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Justice for All?:
Victim Satisfaction with Restorative Justice Conferences

A thesis
presented to
the faculty of the Department of Criminal Justice and Criminology
East Tennessee State University

In partial fulfillment
of the requirements for the degree
Master of Arts in Criminal Justice and Criminology

by
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December 2004

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Keywords: conferencing, crime, disposition, offenders,
restorative justice, satisfaction, victims

ABSTRACT

Justice for All?:
Victim Satisfaction with Restorative Justice Conferences

by

Sarah Anne Behtz

While the process of restorative justice is fairly new, several programs have been implemented globally and found to be effective in various aspects over the past 30 years. Very little empirical research has been gathered from these global programs though members of the criminal justice community as well as members of the general public have expressed interest in learning more about the programs and effectiveness and opinions of the programs. This study takes a closer look at what victims have expressed as being important to them regarding the criminal justice system and satisfaction with how their cases are handled in both traditional court proceedings as well as through restorative justice processes.

DEDICATION

In Loving Memory Of

H. R. Grimes

(1927-1987)

who taught our family the true
meaning of a Servant Heart.

and

Sam R. Sells II

(1933-2004)

who lived so that everyone he encountered
knew of God's unconditional love and mercy.

*"Assuredly, I say to you, inasmuch as you did it to one of the
least of these My brethren, you did it to Me. "*

Matthew 25:40

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I would be remiss in not thanking my parents Edward and Victoria Behtz for everything they have done for me, especially as I pursued this new path in life. Their patience, love, prayers and support helped me achieve this milestone. I thank my brother Thomas and his family for their love and support as well as Randall and Noelle Grimes whose careers helped inspire me to pursue this particular field of study. I could not have done it without each of them.

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CHAPTER 1
INTRODUCTION

Restorative Justice is a fairly new concept in the United States when compared to other perspectives concerning the juvenile justice system. It is, however, a global concept that seems to be widely supported and successful at trying to help divert first-time juvenile offenders from the court system and including more people in the resolution of cases. There are several forms of restorative justice available; however, this paper will focus on the process of victim-offender meetings and family group counseling in the juvenile justice system and no distinction will be made between the two for the purposes of this study. While victim-offender meetings (VOM) and family group counseling (FGC) began as two separate processes, they are now often grouped together as the processes are similar. Victim-Offender Mediation is a process where, after admitting guilt of a crime, a juvenile is referred to a program that allows mediation between the victim and the offender to take place.

In most studies, the juveniles most likely to be sent to these programs are those who have committed property crimes as opposed to those who committed violent crimes. One study in the United States studied juveniles who had committed violent crimes and were held accountable by non-traditional means and the findings were in keeping with studies of juveniles who had committed property or non-violent crimes and went through the same process (McCold, 2001).

This study will look at what victims hope to gain from the non-traditional means of punishment of juveniles who have committed crimes against them, which aspects of restorative justice appeal to the victims, and how all of those factors contribute to the victims' satisfaction with the outcome of their cases.

Statement of the Problem

The problem addressed in this study is whether victim-offender programs as a means of restorative justice will provide a higher satisfaction level for the victims as opposed to victims who went through the more traditional justice system. Juvenile Restorative Justice Programs can be found in various locations around the world and a handful of studies of these programs have been evaluated and findings reported. However, these studies focus primarily on the effectiveness of the programs by measuring recidivism rates, compliance, and satisfaction of the offenders. Several studies address the victims and their thoughts on the effectiveness of the restorative justice practices; however, empirical studies on the subject are scarce. When taking a closer look at the data obtained from victims regarding the restorative justice processes as opposed to the traditional forms of juvenile justice, one might notice that researchers have not yet ventured to study the reasons why victims might agree to participate in victim offender meetings, nor which factors contribute to their being satisfied or not with the eventual outcome. It is my contention that this is information that must be obtained to help make the processes more effective for all

involved and to decide whether or not this avenue of justice should be pursued more often in certain juvenile cases. It seems as if the data that have been released are being used to try to prove effectiveness of a program while only considering one segment of those involved and not considering the entire picture. To better evaluate the restorative justice programs it is necessary to look at more than how many cases are being handled using restorative justice, and how many juveniles recidivate after previous cases of theirs have been resolved through the non-traditional means. A closer look must be taken at how all participants in the non-traditional cases responded to the process and resolution of their cases.

Purpose of this Study

The primary question addressed in this study is whether victim-offender programs as a means of restorative justice will provide a higher satisfaction level for the victims as opposed to victims who went through the more traditional justice system. Wachtel and McCold's collection of data for the Bethlehem project published in 1998 included three groups of victims and offenders and the data were collected over a period of 2 years from 1995 to 1997. The 64 conferences held and analyzed for this study began on November 1st, 1995, though survey responses were not available for all of the cases. Only certain crimes within the categories of property and violent crimes were considered for use in this study. The property crimes included involved theft, criminal mischief, and criminal trespassing. The violent crimes that were used in the study included making threats, harassment, simple

assault, and disorderly conduct. Juveniles who had already been through the courts (tried for a prior offence) were not considered eligible to participate in this study. Certain crimes such as sex offenses, weapon offenses, and drug and alcohol offenses were also excluded from this study. One hundred forty property crimes and 75 violent crimes were chosen as part of the study. Two thirds of each of the two categories of victim/offender pairings were assigned to attend conferences as the non-traditional approach of the cases, and the remaining third of the two categories were assigned to have their cases tried in the traditional court setting. Those who were chosen to participate in the conferences became the experimental group, and those who remained in the traditional court setting were used as the control group. For various reasoning, not all of the cases assigned within the experimental group actually participated in the conferencing. If the offender failed to admit responsibility for the crime committed, his case was instead tried in court rather than sent through restorative justice mediation. If either the victim or offender expressed opposition to being part of the conferencing experiment, that case was sent through court as well. Participation in the conferences was in no way mandatory, and the victims and offenders participated in this study voluntarily. All cases that were initially assigned to the conferencing but were instead tried in court became a subset of the experimental group that will further be referred to as the decline group. Therefore, the cases are divided into 2 groups within the experimental division known as the conference group and the decline group, and those cases were then compared and

contrasted to the control group. This study will look at the overall satisfaction of the victims in the control group as well as the conference and decline groups. Certain variables will also be analyzed to try to discover and understand which variables most affected the satisfaction or dissatisfaction of the victims with the handling of their respective cases. The study will then assess the comparative satisfaction to see if the victims from the experimental groups or the control group expressed a higher level of satisfaction with the resolution of their case over the others. Assessment of satisfaction levels of victims and offenders who participated in conferencing will help make more educated and stable decisions about whether or not restorative justice is practical and if anything might need to be changed to make the restorative justice programs even more effective than they currently are.

Hypotheses

The central hypothesis of this study is that the victims who were randomly assigned to go through the restorative justice pathways will be more satisfied with the outcomes of their cases when compared to those whose cases were handled in the more traditional court settings. The victims are able to take more of a hands-on approach with restorative justice and are active in speaking with the offender and determining the punishment of the offender. While not every victim will prefer restorative justice as opposed to more traditional forms of juvenile justice, it is predicted that this study will show significant victim satisfaction with the outcomes of their case. Prior research

suggests that it is quite possible that victims of property crimes may well prefer non-traditional means more often than victims of violent crimes due to the high emotions generally involved with the violent crimes compared to those of property crimes. Some victims may decide that they do not wish to come face-to-face with someone who raped them or injured them physically due to the memories that must be dealt with and laid out, while victims of theft might see no problem whatsoever in facing the offender.

Data Collection Tools

The data collected from victims for the purposes of this study came from surveys that were completed by the victims both before the case was handled and after the case had been settled. The surveys include, but are not limited to, a ranked answer of how satisfied the victim was with how the case was handled, of whether the victim perceived that their opinion seemed to count in the case, of whether the victim believed the juvenile was held accountable for the crime that was committed, of the importance of receiving answers from the offender, of whether the offender be told how the victim was affected, of whether the victim would be repaid for losses, of whether the offender get counseling or help, of whether the offender was punished, of whether the offender apologized, etc. Each group also considered what it would have been like had they gone through the processes of another group. Finally, the surveys record an overall feeling about the offense after the case is settled, what the outcome of their case was, and if the victim felt that fairness was truly

administered in their case. Similar surveys were also sent to and filled out by the offenders, friends and family of the offenders, and by police officers who were mediating the family group conferences in this study. While several of the surveys used to gather information in this study address victim attributes and fairness in the justice system, the data used for the purposes of this particular study came primarily from the two types of questionnaires filled out by participating victims. Completion of the surveys for the study was also voluntary. More surveys were completed by the offenders in the treatment and control groups than were surveys from the victims. McCold and Wachtel (1998) report that a total of 118 surveys were returned by the victims, with 54 from victims who were in the conference group, and the remaining 65 from victims included in the decline and control groups. The data on 118 of these cases are available and have been used for the purposes of this study. The response rate for those who participated in conferences was the highest of the three groups. Data analyzed in my study include results from 54 surveys from victims in the conference group, 34 in the control group, and 30 in the decline group.

