases, the definition of a "referral to VORP" was not, however, consistent across sites.

Therefore, it would be misleading simply to calculate the percentage of VORP referrals that proceeded to mediation and then compare the sites. But it is clear that in some sites more cases moved from referral to mediation and, subsequently, to postmediation case completion than in others.

The sites also kept track of the number of victims and offenders who declined to participate and calculated the extent of participation by using that number as a percentage of the total number of referrals. Converting the data into an accurate determination of the extent of participation proved difficult for two reasons. (1) The programs typically asked the offenders first if they wished to participate. If the offenders agreed to participate, the programs went on to ask the victims about their willingness to participate. Thus, many victims were not even asked if they wished to participate. (2) There were many other reasons that victims and offenders who were originally referred to a VORP were not asked if they wanted to participate. For example, some had moved and simply could not be found. These two examples indicate that it may not be a fair measure to use total referrals as the base from which to calculate the percentage of victims or offenders who declined to participate. Nevertheless, this simple, straightforward measure was all that was available to provide a relative measure of the degree of participation across the programs. The reader needs to be aware that these calculations probably understate the percentage of victims and offenders who declined to participate.

Depending on the site, the number of offenders who declined to participate ranged from 6 percent to 39 percent, and the number of victims who declined ranged from 10 percent to 33 percent, of the total number of referrals to the VORP. See tables 7 and 8.

Once cases were mediated the programs had very good records of having the agreements fulfilled and completed. These data were available at only four of the six sites, but in these locations between 70 percent and 93 percent of the mediated agreements were completed; see table 9.

Satisfaction with the VORPs turned out to be one of the strongest measures of success. On measures of general satisfaction, victims and offenders uniformly rated the programs above 90 percent. Parents or guardians, mediators, probation officers, judges, and other justice system personnel also gave the program high marks.

The VORPS were encouraged to examine additional questions, beyond the basic set of evaluation questions required by their contract with the AOC. All of the evaluations did this. They covered nine additional areas of interest, each of which was explored by at least one program. They included:

Community service. Considerably more of the VORP participants agreed to provide community service than did members of the comparison groups. And, their obligations were much more likely to be completed.

Increase in the number of mediations. During the course of evaluation, the number of mediations increased, a result of changes to the program that were intended to move referrals into mediation more quickly.

Case-processing times. There is great variation in these processing times from one site to another.

Mediators' ratings. When surveyed, mediators gave the programs high marks. When asked for suggestions for improvements, and, in one program, a brainstorming session, the mediators provided important feedback to the operators of the program.

Ratings by other employees of the justice system. In Mendocino County, probation officers and judges gave high marks to VORP. In Santa Clara County, two groups of probation officers were asked to respond, those who were familiar with the VOMP and those who were not. The former gave the program high scores; the latter indicated that they would use it more if they had more information and if some misunderstandings about the program were corrected.

Additional surveys of victims and offenders. Stakeholder surveys included a wide variety of questions intended to ascertain the behavioral changes in juvenile offenders. Many of these surveys also asked these additional questions of mediators and parents or guardians. The results provide rich and interesting content.

Open-ended survey responses. It is labor intensive to analyze and classify open-ended responses, but the feedback provided information useful to the program operators. Victims, offenders, and other stakeholders were given opportunities to make open-ended comments. They provided concrete suggestions for improving the programs. The mediators, for example, asked for more training. Victims and parents asked that mediators be more familiar with the cases that they are handling.

Sample mediation agreements. Mediation agreements are not limited to financial restitution and community service. The evaluations' findings are supportive of other research that indicates that many victims are more interested in an agreement in which the juvenile agrees to better himself than they are in recovering their losses.⁵⁹

59. See, for example, Umbreit 1994.

Although not required to do so, one evaluation report included a number of case summaries.