CHAPTER 2

PREVIOUS RESEARCH

While programs that provide victims the opportunity to meet with their offenders in the presence of a mediator have been in development for approximately 20 years and include well over 100 programs, there have been very few empirical studies that assess the impact of victim-offender meetings on the victims of the crimes. One of the first known research projects to assess the impact of victim-offender mediation meetings upon juveniles occurred in New York in the early 1980s. This study was unique in that it looked primarily at cases that arose from felony arrests such as assault or burglary. The victim-offender meetings were voluntary and were offered as an alternative to being tried in Brooklyn's Criminal Court. Cases that were assessed to be appropriate for victim-offender meetings were randomly assigned into a control group that went through court and into an experimental group that went through the victim-offender mediation. Success of this program was evaluated based on the victim's satisfaction with the outcome of the case and based on the recurrence of further conflict between the two parties involved. The study found that there was no more recurrent conflict between those who had been through court than those who went through the victim-offender meetings (Davis, Tichane, & Grayson, 1980).

While there were programs like the one that Davis and his colleagues studied, the specific term "Victim Offender Reconciliation Program" or VORP was not used in North America

until 1974. The first Victim Offender Reconciliation Program in the United States began in 1978 in Elkhart, Indiana. The program was implemented with the help of members from the Mennonite Church, judges, probation officers, and a program called PACT (Prisoner and Community Together). Another study was conducted by Coates and Gehm in 1989. This study included evaluation of Victim Offender Reconciliation Programs in four communities in Indiana. Success in this study was again evaluated based on the responses by victims and offenders in surveys regarding their feelings of the outcome of the mediation. Based on the surveys, the program was found to be successful (McCold, 2001).

There have been only a few empirical studies that clearly address the issue of effectiveness and views of restorative juvenile justice held by the general public as well as participants. A study by Guedalia in 1979 found that after the offenders made contact with their victims, there was a reduction in recidivism. This study did not include a victim-offender mediation session. Instead, victim and offender simply met or the offender would send a letter of apology to the victim. In 1986, Schneider found a significant decrease in recidivism among juvenile offenders in Washington, DC after participating in a victim-offender meeting when compared with juveniles who were assigned not to take part in the meetings. There was a problem with this study, however. Those juveniles who were assigned to participate in a victim-offender meeting but chose not to, had lower recidivism rates than those not given the option to participate. It is suggested that this finding might indicate that allowing juveniles a choice in how their cases are handled

in court might affect the recidivism rates (McCold, 2001). From 1990-1991, Umbreit evaluated four VORPs in Albuquerque, New Mexico, Minneapolis, Minnesota, Oakland, California, and Austin, Texas. The evaluation of the program in Austin was added late in the study and was analyzed in a more limited manner than the other three programs. Umbreit studied cases that primarily involved juvenile offenders committing property crimes. The study found that juveniles who went through the victim-offender mediation programs had lower recidivism rates than the juveniles who went through the traditional court process. When they did recidivate, the tendency was to commit a less serious crime than the initial crime committed before going through the Victim Offender Reconciliation Program. Umbreit concluded that "while the victim-offender mediation process appears to have had an effect on suppressing further criminal behavior, this finding is not statistically significant. Even though the difference between the mediation and comparison samples approached significance, missing by very little, the possibility that this apparent effect occurred by chance cannot be ruled out (Umbreit, 1994, p. 116). Umbreit suggests that to study only recidivism as an outcome measure of victim-offender meetings would be to limit the study. Victim-offender mediation may offer many valuable benefits other than lowered recidivism rates. Other factors also play roles in recidivism. Examples of these factors might be support from the juvenile's family or support from the juvenile's peer group. Either of these factors could easily facilitate increased or decreased recidivism rates. So while recidivism is acknowledged in evaluations of restorative justice or victim-

offender meetings, it is important to recognize other factors that could influence the recidivism rates. More information has been released regarding the effect of victim offender meetings on the victims and the level of satisfaction felt by the victims.

Surveying Research on Mediation and Conferencing

Again, due to the relative youth of juvenile restorative justice practices, little empirical research can be found on the subject. McCold, however, published an article that was a brief overview of what evaluation research had been conducted on the aforementioned restorative justice programs from the years from 1971 until 2001. His goal was to see what evidence could be found proving or disproving the effectiveness of restorative justice when responding to crime or to conflicts found in society. McCold suggests that a program should not be used merely because of its popularity but instead should be used only if the effects of the program could in some way be measured. The author suggests that a program needs to be measured against existing processes to help determine success of the new program. The new program does not need to be flawless or perfect but needs to show superiority more often than not when compared to more traditional practices. McCold assesses many aspects of juvenile justice over this 30 year period in an effort to determine the success of the juvenile restorative processes. McCold made the following conclusions (2001):

- There is no significant public opposition to restorative justice.
- There is a high level of support among victims of crime and the public for offender reparation and for victims having an opportunity to meet with their offender.
- While participation rates vary widely from program to program, victims and offenders will voluntarily participate when presented with the option to do so.
- Offenders are somewhat less likely to participate in conferencing than victims.
- Participation in conferences is affected by crime type, age of offender, type of victim, and prior relationship between victim and offender.
- When victims and offenders participate in restorative programs, the rates of agreement and compliance with that agreement are very high.
- No consistent relationship between a program's participation rate and either the agreement or compliance rates has been found.
- There is no intrinsic limitation to the type of dispute or disputants for which restorative justice can bring a reparative response.

- Both victims and offenders rate restorative justice as more fair and satisfying than court. This is especially true for victims and for models that directly involve communities of care.
- Several recent restorative justice programs report fairness and satisfaction ratings from both offenders and victims above 95%.

Public Responses to Juvenile Restorative Justice Practices

While the United States of America is known to have the largest criminal justice system in the world, and in spite of the fact that our government spends large sums of money on several different programs and approaches to criminal justice, a survey completed by a randomly selected group of adults in the United States that was conducted in 2000 found that only 24% of the American public says they are satisfied with our criminal justice system (McCold, 2001). A study in 1998 that surveyed 4,015 adults in 9 northeastern states in the United States also shows the confidence levels in the criminal justice system and its current practices. A mere 16% of those surveyed indicated that the criminal justice system works well and requires no changes. Seventy-five percent of those surveyed, however, indicated they would be in favor of revamping the criminal justice system. While these percentages are averages of the responses from each of the nine states individually, the responses were seemingly

consistent in each of the nine states surveyed. Two hundred twenty-four of the victims surveyed were involved in cases in which the offender was caught. Only 48% of these victims were satisfied with the outcome of their cases, and only 37% indicated that their opinion had been taken into consideration when their cases had been tried. When crime victims and the general public were questioned as to possible support of voluntary victim-offender encounters in these nine states, it seemed as if the encounters would be widely supported by both groups (McCold).

This survey of support was consistent with surveys conducted in such areas of the world as New Zealand, Great Britain, and Germany. Closer evaluation of global surveys of crime victims and the general public indicates that the idea of the public demanding tough punishment for crimes is a myth rather than fact. The majority of the public expressed that more often than not, restorative programs made more sense than programs that promoted retribution. A study of over 2,000 randomly selected members of the public in Minnesota expressed strong public support for restitution instead of incarceration for offenders in property crimes and also found that crime victims seemed to be of a less punitive mindset than non-victims who were surveyed. In recent overviews of general global research on restorative justice practices, acceptance of victim offender mediation and other such restorative justice practices seems high in most societies and researchers see no reason why the spread of these ideas and

implementation of similar programs should not be put into place (McCold, 2001). Those planning implementation of new programs into areas that do not already have similar practices in place should keep in mind, however, that the public is only recently beginning to become familiar with these practices and widespread opinion of the programs is still being formed.

What Constitutes a Restorative Justice Program?

Primary restorative justice practices are meant to bring offenders and victims and others directly affected by their criminal behavior together in a setting where they can work together to agree on a plan for the offender to make amends to the victim(s) for the wrongdoing and make any reparation possible for the crime committed. Restorative justice programs include community mediation, victim-offender mediation, family group conferencing, and community group conferencing. All of these practices belong to one of at least three types of peace-making circles as expressed by McCold (2001). However, most empirical research focuses only on the mediation and conferencing programs. The community mediation programs have undergone rather radical changes in the past 10 years, drastic especially the professionalization of the mediators, as in the beginning mediators were generally trained community volunteers. Since the inception of the processes and centers, however, the process has

become more professionalized and does not rely merely on the kindness of volunteers.

Victim Offender Mediation (VOM) can be traced to victim offender reconciliation programs (VORPs) as they were known to occur in some Mennonite communities. The VORPs were faith-centered in their beginnings and some of the programs that still exist tend to use terms that are considered to be faith-based, such as atonement, reconciliation, obligation, responsibility, accountability, forgiveness, and justification. As a result of combining the community mediation and the VORPs, the concepts have become more secularized rather than faith based while still attempting to focus on the emotional healing of victims as well as offenders. VOMs are generally limited in the types of cases they deal with as they are normally tied to criminal rather than civil cases. VOMs are generally avoided in cases where the victims and offenders are in ongoing relationships with one another. VOMs tend to de-emphasize reconciliation processes and instead focus on healing for the victims, holding the offenders accountable for their actions, and restoration of losses to the community and the victims.

Family group conferencing (FGC) is the third type of restorative justice that is looked at in this study (though for the purposes of this study it has been made clear that little to no distinction would be made between VORPs, VOMs, or FGCs). FGC has become the most frequently used intervention type for

juvenile restorative justice processes. One of the main attributes that distinguishes the FGCs from other restorative justice programs is the focus on more stakeholders than merely victim and offender. FGC includes victims, offenders, family members, and those who have seen how the crime has affected all persons involved. This means that more people must agree on what might be acceptable as a form of repaying for the damage offenders have caused, whether repaying for items stolen or destroyed, or paying for peace of mind for the victim(s) and overall restoration of all losses.

Comparing Restorative Justice Programs

While it is possible to compare restorative justice programs, it is not a simple process. There are three difficulties that are found when attempting to make the comparisons. The first problem is that there are different criteria used to decide whether the program can appropriately deal with the matter at hand. Some programs accept juveniles only under the age of criminal intent, and other programs work only with adult felony cases. These cases can be limited by type of crime committed, working only with property or violent crimes. Other cases might be deemed inappropriate for certain programs as a result of the relationship between victim and offender. Some organizations prefer to work with victims and offenders who know one another and/or who have an ongoing relationship. Other

organizations prefer to work with what are referred to as stranger crimes, or crimes where there is no known prior relationship between victim and offender. One final example would be that some programs are intended to work with criminal case referrals while others deal more with a variety of disputes rather than limit themselves to merely criminal cases.

Sponsorship and funding has also been a key issue in deciding which cases should or should not be accepted into a program. When funds are limited and programs are sponsored by specific companies and/or private donors, the programs must carefully choose which cases to accept into the program. The funding will of course help determine how many cases a program can take on and even how much research might be derived from that program. Another problem that must be considered when trying to compare effectiveness of restorative justice programs is the fact that all programs do not necessarily involve direct contact between victims and offenders. It is in such cases as these that the programs rely on the mediators to properly represent both sides of the case before them and attempt to satisfy all parties involved with the outcome. In some cases, the leaders of a program may prefer direct conferencing between victim and offender, but a victim may well prefer to not meet with the offender, even if mediated. If the crime has not affected one victim directly but has instead involved a store or company as a victim, a representative is chosen to take part in the meeting

and might not feel as strongly as a single victim might about the crime that was committed. The final problem McCold addresses in his overview of Restorative Justice is when trying to compare programs is that each program uses different measurements, different ways of measuring, and even different meanings of measurements and results obtained from various contexts.

Differences can be found in types of cases referred, referral processes used, and even what would count as recidivism or what is seen as an action that breaks an agreement made within the contexts of the programs. McCold concludes that a problem in comparison of restorative justice programs is that there is little standardization of process or of outcome measures that might allow more consistent comparisons of restorative programs.

Comparing Restorative Justice Program Attrition and Participation Rates

Due to the relative newness of restorative justice programs and the inconsistency of processes used to evaluate effectiveness of the programs globally, researchers must try to bring all programs to at least one common measure that can be standardized across various programs. Researchers agree that more than recidivism rates must be considered when comparing the effectiveness of restorative justice programs and have begun taking a closer look at participation and attrition rates as well. Because all of the restorative justice programs are based

on voluntary participation, some programs might find that victims would prefer more traditional means to deal with the case at hand than others. Victims might not be fully aware of the concepts and processes of restorative justice and as a result might prefer to have their cases settled in court. In areas where the programs are more established and have successfully mediated many cases, a victim or offender might be more willing to try the restorative processes rather than remain in the court system. Program participation and attrition rates may also be a direct result of improper screening of cases. Certain crimes and certain victims and offenders may well be better handled through court systems and not mediation. It is important that these cases be weeded out before their referral to restorative justice programs so that if the case can not be mediated, it does not count against the program's effectiveness. There are, of course, various reasons why cases should remain in traditional justice routes and also various reasons why cases mediated in restorative justice programs might not succeed. Not all agreements reached in mediation will be kept. As a matter of fact, research shows that the agreements reached in mediation will more likely be fulfilled in cases of stranger crime as opposed to crimes in which the victims and offenders have ongoing relationships. There is no magic solution that will ensure effectiveness of a program or the outcomes of cases, though proper screening and trained mediators and facilitators can help to ensure that the

restorative practices are not doomed to fail from the beginning. Further information about Restorative Justice can be found in Bazemore and Schiff (1996).

Criminal Justice, Restorative Justice, Ethics and Spiritual
Development

"We know that all human beings have a conscience, as the apostle Paul tells us in Roman 1 and 2, and yet conscience must be trained; civilized habits and behaviors must be cultivated by moral teaching and discipline." (Colson, 2001.)

Colson states that "The sad conclusion one must draw...is that we have simply failed in this most basic task of civilizing society through inattention to the moral and spiritual development of our children. The result is a generation with suppressed and deadened consciences. Many of our young people act like savage children, lacking any human characteristic of decency, respect for life, and concern (if not compassion) for others" (Colson, 2001, p. 9). To Colson, it is apparent that punishment is not the best way to help our juveniles when they have done something wrong. Colson suggests that they must be taught the moral implications of right and wrong as applied to the law of the land. Others, it seem, agree that we must work on the problem of juvenile delinquency by educating these children.

The children of today are the future of tomorrow, and we must do what we can to help these children and not just lock them away for their wrong doings.

Juvenile justice systems and juvenile corrections professionals have been seeking new approaches that focus on prevention of crime and the victim's needs. The option that has emerged as a result of this approach is one of restorative justice. While restorative justice began as a philosophy for fairness and justice, many practical applications of restorative justice have emerged in America in the past decade. Restorative justice is "based upon a shared set of values that determines how conflicts can be resolved and how damaged relationships can be repaired or improved" (Gregorie & Seymour, 2002). During a 1996 national restorative justice conference, a panel of experts identified seven core values of restorative justice:

- crime is an offense against human relationships;
- victims and the community are central to justice processes;
- the first priority of justice processes is to assist the victims;
- the second priority of justice processes is to restore the community, to the degree possible;
- the offender has a personal responsibility to the victims and to the community for crimes committed;

- the offender will develop improved competency and understanding as a result of the restorative justice experience; and
- stakeholders share responsibility for restorative justice through partnerships for action.

From an examination of these principles as developed by the panel in 1996, there are many who would agree with Colson that one of the major issues that needs to be discussed with juveniles when they have committed a crime is personal responsibility. They must be educated to see why what they have done is legally as well as morally wrong. They must do what they can to try to right their wrong. It does not seem that prison systems (even juvenile correctional systems) are places where juveniles can learn how to right their wrongs when the main focus is punishment for their wrongs. There is a need for us as a nation to take a closer look at what has caused these juveniles to end up in trouble and work to fix the problem and hopefully prevent more from following in the footsteps of their peers.

In an article by White, it is suggested that education could help to head off problems of juvenile offenders. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) reports that juvenile delinquency (minor, non-violent serious, and violent) begins around age 7 and continues rising through late teenage

years. Increases in juvenile crime seem to parallel trends in the economy such as declines in extended families, increase in single parenthood, access to weapons, and growing roles of gangs among youths (White, 2002). With fewer adults around from whom the children can gain knowledge of proper behavior, children are left to follow the lead of their peers. Somewhere along the line, these children must be educated by someone other than their peers. If they are not doing well in school at an early age and a parent is unable to help the child, the community needs to offer these children some form of help and specialized attention. Education is closely tied to success, and without the proper education, can we really ask these children to become successful? We must do our part to educate all children and give them the foundations for a successful future. It is thought that education is possibly the most important tool that can bring delinquent juveniles around and restore them to their families as well as the community. Education of these juveniles will be most successful when instructors learn to build upon the strengths of the students. At the same time, the children must be educated to understand the consequences of their actions as well as develop awareness of the rights and needs of others. Perhaps this calls for a drastic change in teaching methods used with juveniles; however, it makes sense to face this problem head on and try to avoid it rather than trying to restore community, offender, and victim after the fact. Another solution would be to use

rehabilitative centers to educate the juveniles after they have committed a crime. In a rehabilitative center as opposed to a detention center, a more one-on-one focus could be placed on educating the juveniles and offering the specific attention to juveniles who need the help and are not getting it in public schools, who are afraid to ask for help, or who have no one to ask for assistance. The time of "punishment" in a rehabilitative center could better prepare the juvenile to enter the community and perhaps feel that a better foundation has been laid with which to approach the future.

Another suggestion that has been noted in studies and articles is community service work for offenders (Etter & Hammond, 2001). Community service work could grow to be a wonderful experience for juveniles who have committed crimes. This places juveniles back into the community in an active role. This time, however, the juveniles are doing positive activities. The juveniles who perform community service work have a chance to give back to the community, and this can give the juvenile something to be proud of. It seems that some juveniles who commit crimes are merely crying out for attention. However, they either do not know how to seek attention in a positive manner or do not feel they have the resources to gain positive attention. Community service work allows juveniles to speak with others about the crime they have committed and often discuss if the crime they committed was worth it to them based on the outcomes.