Appendixes

Appendix A The Legislative Mandate

Appendix B Governor Wilson's Veto of AB 320

Appendix C Full Citations to the Six Evaluation Reports

Appendix D Contact List for the Six VORP Sites

Appendix E Victim Offender Reconciliation Programs in California

Appendix F Resources

1. Publications
2. Video Tapes
3. Training Programs
4. Associations, Centers, and Other Resources

APPENDIX A

THE LEGISLATIVE MANDATE

BILL NUMBER: AB 320 ENROLLED
PASSED THE ASSEMBLY SEPTEMBER 10, 1997
PASSED THE SENATE SEPTEMBER 5, 1997
AMENDED IN SENATE SEPTEMBER 4, 1997
AMENDED IN SENATE AUGUST 28, 1997
AMENDED IN SENATE JULY 17, 1997
AMENDED IN SENATE JUNE 19, 1997
AMENDED IN ASSEMBLY MAY 23, 1997
AMENDED IN ASSEMBLY MAY 1, 1997
AMENDED IN ASSEMBLY APRIL 14, 1997

INTRODUCED BY: Assembly Member Goldsmith
Principal co-author: Senator Karnette
Co-authors: Assembly Members Baldwin, Bordonaro, Havice, Napolitano, Oller, and
Runner
Co-authors: Senators Alpert and Costa

FEBRUARY 14, 1997

An act to add and repeal Article 29 (commencing with Section 990) of Chapter 2 of Part 1 of the Welfare and Institutions Code, relating to juveniles, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 320, Goldsmith. Juveniles

Existing provisions of the Juvenile Court Law authorize the juvenile court to commit any minor adjudged a ward of the court to specified facilities and programs. This bill would enact a pilot program in up to 3 counties selected by the Judicial Council, at the option of those counties, as provided. The pilot program would apply to juveniles adjudged a ward of the juvenile court by reason of the commission of a nonviolent misdemeanor offense who have never been adjudged a ward of the juvenile court by reason of the commission of any violent offense and who have not attended a victim-offender reconciliation program, and to juveniles who are undergoing specified programs of supervision. The bill would require these juveniles to attend a victim-offender reconciliation program, as specified, perform community service as required, and pay restitution to the victim pursuant to specified provisions. These provisions would be repealed on January 1, 2001.

The bill would provide that participation in a pilot program would be a county option and that the state has no obligation to provide funding for the pilot programs unless funds are appropriated for that purpose. This bill would declare that it is to take effect immediately as an urgency statute.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature hereby finds and declares as follows:

- (a) There is a need to preserve existing prison and jail space for habitual violent offenders to guarantee public safety.
- (b) To reach this goal, it is the intent of the Legislature to create punishment options that fall in a continuum between traditional probation and traditional incarceration.
- (c) It is the intent of the Legislature to promote the long-term safety and security of the community by expanding the array of cost-effective sanctions for holding minors accountable to victims and the community for their delinquent conduct, and by enhancing community-based rehabilitation efforts.
- (d) Crime results in injury to the victim, the community, and the offender. The criminal justice system must seek to repair those injuries.
- (e) In promoting justice, victims and communities should be actively involved in the criminal justice process at the earliest point and to the maximum extent possible.
- (f) Offenders should be held accountable for their actions. Offenders should face their victim or victims and make things right. Restitution is a central ingredient, as is victim-offender reconciliation when appropriate.
- (g) A nonviolent youthful offender must be taught that when a crime is committed, it is a crime against a real victim, not a crime against the state.
- (h) It is essential that the criminal justice system support and expand responses to crime which help bring the juvenile offender to a point of remorse after a crime is committed.
- (i) The following three objectives are critical for achieving long-term public safety:
 - (1) Community protection through a continuum of appropriate responses to delinquent conduct, ranging from supervision to incapacitation, which protect citizens and victims from the threat to public safety posed by the minor.
 - (2) Accountability of the minor through restoration of the losses experienced by the victim and the community.
 - (3) Competency development of the minor in basic living skills necessary for law-abiding citizenship.