The community service work in exchange for the crime that was committed could also help to educate the juveniles on how to better structure the time that they have available and how to make the best use of their time. This also presents a chance to allow offenders to gain a positive work ethic that will help them when they try to get a job in the future. The outcome of community service work as a part of rehabilitation is two-fold. The community benefits from the work that is being done, and the juvenile offender gains from the experience as a whole.

In the past few years, an experiment has been performed on youthful offenders in Indianapolis. To become a part of the experiment, the offender had to meet two requirements. The first requirement was that the offender be no older than age 14. The second requirement was that the offenders admit to the crime they committed. This study shows yet another form of restorative justice for juveniles. In this project, the offenders met with a group that included victim, mediator, and supporters (friends and family members) of the offender and the victim. Once offenders have admitted to the crime, the courts could sentence them to one of these meetings. In these meetings, the offenders would tell what they did, why they did it, and what was going through their mind at the time they committed the crime. They would be asked who they felt their actions had affected. At this time, the victim would respond to the offender, telling them how they felt when the crime was committed and how it had affected them. The

supporters and family members could also contribute to the conversation stating how the crime had affected them as well. Generally, the meeting included a *sincere* apology from offender to victim. One of the final parts of the meeting was to decide as a group what the offender needed to do to make up for the crime committed. In some cases, the offender would pay retribution to the victim. In some, the children were assigned community service. In still others, some of the children paid money to a parent for taking the time out for court and for the meeting. While there has not been a large difference in recidivating between those who have come to the meetings and those who were put on probation, the overall outlook of the program and change in the offenders who went to the meetings were high. It is believed that as time passes, the number of children who go to the meetings that stay out of trouble will increase (Crawford, Kroovand, McGarrell, & Olivares, 2000).

It seems that combating the problem of crime at an early age is the way to go. If we can help juveniles at an early age to recognize their self worth and to make moral and ethical decisions, perhaps they will stay out of the court systems and help to lower crime rates. If we, as a society, intend to help decrease crime rates, studies show that we must help to rehabilitate offenders and restore them to community while helping to restore the community and victims alike. In today's society, there are more gang members than there are U.S. Marines

(Colson, 2001). Children must learn to consider the ethical and moral consequences of their actions. Studies show that children have weighed what they believe to be the consequences of their actions versus the benefits and choose to commit crimes based on the fact that they believe the benefits will outweigh the consequences. However, they have not weighed in the ethical and moral implications of their actions. They have not considered the cost of going to court, the time that parents might have to take off from work to go to court, the time that will be spent by the victim recovering, or how it will affect what their friends and family think of them. In the Indianapolis project, one offender admitted that the worst unconsidered consequence of the crime he committed was losing the trust of his brother (Crawford, et al., 2000). Crimes rates of adults are increasing year to year. However, if we can educate and rehabilitate our youth, perhaps the crime rate will begin decreasing as the children of today help build the future.

Summary

While empirical research regarding restorative justice is scarce, the comments of public and participants alike have been encouraging and with education might become more widespread in the not too distant future. Victims and offenders alike have expressed satisfaction with the process of restorative justice and how it was applied to their specific cases. It seems likely

that victim offender meetings will become a common and respected process for dealing with crimes, though the current programs have been geared towards juvenile offenders and results should not be viewed as generalization of how adult offenders would respond to the process.

CHAPTER 3

EXPLANATION OF DATASET FROM BETHLEHEM PROJECT

Experimental Design and Data Collection

The Bethlehem, Pennsylvania, Police Department and the Community Service Foundation conducted a two-year study on the effectiveness of police-based family group conferencing. Beginning on November 1, 1995, 64 conferences were conducted for the study. These conferences began with informing the offenders of their right to due process. Present at these conferences were the offender, the victim, the victim's supporters, the offender's supporters, and possibly the arresting officer. All participants in the meeting was asked what outcome they would like to see as a result of the meeting, namely an outcome that would begin the reconciliation process for the crime that had been committed. The suggestions were discussed thoroughly and finally a consensus would be reached. Therefore, the officer or justice system was not passing a sentence down on the juvenile. Rather, there was an open discussion including all parties at the meeting about punishment or restitution for the crime committed. When an agreement had been reached, the conference was over and time was allowed for socializing while the agreement was typed up and prepared for the victim and offender to sign.

Victim data for this study were gathered from surveys that were completed by participants before the case was handled and

after the case had been settled. The surveys include, but are not limited to, a ranked answer of how satisfied the victim was with how the case was handled, whether the victim's opinion seemed to count in the case, whether the victim believed the juvenile was held accountable for the crime that was committed, whether receiving answers from the offender was important, whether the offender was told how the victim was affected, whether the victim be repaid for losses, whether the offender got counseling or help, whether the offender was punished, whether the offender apologized, etc. The surveys convey the participant's overall feeling about the offense after the case is settled, the outcome of the case, and if the victim felt that fairness was truly administered in the case. While several of the surveys used to gather information in this study address victim attributes and fairness in the justice system, the data used for the purposes of this particular study came primarily from the two questionnaires filled out by participating victims. Completion of the surveys, like participation in the conferencing, was voluntary. More surveys were completed by the offenders in the treatment and control groups than were surveys from the victims. Wachtel and McCold (1998) report that 118 surveys were returned by the victims, with 54 from victims who were in the conference group, and the remaining 65 from victims included in the decline and control groups. It is the data from these 118 surveys that are available and have been used for this

study. The response rate for those who participated in conferences was the highest of the three groups. Data analyzed in my study includes results from 54 surveys from victims in the conference group, 34 in the control group, and 30 in the decline group.

Explanation of Treatment, Control, and Decline Groups

The Bethlehem Project initially defined a case as a criminal incident, and cases seen as suitable for the study were property crimes including retail and other thefts, criminal mischief and trespass, and violent crimes including threats, harassment, disorderly conduct, and simple assaults. Two-hundred fifteen criminal incidents were included in the project. These incidents involved 292 juveniles who were arrested for the victimization of 217 victims. Victims in these cases include 85 individuals, 107 retail stores, and 25 schools. While some of the stores and schools were victimized multiple times, each case was handled and recorded as a separate incident. Two thirds of each crime type (property and violent) were randomly assigned to a diversionary conference (treatment group) and one-third of each type assigned to formal adjudication (control group). Offenders who previously had been involved with the juvenile probation system were excluded from the study as well as juveniles who had committed felonies, drug/alcohol crimes, sex offenses, weapons offenses, and cases in which there was no direct victim. When arranging a

conference, facilitating police officers contacted both the offender and the victim to explain the conferencing process and to request their participation. Participation in the conference was voluntary. If either party declined or if the offender did not admit responsibility for the offense, the case was processed through normal criminal justice channels. Those cases constituted a second treatment group (decline group) (McCold, & Wachtel, 2000).

A Closer Look at Treatment Group Specifics

Two-hundred fifteen criminal incidents were included in the Experimental Policing Project in Bethlehem, PA. Two-hundred ninety-two juveniles were involved in the initial study. The control group consisted of 103 juvenile/victim pairings and accounted for 35.2% of the cases in the study. The conference group included 80 juvenile/victim pairings and accounted for 27.4% of those in the study. Finally, the decline group consisted of 109 juvenile/victim pairings for a total of 37.4% of the cases involved in the study. The victims and offenders in the control group were not informed about the restorative justice program nor the experiment that was being conducted.

Every juvenile arrest between November 1, 1995, and May 1, 1997, was carefully evaluated for eligibility based on the aforementioned criteria. Table 3 shows a breakdown of common reasons that cases were disqualified from the study. Of 1,285

juvenile arrests during this time, 56% of the offenders charged with a felony were disqualified from the study because they had prior records. Previous criminal activity was the most common reason cases were disqualified from the study (28% were not eligible to participate for this reason). Inappropriate offenses (11%) and the seriousness of the crimes (9%) were popular reasons for disqualification from the study. Cases were randomly assigned to the control and treatment groups until there were approximately 75 violent crimes included in the study which was the target number for the study. Because each case could include multiple offenders as defined by the project, 111 violent offenders were included as compared to 181 property offenders for a total of 292 offenders included in the Bethlehem Experiment.

Of the total number of cases that were assigned to conferencing, participation seemed to vary according to crime type. Only 32% of the violent cases participated in the conferencing as opposed to 52% of the property cases. Also, it is important to note that while age, race, ethnicity, and gender of the offenders were made available, the published data does not provide the same information for the victim population of the studies. Table 1 shows comparisons of the 292 cases and offenders as reported by Wachtel and McCold in May of 1998, and Table 2 includes the similar information collected only from the surveys that were returned. Males and females were represented fairly evenly in the group that attended the conferencing, but it

should be noted that juveniles in the control and decline groups consisted heavily of males. An overwhelming 71% of the juveniles included in the control group were male. Likewise, 69% of the juveniles in the decline group were male. The juveniles taking part in the conferencing were more evenly distributed with 53% of the group male, and 48% female. Of the survey responses to the Bethlehem Project, response rates were higher for crimes that involved non-white and male offenders. The majority of the juveniles included in the study were 15 and younger. Eighty-eight percent of the control group juveniles were under age 16, as were 83% of the conference group, and the decline group had 72% under the age of 16. As can be seen in Tables 1 and 2, response rates of surveys did not accurately reflect the population. The offenders in the 292 cases on which information was gathered were fairly evenly distributed between whites and non-whites. However, more than half of the surveys filled out were regarding cases that included non-white offenders. Previous research does not indicate a significant relationship between ethnicity and success of restorative justice programs, though the discrepancy is noted in this instance.