SECTION 2. Article 29 (commencing with Section 990) is added to Chapter 2 of Part 1 of the Welfare and Institutions Code, to read:

Article 29. Juvenile Justice Pilot Program

990. This article establishes a pilot program in up to three counties selected by the Judicial Council, the board of supervisors of which adopt a resolution agreeing to participate therein. One county shall have a population of less than 100,000, one county shall have a population of not less than 250,000 and not more than 500,000, and one county shall have a population of over 500,000. This article shall apply to juveniles adjudged a ward of the juvenile court pursuant to Section 602 by reason of the commission of a nonviolent misdemeanor offense who have never been adjudged a ward of the juvenile court pursuant to Section 602 by reason of the commission of any violent offense and who have not previously attended a victim-offender reconciliation program, and to juveniles who are undergoing a program of supervision pursuant to Section 654 or 654.2. Nothing in this article shall be construed to require victim participation.

991. Juveniles to whom this article applies shall be required to do any or all of the following:

- (a) Attend a victim-offender reconciliation program that is modeled on existing community conflict resolution programs established pursuant to Title 10.5 (commencing with Section 14150) of Part 4 of the Penal Code, if appropriate.
- (b) Perform community service as required, which may include graffiti abatement and other established programs and projects that, whenever possible, benefit the community where the crime was committed.
- (c) Pay restitution to the victim pursuant to Section 730.6.

992. Any juvenile justice pilot program established pursuant to this article shall collect and evaluate data pertaining to the use, effectiveness, and cost of the program on an annual basis. The evaluation shall determine whether the amount of restitution collected pursuant to subdivision (c) of Section 991 is 40 percent more than the amount collected through juvenile probation programs and whether the rate of recidivism is 10 percent less than in juvenile probation programs. This data shall be submitted annually to the board of supervisors of the county in which the program operates. At a minimum, the information collected and evaluated shall include the following data:

- (a) The number of offenders and victims participating in the program.
- (b) The number of eligible offenders who declined to participate in the program.
- (c) The number of victims who declined to participate in the program.
- (d) The success of the program, as measured by reported victim and offender satisfaction, completion of the program by victims and offenders, and any additional success factors identified and tracked by the program.
- (e) The annual operating administrative costs of the program.

(f) A description of the program's operation, including staffing, volunteers, and any other pertinent information.

992.5 After data described in Section 992 is submitted to the board of supervisors, it shall be provided to the Judicial Council for evaluation. The Judicial Council shall then submit a report to the following committees and officers of the Legislature:

- a) Assembly Appropriations.
- b) Assembly Public Safety.
- c) Speaker of the Assembly.
- d) Senate Appropriations.
- e) Senate Public Safety.
- f) Senate President pro Tempore.

993. This article shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date. SEC. 3. Participation in the pilot programs established by Section 2 shall be entirely at county option and shall be funded through federal, state, or private grants or by appropriations for that purpose. The state shall have no obligation to provide funding for the pilot programs unless funds are appropriated for that purpose. SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:
In order that our juvenile justice system be improved and the safety of the public be enhanced at the earliest possible time, it is necessary that this act take effect immediately.

APPENDIX B

GOVERNOR WILSON'S VETO OF AB 320

BILL ANALYSIS

GOVERNOR'S VETO

AB 320 (Goldsmith)

As Amended September 4, 1997

2/3 vote. Urgency

ASSEMBLY: 76-0 (May 29, 1997) SENATE: 38-0 (September 5, 1997)

ASSEMBLY: 78-0 (September 10, 1997)

Original Committee Reference: PUB. S.

SUMMARY: Establishes a three-county pilot approach to apply restorative justice principles in dealing with non-violent juvenile offenders.

The Senate amendments:

- 1) Add legislative intent language that includes three objectives critical to achieving long-term public safety.
- 2) Require participation be limited to a juvenile adjudged a ward by reason of the commission of a nonviolent misdemeanor offense and to not have previously attended a victim-offender reconciliation program.

EXISTING LAW:

- 1) Provides that minors adjudged wards of the juvenile court based on criminal conduct may be subject to disposition including, but not limited to, commitment to the county correctional institutions such as juvenile homes, ranches, camps and juvenile hall.
- 2) Allows for the court to take jurisdiction over a minor upon a finding that the minor has committed an offense, violated an ordinance or is beyond the control of his or her parents.
- 3) Provides for the court to place a minor on probation, after finding the minor is the person who has committed an offense, for up to six months, without adjudging the minor a ward of the court.

AS PASSED BY THE ASSEMBLY, this bill:

- 1) Empowered the Judicial Council to determine the counties to be selected for participation in the pilot program.

- 2) Established criteria for counties selected to include a county having a population under 100,000; a county having a population between 250,000 and 500,000; and a county having a population of over 500,000.
- 3) Required participants to be juveniles adjudged wards of the juvenile court by reason of the commission of any non-violent offense who had never been adjudged a ward of the juvenile court by reason of the commission of any violent offense, and to minors participating in informal probation supervision.
- 4) Required participants to attend victim-offender reconciliation programs (VORPs), as specified, perform community service as required, and pay restitution to victims pursuant to specified provisions.
- 5) Provided for the collection and evaluation of data pertaining to this program, as specified, and required that an evaluation of the program be submitted to the county board of supervisors, then to the legislative analyst for evaluation.
- 6) Required the legislative analyst to submit a report to the Legislature.
- 7) Repealed these provisions on January 1, 2000.
- 8) Stated that these pilot programs would be entirely at county option.

FISCAL EFFECT: According to the Senate Appropriations Committee analysis, the Judicial Council states that first-year costs to set up the pilot would be \$200,000 to \$300,000, and \$100,000 to \$150,000 annually thereafter.

COMMENTS:

1) According to the author, “The target population of the approach is youthful, non-violent violent offenders guilty of low-level offenses who have never been convicted of violent offenses. The purpose of this bill is to explore and expand more cost-effective options for punishing juveniles in ways that hold the offender accountable, and to require the juvenile to ‘pay back’ the victim and the community where the crime was committed.

“The program establishes victim-offender reconciliation programs (VORPs), patterned after existing community conflict resolution programs, to allow for face-to face meetings between victim and offender to permit the offender to ‘make things right’ through the payment of restitution, performing of community service, or other ways deemed appropriate to both parties.”

2) Please see the policy committee analysis for a more comprehensive discussion of this bill.

GOVERNOR'S VETO MESSAGE:

This bill seeks to promote the use of victim-offender reconciliation programs in cases involving non-violent misdemeanants. Programs of this type are already permissible and in fact have been established in cities and counties around the state including San Jose, Alameda, San Diego, Orange, Fresno, and Sacramento.

The main thrust of AB 320 appears to be the Judicial Council study of prospective pilot programs, in an effort to establish the efficacy of victim-offender reconciliation programs.

It would appear that a study of existing victim offender reconciliation programs would be a more direct, expeditious, and less costly means of evaluation.

I am accordingly directing the Department of Finance to include \$150,000 in the 1998-99 Budget so that the Judicial Council can conduct a three-county study which materially comports with the requirements articulated in AB 320.

Analysis prepared by: Dawn Kusumoto / apubs / (916) 445-3268

APPENDIX C

FULL CITATIONS TO THE SIX EVALUATION REPORTS

The six California victim-offender reconciliation programs each prepared a separate evaluation report. The complete citations to these reports appear below, listed alphabetically by county:

Los Angeles County

Carr, Clifford R. and Nelson, Perry. *Centinela Valley's Victim Offender Restitution Services: A Report for the Administrative Office of the Courts, Judicial Council of California* (Los Angeles, Calif., January 2000).

Mendocino County

Dick, E. *Victim Offender Reconciliation Program of Mendocino County*. VORP of Mendocino County (Mendocino, Calif., November 1999).

Orange County

Shichor, David, Dale K. Sechrest, and Robby Matthew. *Victim-Offender Mediation in Orange County, California*. Institute for Conflict Management, St. Vincent de Paul Center for Community Reconciliation (Santa Ana, Calif., February 2000).

Santa Barbara County

Cosden, Merith, Manuel J. Casas, and Maren Wolfe. *Evaluation of Santa Barbara's Restorative Justice Project*. Counseling, Clinical, School Psychology Program, University of California, Santa Barbara (Santa Barbara, Calif., December 1999).

Santa Clara County

Lee, Shirly. *Victim Offender Mediation Program Evaluation*. Prepared by Community Crime Prevention Associates for the Santa Clara County Probation Department and Santa Clara County Office of Human Relations (San Jose, Calif., December 1999).