Table 1

Group Comparisons of all 292 Offenders Included in the Bethlehem, PA Study

	Total			Violent			Property		
	control	conference	decline	control	conference	decline	control	conference	decline
Number	103	80	109	35	24	52	68	56	57
	Age At Arrest								
under 13	25%	23%	24%	14%	21%	19%	31%	23%	28%
age 13	29%	29%	16%	29%	38%	23%	29%	25%	9%
ages 14-15	34%	31%	32%	46%	21%	25%	28%	36%	39%
ages 16-17	12%	18%	28%	11%	21%	33%	12%	16%	25%
	Race / Ethnicity								
white	44%	41%	35%	37%	29%	31%	47%	46%	39%
black	6%	1%	14%	6%	0%	13%	6%	2%	14%
Latino	49%	51%	50%	57%	63%	54%	44%	46%	46%
other	2%	6%	2%	0%	8%	2%	3%	5%	2%
	Gender								
male	71%	53%	69%	83%	50%	75%	65%	54%	63%
female	29%	48%	31%	17%	50%	25%	35%	46%	37%

Table 2

Treatment Group Comparisons from Surveys Filled Out by the Victims

	Total			Violent			Property		
	control	conference	decline	control	conference	decline	control	conference	decline
total count	34	54	30	14	14	18	20	40	12
Age of Offender at Arrest									
under 13									
count	9	11	9	1	4	6	8	7	3
% of total crime type				2.2%	8.7%	13.0%	11.1%	9.7%	4.2%
age 13									
count	10	15	3	5	5	2	5	10	1
% of total crime type				10.9%	10.9%	4.3%	6.9%	13.9%	1.4%
ages 14 & 15									
count	12	19	9	7	4	5	5	15	4
% of total crime type				15.2%	8.7%	10.9%	6.9%	20.8%	5.6%
ages 16 & 17									
count	3	9	9	1	1	5	2	8	4
% of total crime type				2.2%	2.2%	10.9%	2.8%	11.1%	5.6%
Ethnicity of Offender									
white									
count	13	22	12	4	3	6	9	19	6
% of total crime type				8.7%	6.5%	13.0%	12.5%	26.4%	8.3%
non-white									
count	21	32	18	10	11	12	11	21	6
% of total crime type				21.7%	23.9%	26.1%	15.3%	29.2%	8.3%
Gender of Offender									
male									
count	24	31	23	11	8	15	13	23	8
% of total crime type				23.9%	17.4%	32.6%	18.1%	31.9%	11.1%
female									
count	10	23	7	3	6	3	7	17	4
% of total crime type				6.5%	13.0%	6.5%	9.7%	23.6%	5.6%

Table 3

Reasons Why Juveniles Randomly Assigned to Conferencing Did Not Participate in a Conference

	total		violent		property	
offender declined	55	50%	15	29%	40	70%
contests charges	12		5		7	
prefers court	20		6		14	
reoffend prior to contact	6		1		5	
unable to contact	17		3		14	
victim declined	40	37%	32	62%	8	14%
victim declined	22		14		8	
victim nonresponsive	18		18		0	
case excluded	14	13%	5	10%	9	16%
settled prior to contact	9		4		5	
administrative error	5		1		4	
totals	109		52		57	

CHAPTER 4

FINDINGS

The findings of this research suggest that the justice system in the United States is on the right track in pursuing Restorative Justice programs and victim offender meetings as a way of dealing with crime. It is important to note that the sample size of this study is small due to the number of cases eligible for the study as well as participation rates. This study includes only crimes committed by juveniles, which is true of so many of the restorative justice programs available. Because of the sample size used and considering that no offenses committed by adults are included in the study, the findings of this study should not be generalized to all cases in the justice systems worldwide.

What Aspects of Criminal Justice the Victims Deemed Important

When comparing the surveys of victims included in the conference group and those in either the control or decline groups, it can be seen that various issues were deemed to be more important by one group than the other. Figures in Table 4 indicate overwhelmingly that it was the victims from the conference group who placed great importance on receiving answers from the offenders (39.6%), telling offenders how the crime affected them (45.6%), and receiving a sincere apology from the

offender for the crime (41.6%). The victims who had their cases tried in courts placed more importance on being paid back for their losses (41.3%), making certain that the offender received counseling or other help (49.6%), and that the offender be punished (44.6%).

Because these answers were received and documented after agreements had been made in the cases, it is hard to determine if the victims would re-evaluate importance if they had been part of the other group. The victims who placed greater importance on feelings and understanding of the crimes rather than the victims who placed greater importance on the punitive aspects of the criminal justice system were the victims who agreed to have their cases tried in the conference setting rather than the traditional court system.

Overview of Victim Perception of Case Outcomes

When comparing key aspects of case outcomes of the conference group and the cases tried in court, differences are easy to pinpoint. The simple breakdown of frequencies and percentages as well as significance levels of the victim responses can be found in Tables 5 through 7. When the victims were asked if they were satisfied with the way the justice system handled their cases, 78.8% of the victims whose cases were included in the control group and 72.4% of the victims whose cases were included in the decline group claimed to be

Table 4

What the Victims Reported was Important to Them

	Total			Satisfied			Dissatisfied				
	Total	control	conference	decline	control	conference	decline	control	conference	decline	
Receiving Answers from Offender											
Important	count	89	27	44	18	21	42	13	6	2	5
	% of total	80.2%	24.3%	39.6%	16.2%	18.9%	37.8%	11.7%	5.4%	1.8%	4.5%
Unimportant	count	22	6	7	9	5	7	6	1		3
	% of total	19.8%	5.4%	6.3%	8.1%	4.5%	6.3%	5.4%	0.9%		2.7%
	chi-square					.266			.403		
Tell Offender How Crime Affected Them											
Important	count	102	28	52	22	22	50	17	6	2	5
	% of total	89.5%	24.6%	45.6%	19.3%	19.3%	43.9%	14.9%	5.3%	1.8%	4.4%
Unimportant	count	12	5	1	6	4	1	3	1		3
	% of total	10.5%	4.4%	0.9%	5.3%	3.5%	0.9%	2.6%	0.9%		2.6%
	chi-square					.060			.403		
Paid Back For Losses											
Important	count	82	26	37	19	19	35	14	7	2	5
	% of total	75.2%	23.9%	33.9%	17.4%	17.4%	32.1%	12.8%	6.4%	1.8%	4.6%
Unimportant	count	27	7	13	7	7	13	4			3
	% of total	24.8%	6.4%	11.9%	6.4%	6.4%	11.9%	3.7%			2.8%
	chi-square					.917			.129		

Table 4 (Continued)

	Total			Satisfied			Dissatisfied			
	Total	control	conference	decline	control	conference	decline	control	conference	decline
Offender Gets Counseling or Other Help										
Important										
count	104	29	48	27	22	47	19	7	1	8
% of total	92.0%	25.7%	42.5%	23.9%	19.5%	41.6%	16.8%	6.2%	0.9%	7.1%
Unimportant										
count	9	4	5	0	4	4			1	
% of total	8.0%	3.5%	4.4%	0.0%	3.5%	3.5%			0.9%	
chi-square					.179			.019		
Offender Gets Punished for Crime										
Important										
count	88	28	38	22	21	37	16	7	1	6
% of total	78.6%	25.0%	33.9%	19.6%	18.8%	33.0%	14.3%	6.3%	0.9%	5.4%
Unimportant										
count	24	6	15	3	6	14	2		1	1
% of total	21.4%	5.4%	13.4%	2.7%	5.4%	12.5%	1.8%		0.9%	0.9%
chi-square					.327			.166		
Offender Offers Sincere Apology										
Important										
count	94	27	47	20	21	45	16	6	2	4
% of total	83.2%	23.9%	41.6%	17.7%	18.6%	39.8%	14.2%	5.3%	1.8%	3.5%
Unimportant										
count	19	6	6	7	5	6	3	1		4
% of total	16.8%	5.3%	5.3%	6.2%	4.4%	5.3%	2.7%	0.9%		3.5%
chi-square					.671			.198		

Table 4 (Continued)