Sonoma County

Hitao, Gig. *Measures of Program Participation and Success for the Redwood Empire Conflict Resolution Services Victim Offender Reconciliation Program*. Data Trends (Santa Rosa, Calif., October 1999).

APPENDIX D

CONTACT LISTS FOR THE SIX VORP SITES

Administrative Office of the Courts (AOC)

Audrey Evje, Attorney
Program Coordinator
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455 Golden Gate Avenue, 5th Floor
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Centinela Valley Juvenile Diversion Project, Los Angeles County

Steve Goldsmith
Director
Victim Offender Restitution Services
Centinela Valley Juvenile Diversion
Project
One Manchester Boulevard, Suite 880
Inglewood, CA 90301
Tel.: 310-412-5578
Fax: 310-330-5705
cvjdp@city of Inglewood.org

Clifford R. Carr
VORP Evaluator
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Tel.: 310-839-1920
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crcarr@aol.com
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Victim Offender Reconciliation Program of Mendocino County

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VORP of Mendocino County
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P.O. Box 355
Ukiah, CA 95482

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Institute for Conflict Management, Orange County

Scott Mather
Project Manager
VORP of the Institute for Conflict
Management
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Community Reconciliation
2525 North Grand Avenue
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Dale Sechrest
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David Shichor
VORP Evaluator
c/o Criminal Justice Department
California State University
5500 University Parkway
San Bernardino, CA 92407-2397
Tel.: 909-880-5566
Fax: 909-880-7024
dksechrest@aol.com

Restorative Justice Project, Santa Barbara County

Annie Kirchner
Director
Restorative Justice Project
Community Mediation Program
330 East Carrillo Street
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Program
Graduate School of Education
University of California
Santa Barbara, CA 93106
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cosden@education.ucsb.edu
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Victim Offender Mediation Project, Santa Clara County

Jeanne Lucchesi
VOMP-RJ Coordinator
Probation Victim Offender Mediation
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Fax: 408-294-1872
jeannelucchesi@mail.jpd.co.scl.ca.us

Shirly Lee
VORP Evaluator
Community Crime Prevention
Associates
720 Coleman Avenue, Suite A
Menlo Park, CA 94025
Tel.: 650-868-5501
Fax: 650-566-9608
shirlylee@earthlink.net

REVORP: RECOURSE Victim Offender Reconciliation Program, Sonoma County

Richard Merriss
Project Manager
Redwood Empire Victim Offender
Reconciliation Program (REVORP)
Redwood Empire Conflict Resolution
Services (RECOURSE)
520 Mendocino Avenue, no. 233
Santa Rosa, CA 95401
Tel.: 707-579-7928
Fax: 707-546-0263

Gig Hitao
VORP Evaluator
Data Trends
308 Santa Rosa Avenue
Santa Rosa, CA 95404
Tel.: 707-578-3233
Fax: 707-578-1423
datatrends@pacbell.net

APPENDIX E

VICTIM OFFENDER RECONCILIATION PROGRAMS IN CALIFORNIA

This list is taken from the Directory of California and Nevada Victim Offender Programs on the web site maintained by VORP.org and last updated November 1999.

Antelope Valley VORP
45000 North 60th Street West
Lancaster, CA 93536
805-945-2527
Director: Mike Daniels

Fresno County VORP
2529 Willow Avenue
Clovis, CA 93612
559-291-1120
Interim Director: Jay Griffith

Bakersfield VORP
P.O. Box 70776
Bakersfield, CA 93387
805-395-1458
Director: Harold Keys

Madera VORP
3270 Tragon Street
Madera, CA 93637
559-675-8373
Director: Patti Pistoresi

**Centinela Valley Victim Offender
Restitution**
One Manchester Boulevard, no. 880
Inglewood, CA 90301
310-412-5578
Director: Steve Goldsmith
Contact: Cedric McRae

Oakland VORP, Catholic Charities
433 Jefferson Street
Oakland, CA 94607
510-834-5656, ext. 3162
Fax: 510-451-6998
Director: LouAnn Aaberg