	Total			Satisfied			Dissatisfied			
	Total	control	conference	decline	control	conference	decline	control	conference	decline
Negotiate Repayment Agreement										
Important										
count	73	17	38	18	10	36	13	7	2	5
% of total	70.2%	16.3%	36.5%	17.3%	9.6%	34.6%	12.5%	6.7%	1.9%	4.8%
Unimportant										
count	31	8	14	9	8	14	6			3
% of total	29.8%	7.7%	13.5%	8.7%	7.7%	13.5%	5.8%			2.9%
chi-square						.945				.129

satisfied with the results of their cases that were tried in court. A greater percentage of the victims who participated in the conferencing expressed satisfaction with the outcome of their cases. An overwhelming 96.2% of the conference group expressed satisfaction. This was significant at the .05 significance level. Of the total of 111 victims who answered the question of whether they felt the offender had been held accountable for the crime committed 93 (83.8%) answered yes. Surprisingly, 93% of all victims (106 of the 114 who answered the survey question) said that they felt their opinion had been considered when their case was heard. This was one variable that was not affected by type of case processing. Finally, the victims who participated in the conferences seem overwhelmingly to have been more satisfied that they had experienced fairness within the criminal justice system when their cases were tried. As shown in Table 6, approximately 96% of the victims from the conference group expressed that they had experienced fairness while only 81% of the victims from the control group and 79% of the decline group expressed experiencing fairness in their cases. The chi-square data regarding victims experiencing fairness in their cases shows the significance level as .27, which indicates that it is a significant factor at the .05 significance level. When victims who have participated in these victim-offender meetings have expressed dissatisfaction with their experience, comments regarding the situation have

Table 5

Victim Survey Results of Satisfaction by Treatment Group

		Total		
		Total	satisfied	dissatisfied
Control	count	33	26	7
	valid %		78.8%	21.2%
Conference	count	53	51	2
	valid %		96.2%	3.8%
Decline	count	29	21	8
	valid %		72.4%	27.6%

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	9.956 ^a	2	.007
Likelihood Ratio	11.051	2	.004
Linear-by-Linear Association	.322	1	.570
N of Valid Cases	115		

a. 2 cells (33.3%) have expected count less than 5. The minimum expected count is 4.29.

included that the victims believed the meeting was a waste of their time, expressed that they believed they would have been just as satisfied with traditional means, or suggested that perhaps the offenders "got away" with their crime and were not punished as harshly as they might have been in more traditional juvenile justice processes, or that offenders had chosen the conference in an attempt to avoid punishment (McCold & Wachtel, 1998).

Crosstabulation Results for Decline and Control Groups

By examining crosstabulations of response from victims in the decline and control groups, more precise conclusions can be drawn. The court information used in this study was comprised of 26 cases in the control group and 21 cases in the decline group. The percentages of property and violent crimes were not evenly represented in the decline and control groups. Approximately 60% of the cases in the control group involved property crimes, and 62% of the decline group involved violent crimes. Approximately 76% expressed satisfaction with how their cases were handled while 23.8% expressed dissatisfaction. As shown in Table 7, 7 of the 32 victims involved in the property crime cases expressed dissatisfaction as compared to 8 of 31 victims of violent crimes. All 47 of the victims in the control and decline groups answered that their opinion had been considered in their case were also

Table 6

Victim Survey Results

		Total			
		Total	control	conference	decline
Crime Type					
Property	count	71	20	40	11
	valid % of treatment group		60.6%	75.5%	37.9%
Violent	count	44	13	13	18
	valid % of treatment group		39.4%	24.5%	62.1%
Victim's Opinion Considered					
Yes	count	106	30	49	27
	valid % of treatment group		90.9%	94.2%	93.1%
No	count	8	3	3	2
	valid % of treatment group		9.1%	5.8%	6.9%
Offender Held Accountable					
Yes	count	93	23	48	22
	valid % of treatment group		76.7%	43.2%	19.8%
No	count	18	7	4	7
	valid % of treatment group		23.3%	7.7%	24.1%

Table 6 (Continued)

		Total			
		Total	control	conference	decline
Experience Fairness in Case					
Yes	count	96	26	51	19
	% of total		81.3%	96.2%	79.2%
No	count	13	6	2	5
	% of total		18.8%	3.8%	20.8%
Pearson Chi-Square Value: 7.209					
Significance: .027					
Would Meeting the Offender Have Been Helpful For Offender?					
Somewhat	count	47	25		22
	% of total		78.1%		68.8%
Not At All	count	12	7		5
	% of total		21.9%		15.6%
Was Meeting the Offender Helpful?					
Somewhat	count	49		49	
	% of total			92.5%	
Not At All	count	4		4	
	% of total			7.5%	

satisfied with the outcome. Fifteen victims in the decline and control groups expressed dissatisfaction with how their cases were handled even though 10 of those victims expressed that they felt their opinion had been considered when trying the case. When asked whether the victims felt that the offender had been held accountable for his offense, the majority of the victims answered yes. Ten of the victims who were dissatisfied with how their case was handled answered that they did not believe the offender had been held accountable while 4.2% of the victims (2 in the control group and 2 in the decline group) who were satisfied with how their cases were handled answered that they did not feel the offender had appropriately been held accountable for the offense. Of the 59 victims who answered the question of whether or not they felt that a meeting with the offender might have been helpful, 80% answered that they did, indeed feel that the meeting might have been at least somewhat helpful. The victims were not asked to expand on their answers, so it is unknown why they answered that it might have been helpful. Of the 47 victims who responded to the surveys that they thought meeting with the offenders might be at least somewhat helpful, 22 (68.8%) were members of the decline group. Of the 59 victims who responded to this question on the survey, only 5 (15.6%) answered they did not believe meeting with the offenders would be helpful at all. Seventy-nine percent of the decline group answered that they had experienced fairness within the justice system while

20.8% (20% of whom were dissatisfied with the way their case was handled) expressed they did not experience fairness.

Crosstabulation Results for Conferenced Cases

Crosstabulation of the answers victims who took part in the conferences submitted for the survey might prove helpful in the promotion of restorative justice programs as opposed to more traditional means of trying juvenile cases in the future. Of 53 respondents in the conference group, 96.2% of the victims expressed satisfaction with how their cases were handled. Approximately 94% of these victims answered that they believed their opinion was considered in the case, and approximately 92% of the victims expressed that the offenders had been held accountable for their offenses. Concerning participation, 2 victims said it was not their choice to participate in the conference, 2 said that they felt pressured into the process, and 48 responded that it was their choice to participate. The 4% who expressed dissatisfaction with the conferences had chosen with no pressure to participate in the conference. Of the approximately 4% of victims who expressed dissatisfaction with the conferences, it is surprising that they answered that they had received apologies from the offenders, that they and the offenders had been treated fairly, and that agreements had been negotiated in the case, and these were all things the victims reported were important to them.

Table 7

Victim Survey Results of Satisfaction

	Total	Satisfied			Dissatisfied		
	Total	control	conference	decline	control	conference	decline
Crime Type							
Property							
count	71	16	38	8	4	2	3
% of satisfied or dissatisfied		16.3%	38.8%	8.2%	23.5%	11.8%	17.6%
Violent							
count	44	10	13	13	3		5
% of satisfied or dissatisfied		10.2%	13.3%	13.3%	17.6%		29.4%
chi-square		.014			.273		
Victim's Opinion Considered							
Yes							
count	106	26	47	21	4	2	6
% of satisfied or dissatisfied		26.8%	48.5%	21.6%	23.5%	11.8%	35.3%
No							
count	8	3			3	2	
% of satisfied or dissatisfied		3.1%			17.6%	11.8%	
chi-square		.233			.468		

Table 7 (Continued)

	Total	Satisfied			Dissatisfied		
	Total	control	conference	decline	control	conference	decline
Offender Held Accountable							
Property							
count	93	23	46	19	2	3	
% of satisfied or dissatisfied		24.0%	47.9%	19.8%	13.3%	20.0%	
Violent							
count	18	2	4	2	5	5	
% of satisfied or dissatisfied		2.1%	4.2%	2.1%	33.3%	33.3%	
chi-square		.975			.038		
Experience Fairness in Case							
Yes							
count	96	24	49	16	2	2	3
% of satisfied or dissatisfied		26.1%	53.3%	17.4%	11.8%	11.8%	17.6%
No							
count	13	1	2		5		5
% of satisfied or dissatisfied		1.1%	2.2%		29.4%		29.4%
chi-square		.721			.186		

One of the victims who expressed dissatisfaction with the conference answered that conferencing would not be how they would choose to have future cases handled if given the option while the others said they would do the conference again. Two victims who expressed satisfaction with the conference said they would not choose to participate in another conference. These findings show that victims agreed that the conferencing did allow them to express their feelings and that victims had been allowed fuller participation in the case outcome than they would have had the case been tried in court. Victims in this study disagreed that offenders might have agreed to the conferencing to avoid punishment, found the conferences more responsive to the needs of victims than more traditional means, and expressed that meeting the offender had been helpful to them.

Multiple Regression Findings

As Table 8 indicates, the results of multiple regressions on factors that contribute to victim satisfaction when their cases are tried in court as well as heard in conferences showed no significance among the variables. A possible explanation for the lack of significance is the small sample size. The dependent variable used for the multiple regression was whether or not the victim was satisfied with the way the justice system handled his case. The independent variables used were the responses to the conference being responsive to victim needs, allowing the victims

to express their feelings, the victim believing that the offender participated in the conference only to avoid punishment, the conference allowing the victim better understanding of the crime, the victim believing the offender participation was insincere, and the victim having a greater participation level in the case as a result of the conference.