**Central Coast VORP Conflict
Resolution Program**
265 South Street, Suite B
San Luis Obispo, CA 93401
805-549-0441
Director: Rita Hatfield

Orange County VORP
2525 North Grand Avenue, Suite N
Santa Ana, CA 92705
714-288-5600
Director: Scott Mather

Corning Restorative Justice Project
643 Blackburn Avenue
Corning, CA 96021
530-824-4408
Fax: 530-824-4709
Director: Gary Fortenberry

Pasadena Area VORP Program in Development
Los Angeles VORP Pasadena Pilot
Archdiocesan Catholic Center
3424 Wilshire Boulevard
Los Angeles, CA 90010
213-637-7486
Fax: 213-637-6161

**Restorative Justice Project
Community Mediation Program**
330 East Carrillo
Santa Barbara, CA 93101
805-963-6765, ext. 3
Director: Annie Kirchner

**Sacramento County VORP
Youth Guidance Connection**
9851 Horn Road, no. 260
Sacramento, CA 95827
916-364-1010
Contact: Laura Ruth or Alvin Henry

Santa Clara Probation VOMP
840 Guadalupe Parkway
San Jose, CA 95110
408-299-3078
Director: Jeanne Lucchesi

Santa Clara Restorative Justice
5874 A Vallejo Street
Emeryville, CA 94608
510-655-6405
Director: Carol Sullivan

**Sonoma County REVORP
RECOURSE Mediation Service**
1212 4th Street, Suite I
Santa Rosa, CA 95404
707-525-8545
Case Coordinator: Richard Merriss

**Ventura County VORP
Youth Mediation Program**
1305 Del Norte, no. 130
Camarillo, CA 93110
805-485-6114, ext. 623
Division Manager: Cathy Ungar

VOMP of Chico
341 Broadway, Suite 200
Chico, CA 95928
530-899-2277
Director: Lisa Michaels

VORP of Mendocino County
205 North Bush Street, Room no. 6
P.O. Box 355
Ukiah, CA 95482
707-462-6160
Director: Ed Dick

VORP of San Diego County
1984 Sunset Cliffs Boulevard
San Diego, CA 92107
619-223-2544
Director: Pearl Hartz

VORP of San Joaquin County
1020 West Lincoln Road
Stockton, CA 95207
209-477-4090
Fax: 209-369-6815
Director: Walt Friesen

APPENDIX F

RESOURCES

1. PUBLICATIONS

Note: Publications distinguished by an asterisk are the principal references for this summary report. Full citations to the reports of the evaluations will be found in appendix C to this report.

Bush, Bernard A. Baruch, and Joe Folger. *Transformative Mediation and Third-party Intervention: Ten Hallmarks of a Transformative Approach to Practice*. *Mediation Quarterly* 39, no. 4 (summer 1996).

*Coates, Robert B., and John Gehm. "An Empirical Assessment," in *Mediation and Criminal Justice*, edited by Martin Wright and Burt Galaway (London: Sage, 1989).

*Collins, J. P. *Final Evaluation Report of the Lethbridge Alternative Disposition Project for Young Offenders*. Ministry of the Solicitor General of Canada (Ottawa, Canada: Consultation Centre [Prairies], 1983).

—. *Evaluation Report: Grande Prairie Reconciliation Project for Young Offenders*. Ministry of the Solicitor General of Canada (Ottawa, Canada: Consultation Centre [Prairies], 1984).

*Dignan, J. *Repairing the Damage*. Centre for Criminological and Legal Research, University of Sheffield (Sheffield, England, 1990).

*Fischer, D. G., and R. Jeune. *Juvenile Diversion: A Process Analysis*. *Canadian Psychology* 28 (1987): 60–70.

Hughes, S. P., and A. L. Schneider. *Victim-Offender Mediation in the Juvenile Justice System* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1990).

*Marshall, T. F., and S. Merry. *Crime and Accountability* (London: Home Office, 1990).

Mediation Quarterly. Published by Jossey Bass, 350 Sansome Street, San Francisco, CA 94104; tel.: 415-433-1740 or 1-800-956-7739; webperson@jbp.com or www.josseybass.com.