Summary of Findings

Again, when comparing key aspects of case outcomes of the conference group against the cases tried in court, victims included in the conference group show a higher satisfaction rate than do those in the control and decline groups. Only 78.8% of the victims whose cases were included in the control group and 72.4% of the victims whose cases were included in the decline group claimed to be satisfied with the results of their cases which were tried in court while an overwhelming 96.2% of the conference group expressed satisfaction with how their cases were handled. These findings help to strengthen the case for persons trying to introduce restorative justice programs in communities nationwide.

Table 8

Multiple Regression Results

Independent Variables	B	Sig.
Conferencing Allowed Victim to Express Feelings	8.81E-02	0.87
Conferencing Allowed Victim Fuller Participation	-1.68E-02	.964
Offender Participation Seemed Insincere to Victim	.169	.254
Victim Better Understood Why Crime Was Committed Against Them	-.115	.305
Victim Believed Offender Was Only Trying To Avoid Punishment By Participating	3.361E-02	.775
Conferencing Seemed More Responsive to Victim Needs	-.172	.517
R ²	0.09	

** Table shows results for regression of six independent variables on Victim Satisfaction of How the Justice System Handled their Case

CHAPTER 5

CONCLUSION

While the number of cases included in this study and number of victims who responded to the surveys were small, I believe the findings from this sample to be encouraging for the members of the restorative justice community and the public who might express interest in how a restorative justice program might be received in their communities. The assignment to treatment groups in this study did not go as smoothly as had been expected for various reasons; some of the victims whose cases had been chosen to be included in the conferences instead found their cases being tried in the traditional juvenile court system. As a result, the responses from the victims whose cases were tried in court might tend to be skewed as a result of victims' perceptions of the offender or criminal justice system after their case was sent to the courts rather than being heard in the conferences. Some of the victims whose cases were heard in court and listed as part of the decline group may well have preferred attending a conference. To have a case heard in a conference rather than court, all parties had to agree to participate. Some of the cases were excluded from conferencing as a result of the offender not accepting responsibility for the crime committed or because the offender committed another crime before a conference was held. The reasoning for opting whether to participate in the

conferences varies vastly. Perhaps as restorative justice programs become more widely spread and the processes and outcomes become more widely understood, victims and offenders alike will be able to make more educated decisions about participating in the conferences or mediation. There are limitations of this study, however. The size of the sample after cases were excluded from the study was quite small. This study also included only juveniles, and only first time offenders while also excluding specific crimes. As a result, this study could not be generalized for offenders of all ages, nor of all types of crimes. Another limitation of this study is that some of the victims were representatives of schools or retail stores rather than one individual who had been victimized in the crime. This fact might change results of questions that were directed more at individual rather than organizational victimization.

Possible Implications of this Study

I believe that this study will be very important in showing reasons for continuing restorative justice practices. Long-term differences in recidivism rates of juveniles who go through normal court routes and those who go through restorative justice means have not been found (Umbreit, 1994), and while this is important, I feel that the satisfaction of the victim must be thoroughly considered when comparing conferencing to traditional court hearings. I believe that in many cases the victim prefers

having a say in what happens to the person(s) who committed a crime against them. This study shows that victims are more satisfied when they have opted to go through restorative justice means rather than traditional means and have interacted with police, the offender, and family and friends of both offender and victim. Of the victims whose cases were included in the control group, only 78.8% expressed satisfaction with the outcome of their cases. Of the victims in the decline group, only 72.4% of the victims claimed to be satisfied with the results of their cases which were tried in court rather than mediated in a conference as their cases had initially been assigned. Meanwhile, an overwhelming 96.2% of the conference group expressed satisfaction with how their cases were handled. It appears that part of the satisfaction comes with feeling that the situation has been resolved in a manner that is acceptable to them and perhaps allows the victim to have closure. The victims might feel better knowing why they were targeted, why the offenders acted in the manner they did, and perhaps receiving a sincere apology for the offender's actions. Though the numbers in this study are small, it is possible that persons interested in restorative justice programs might take notice and opt to research further the success of the programs as well as responses from victims and offenders regarding the programs. I hope that this study will help to spark greater interest into victims' rights and victims' perceptions of the criminal justice system

and what might be changed to better meet the needs of victims as well as offenders. It is understood that victim-offender meeting might not be considered an acceptable way of dealing with certain types of violent crimes, but perhaps further study might lead to ways for the criminal justice system to handle specific types of cases. The next research step should be to replicate this research with a larger sample size and to conduct the research in other locations. Research with a larger sample and in more locations will give a better indication of how sound the findings of this study are. If such research repeats the findings about the superiority of Restorative Justice conferencing, that will provide additional reason to implement Restorative Justice programs. Upon completion of this study, I feel certain that restorative justice programs like the one this study analyzed have the power to effect change. Restorative Juvenile Justice can change the way the criminal justice system approaches cases in the future and how victims, offenders, and communities will respond to crimes, ensuring the needs of all parties are acknowledged and addressed.

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APPENDIX

Surveys Used as Means of Data Collection in

The Bethlehem Project

McCold & Wachtel, 1998

FAMILY GROUP CONFERENCE DATA SHEET

Date of conference: / /

Date of offense: / /

(Please provide the following information on all FGCs conducted and return this form in the attached envelope to **REAL JUSTICE**, P.O. Box 229, Bethlehem, PA 18016. YOUR PARTICIPATION IS IMPORTANT! Thank you.)

Program Site: _____

Name of coordinator: _____

Nature of offense: _____

Description of offense: _____

Name of primary offender (or case number): _____

Were the victim(s) and offender(s) acquainted before the offense?

yes no

IF YES: How were they known to each other?

friend acquaintance neighbor other: specify _____

Who was present at the conference?

number of offenders: _____ number of victims: _____

number of offender supporters: _____ number of victim supporters: _____

total number of participants (excluding yourself): _____

Was a formal agreement signed? yes no (IF YES, attach a copy)

Was a formal apology offered? yes no

How would you rate this conference process?

very positive positive mixed negative very negative

How would you rate this conference outcome?

very positive positive mixed negative very negative

Would you say the tone of the conference was generally

friendly hostile other: specify: _____

How long did this conference take? (hours : minutes) _____ : _____

Not counting the time of the conference itself, how much time did you spend preparing for the conference? (hours : minutes) _____ : _____

How would you rate your experience from 1 (horrible) to 10 (ecstatic)? _____

ADDITIONAL COMMENTS:

(e.g., offender parents difficult, victim found healing, offender refused responsibility, etc.)

PARTICIPANT DATA SHEET

Age of offender # ____: _____

male female

white black Hispanic

other (specify): _____

Age of offender # ____: _____

male female

white black Hispanic

other (specify): _____

Age of offender # ____: _____

male female

white black Hispanic

other (specify): _____

Check all offender supporters present:

Offender # ____

- both parents
- mother only
- father only
- siblings (number: _____)
- other relative (specify): _____
- other relative (specify): _____
- other non-relative (specify): _____
- other non-relative (specify): _____

Offender # ____

- both parents
- mother only
- father only
- siblings (number: _____)
- other relative (specify): _____
- other relative (specify): _____
- other non-relative (specify): _____
- other non-relative (specify): _____

Offender # ____

- both parents
- mother only
- father only
- siblings (number: _____)
- other relative (specify): _____
- other relative (specify): _____
- other non-relative (specify): _____
- other non-relative (specify): _____

Age of victim # ____: _____

male female

white black Hispanic

other (specify): _____

Age of victim # ____: _____

male female

white black Hispanic

other (specify): _____

Age of victim # ____: _____

male female

white black Hispanic

other (specify): _____

Check all victim supporters present:

Victim # ____

- both parents
- mother only
- father only
- siblings (number: _____)
- other relative (specify): _____
- other relative (specify): _____
- other non-relative (specify): _____
- other non-relative (specify): _____

Victim # ____

- both parents
- mother only
- father only
- siblings (number: _____)
- other relative (specify): _____
- other relative (specify): _____
- other non-relative (specify): _____
- other non-relative (specify): _____

Victim # ____

- both parents
- mother only
- father only
- siblings (number: _____)
- other relative (specify): _____
- other relative (specify): _____
- other non-relative (specify): _____
- other non-relative (specify): _____

USE ADDITIONAL FORMS IF NECESSARY. REPRODUCE AND ATTACH.

POST CONFERENCE VICTIM QUESTIONNAIRE

Date of conference: / /

Today's date: / /

(Please indicate your answer to the following questions and return this form to Cpt. Stahr, Bethlehem Police Department, 10 E. Church Street, Bethlehem, PA 18018. YOUR OPINION MATTERS! Thank you.)