Mennonite Central Committee and MCC U.S. *VORP Volunteer Handbook* (Akron, Pa.: Mennonite Central Committee and MCC U.S.; Office of Criminal Justice, 1990)

*Niemeyer, M., and D. Shichor. *A Preliminary Study of a Large Victim/Offender Reconciliation Program*. *Federal Probation* 60, no. 3 (1996): 30–34.

*Nugent, W. R., and B. Paddock. *Evaluating the Effects of a Victim-Offender Reconciliation Program on Re-offense*. *Research on Social Work Practice* 6, no. 2 (April 1996): 155–78.

*Nugent, W. R., M. S. Umbreit, L. Wiinamaki, and J. Paddock. *Participation in Victim-Offender Mediation and Re-Offense: Successful Replications?* *Journal of Research on Social Work Practice*, in press.

*Perry, L., T. Lajeunesse, and A. Woods. *Mediation Services: An Evaluation*. Research, Planning and Evaluation Office of the Attorney General (Manitoba, Canada, 1987).

*Schneider, A. L., and P. R. Schneider. *Restitution and Recidivism Rates of Juvenile Offenders: Results from Four Experimental Studies*. *Criminology*, 24, no. 3 (1986): 533–52.

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2. VIDEO TAPES

Restorative Justice: Making Things Right. 22 min. Mennonite Central Committee. Videocassette. *VORP Mediation: A Peace Keeping Model.* Mennonite Central Committee. Videocassette.

An introduction to the theory and practice of restorative justice. Presents restorative alternative for healing people and relationships. Available from the Office on Crime and Justice, Mennonite Central Committee, U.S., 21 South 12th Street, P.O. Box 500, Akron, PA 17501-0500; tel.: 717-859-1151; ocj@mccus.org.

Presbyterian Church (USA), *Restoring Justice.* 51 min. Produced by Presbyterian Church (USA) for the National Council of Churches of Christ in the USA, n.d. PDS#72-630-96-720. Videocassette.

Available from Presbyterian Church (USA), 100 Witherspoon Street, Louisville, KY 40202-1396.

Price, Marty, J.D. *The Mediation of a Drunk Driving Fatality.* 27 min.

Produced by Victim-Offender Reconciliation Program, n.d. Videocassette.

Available from the Victim Offender Rehabilitation Program, 2315 NE Mason Street, Portland, OR 97211; tel: 503-281-5085.

3. TRAINING PROGRAMS

Center for Peacemaking and Conflict Studies
Fresno Pacific University
1717 South Chestnut Avenue
Fresno, Calif. 93702
559-455-5840 or 800-909-8677
pac@fresno.edu
www.fresno.edu/dept/pacs

Center for Restorative Justice and Peacemaking
School of Social Work
University of Minnesota
105 Peters Hall
1404 Gortner Avenue
St. Paul, MN 55108-6160
612-624-4923
rjp@tlcmail.che.umn.edu
<http://ssw.che.umn.edu/rj>

Eastern Mennonite University
Summer Peace Institute of the Conflict Transformation Program of Eastern Mennonite University
1200 Park Road
Harrisonburg, VA 22802-2462
504-432-4490
ctprogram@emu.edu
www.emu.edu/ctp/rj/intro.html

Restorative Justice Ministries
Fresno Pacific College
1717 Chestnut Avenue
Fresno, CA 93702
209-455-5843
rjm_vorp@Fresno.edu

4. ASSOCIATIONS, CENTERS, AND OTHER RESOURCES

Community Service Foundation

c/o Paul E. McCold, Director of Research
2016 Flint Hill Road
Coopersburg, PA 18036
610-838-2602

Justice Fellowship

926 J Street, Suite 810
Sacramento, CA 95814
916-446-9470
andrea.cook@PFM.org
www.pfm.org

Real Justice

P.O. Box 229
Bethlehem, PA 18016
610-807-9221
usa@realjustice.org
www.realjustice.org

Victim-Offender Mediation Association (VOMA)

c/o William T. Preston, Administrator
4624 Van Kleek Drive
New Smyrna Beach, FL 32169
904-424-159