1. Did you know the offender before the offense occurred? yes no
if multiple offenders: knew all knew one or more knew none
- 1a. IF YES: How did you know the offender? if multiple offenders, check all that apply
 friend acquaintance neighbor other: specify _____
2. Of the following possible effects of the offense on your life, which one was the most important for you?
 a greater sense of fear the loss of property
 the damage to property a feeling of powerlessness
 the hassle of dealing with police and court officials
3. How satisfied were you with the way the system handled your case?
 very satisfied satisfied dissatisfied very dissatisfied
4. Do you believe that your opinion regarding the offense and offender(s) was adequately considered in this case?
 yes no
5. Do you believe the offender was adequately held accountable for his/her behavior? yes no
if multiple offenders: all were held accountable one or more were held accountable none were
6. Do you believe that Family Group Conferencing should be offered, on a voluntary basis, to all victims? yes no
7. Do you feel that being in the conference was your own choice?
 yes yes, but under pressure no
- 7a. IF YES: Why did you choose to participate in the Family Group Conference program?
 to get paid back for losses to receive answers to questions I had
 to help the offender(s) to receive an apology
 to let the offender(s) know how I felt about the offense
 other: specify _____
8. Would you say the tone of the conference was generally
 friendly hostile other: specify _____
9. Were you surprised by anything that occurred in the conference session? yes no
- 9a. IF YES: By what?
 it went better than I expected the offender(s) seemed sincere
 it was worse than I expected the offender(s) was arrogant
 other: specify _____
10. Did the offender seem to be sorry about the way he/she hurt you? yes no
if multiple offenders: all seemed sorry one or more seemed sorry none seemed sorry
11. Did the offender offer an apology? yes no
if multiple offenders: all apologized one or more apologized none apologized
12. Was it helpful to meet the offender(s) in the conference setting?
 not at all helpful somewhat helpful very helpful
13. Was a restitution or community service agreement negotiated during the conference? yes no
- 13a. IF YES: Was the agreement fair to you? yes no
Was the agreement fair to the offender? yes no
if multiple offenders: fair to all fair to one or more fair to none
14. How likely do you think it is that the offender will commit a similar offense against somebody?
 very likely likely unlikely very unlikely
if multiple offenders: likely for ____ offender(s) unlikely for ____ offender(s)

15. Would you recommend Family Group Conferencing to other victims? yes no
16. Given your understanding of fairness, did you experience fairness in your case? yes no
17. For the following, please indicate how important each item was to you during the conference:
To receive answers to questions I wanted to ask the offender(s).
 very important important unimportant very unimportant
- To tell the offender(s) how the offense affected me.
 very important important unimportant very unimportant
- To get paid back for my losses by the offender(s).
 very important important unimportant very unimportant
- To see that the offender(s) got some counseling or other type of help.
 very important important unimportant very unimportant
- To have the offender(s) punished.
 very important important unimportant very unimportant
- To have the offender(s) say he or she is sorry.
 very important important unimportant very unimportant
- To have the opportunity to negotiate a repayment agreement with the offender(s) that was acceptable to both of us.
 very important important unimportant very unimportant
18. If you had it to do over again, would you choose to participate in a Family Group Conference?
 yes no
19. The following represent statements that are sometimes made by victims who participate in Family Group Conferences. Please indicate whether you agree or disagree with each statement.
- Family Group Conferencing allowed me to express my feelings about being victimized.
 strongly agree agree disagree strongly disagree
- Family Group Conferencing allowed me to participate more fully in the system.
 strongly agree agree disagree strongly disagree
- The offender(s) was not sincere in his/her participation.
 strongly agree agree disagree strongly disagree
- I have a better understanding of why the offense was committed against me.
 strongly agree agree disagree strongly disagree
- The offender(s) participated only because he/she was trying to avoid punishment.
 strongly agree agree disagree strongly disagree
- Conferences make the justice process more responsive to my needs as a human being.
 strongly agree agree disagree strongly disagree
20. Of the following items, please rank the 3 most important concerns you have related to fairness in the system, with #1 being the most important.
rank
- ___ punishing the offender
- ___ paying back the victim
- ___ getting help for the offender
- ___ having the offender personally make things right
- ___ actively participating in the process
- ___ receiving the offender's expression of apology
- ___ other: specify _____
21. Is there anything else you would like to say about the Family Group Conference session with your offender(s) or about how your case was handled?

VICTIM QUESTIONNAIRE

(Please indicate your answer to the following questions and return this form in the enclosed envelope to Cpt. Stahr, Bethlehem Police Department, 10 E. Church Street, Bethlehem, PA 18018. YOUR OPINION MATTERS! Thank you.)

Name of offender: _____

Type of offense: _____ today's date _____

Description of offense: _____
victim's age _____ male female white black Hispanic other (specify) _____

How satisfied were you with the way the justice system handled your case?

very satisfied satisfied dissatisfied very dissatisfied

Do you believe that your opinion regarding the offense and offender was adequately considered in this case?

yes no

Do you believe the offender was adequately held accountable for his/her behavior?

yes no

For the following items, please indicate if the item is very important, important, unimportant or very unimportant.

To receive answers to questions you would like to ask the offender.

very important important unimportant very unimportant

To tell the offender how the offense affected you.

very important important unimportant very unimportant

To get paid back for your losses by the offender.

very important important unimportant very unimportant

To see that the offender gets some counseling or other type of help.

very important important unimportant very unimportant

To have the offender punished.

very important important unimportant very unimportant

To have the offender say he/she is sorry.

very important important unimportant very unimportant

To have the opportunity to negotiate a repayment agreement with the offender that is acceptable to you both.

very important important unimportant very unimportant

Do you think that a structured meeting with the offender might be helpful?

not at all helpful somewhat helpful very helpful

Which of the following best describes your attitude toward the offender at this point in time?

very positive positive mixed negative very negative

Are you afraid the offender will commit another crime against you?

yes no

How do you now feel about the offense committed against you?

very upset somewhat upset not upset

Of the following items, which is the most important to your thinking about fairness in the justice system?

punishing the offender having the offender personally make things right

paying back the victim allowing the offender to apologize to the victim

getting help for the offender allowing the offender to apologize to his/her family

Given your understanding of fairness, did you experience fairness within the justice system in your case?

yes no

Is there anything else you would like to say about how your case was handled by the justice system?

THANK YOU VERY MUCH FOR PARTICIPATING IN THIS RESEARCH.

CONFERENCE OBSERVATION SHEET

Observer: Paul Ben Other

case number: _____

Coordinator: _____

Offense: _____

date: _____ time begin: _____ a.m. p.m. time end: _____ a.m. p.m. SOC time: _____ a.m. p.m.

<input type="checkbox"/> Introductions	avoidance of emotion	
<input type="checkbox"/> Permission for observers	use of silence	
<input type="checkbox"/> Appreciation of effort	refocus discussion	
<input type="checkbox"/> Set conference focus	failure to refocus	
<input type="checkbox"/> Offender right to terminate	interrupt participant	
<input type="checkbox"/> Check for understanding	redundant question	
<input type="checkbox"/> Stay with offender appropriately		

	Offender	Victim	Victim Supporters	Offender Supporters	Coordinator
respect for offender					
respect for victim					
disapproval of act					
disapproval of offender					
offender apologizes					
offender is forgiven					
offender is defiant					
consequences of act					
suggest reparation to victim					
suggest reparation to community					

Did the officer maintain the distinction between person and behavior?
 not at all _____ completely

COORDINATOR Was any reparation suggested by the officer?
 not at all _____ completely

Was the reparation outcome affected by the officer?
 not at all _____ completely

Did the officer "lecture" the offender?
 never _____ all the time

To what extent did the officer adhere to conference coordination protocol?
 not at all _____ completely

Did the victim seem satisfied with the outcome?
 not at all _____ completely

VICTIM Did the victim indicate a sense of forgiveness?
 not at all _____ completely

Did the offender appear to understand the injury caused to the victim?
 not at all _____ completely

OFFENDER Did the offender seem to express sincere remorse?
 not at all _____ completely

Did the offender appear to end with a feeling of pride?
 not at all _____ completely

Did the offender's family volunteer future responsibility for the offender?
 not at all _____ completely

OTHER Did the offender's other supporters volunteer future responsibility for the offender?
 PARTICIPANTS not at all _____ completely

Was there a strong sense of reconciliation (reintegration)?
 not at all _____ completely

Which participant seemed most punitive? _____

Was restitution from the offender agreed to?

no <input type="checkbox"/>	yes <input type="checkbox"/>	money	amount total \$ _____	amount monthly \$ _____
		personal service	total hours _____	
		community service	total hours _____	
		other: specify	_____	

Was action proposed to prevent future similar injuries?
 no yes: describe _____

Was a follow-up plan agreed to?
 no yes: describe _____

Other deviations from protocol _____

VITA

SARAH ANNE BEHTZ

Personal Data:

Date of Birth: December 19th, 1977
Place of Birth: Johnson City, Tennessee
Marital Status: Single

Education:

Public Schools, Johnson City, Tennessee
Milligan College, Milligan College, Tennessee;
Business Administration, B.A., 2001
East Tennessee State University, Johnson City,
Tennessee; Criminal Justice, M.A., 2004

Professional
Experience:

Facilitator, Moral Combat Program at First
Tennessee Human Resource Agency; Johnson City,
Tennessee, 2002-2004.
Graduate Assistant, East Tennessee State
University, College of Arts and Sciences, Spring
2003.

Honors &
Awards:

Alpha Phi Sigma, East Tennessee State University
Criminal Justice Graduate Society, East Tennessee
State University
Pi Gamma Mu, East Tennessee State University
Academic Affairs Chairperson, Milligan College
SGA Representative, Milligan College
German Honor Society