

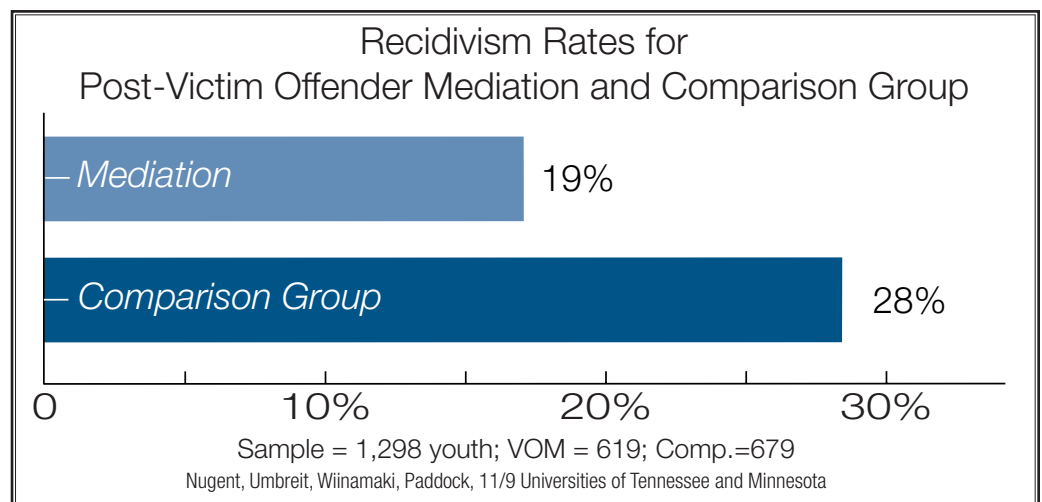
Participation in Victim-Offender Mediation Reduces Recidivism

A Study of 1,298 Juveniles Finds a 32% Reduction in Recidivism

*by William R. Nugent, Ph.D.,
Mark S. Umbreit, Ph.D.,
Lizabeth Wiinamaki,
and Jeff Paddock*

As the field of victim offender mediation has expanded broadly throughout North America and Europe during the past 25 years (with more than 1,200 known programs), it has become the subject of an increasing number of studies. Most of the research conducted on VOM programs has focused on client satisfaction, perceptions of fairness, and the specific outcomes for victims and offenders (Bradshaw & Umbreit, 1998; Coates & Gehm, 1989; Dignan, 1990; Galaway, 1988; Gehm, 1993; Neimeyer & Shichor, 1996; Sikora & Doll, 1994; Umbreit & Bradshaw, 1998; Umbreit & Coates, 1992, 1993; Umbreit & Roberts, 1996; Umbreit, 1991, 1994, 1996; Woolpert, 1991).

Four recent studies (Neimeyer & Schichor, 1996; Nugent & Paddock, 1996; Wiinamaki, 1997; Umbreit, 1993, 1994) have focused on the relationship between participation in a VOM program and subsequent re-offense within a one-year period. This article summarizes the key findings from an article by the authors that examines the extent to which the results of these four studies represent a successful replication series. It has been accepted for publication for publication later this year. These four studies focus on the re-offense rates of a total of 1,298 juvenile offenders, 619 of whom participated in a VOM program, and 679 who did not. Logistic regression procedures were used to test the extent to which the relationship between VOM participation and subsequent re-offense in these four studies was the same. Logistic regression methods were also used to test the replication of results across two of the studies in which several variables related to delinquent behavior were statistically controlled.



Results suggest that the four studies represent a series of successful replications. Results also suggest that VOM participants have a re-offense rate of about 19% over a one-year period, as compared with 28% for juveniles who do not go through a VOM program. This 32% reduction in recidivism was found to be statistically significant. In a related study by the authors it was also found that even those offenders who recidivated committed a less severe offense.

Following is a summary of the key findings extracted from an article by the authors that examines the extent to which the results of these four studies represent a successful "replication series."

The four specific individual studies consisted of the following characteristics and findings:

Umbreit (1992, 1993, 1994) conducted an extensive study of VOM programs in four states. As part of his study, he investigated the re-offense rates of 320 juveniles, 160 who went through a VOM program. The other 160 juveniles in this part of Umbreit's study comprised a matched comparison group that did not participate in VOM. He found that VOM participants had a lower re-offense rate (18.1%) after one-year than did non-VOM participants (26.9%). Umbreit (1994) reported these results as statistically non-significant, though the difference in re-offense rates is statistically significant if a one tail test is used under a directional research hypothesis.

See **Recidivism** on page 11

In This Issue

Member Connections	2-5
Apologies: Balancing Needs of Victims/Offenders	6
VOM Case Study: Defining Success In Mediation	7
Book Review	8
Article Review	9

VOMA Connections

VOMA Connections is published by the International Victim Offender Mediation Association. VOMA's mission is to provide inspiration, leadership and information-sharing in the development and support of various models of justice which create opportunities for dialogue between victims, offenders and their communities for the purpose of healing and restoration.

VOMA welcomes contributions, including short articles, literature reviews, case studies, program news and other interesting info. Photos and graphics are also needed. Views expressed within the VOMA Connections are those of the authors and not necessarily those of VOMA.

Publishing Schedule for VOMA Connections

Issue	Submissions Deadline
Summer 99	June 1
Fall 99	September 1
Winter 99	December 1
Spring 00	March 1

Send submissions to either co-editor:

Beverly Moore

Restorative Justice Program
Community Mediation Services
44 West Broadway, Suite 202
Eugene, OR 97401
541/344-5366; fax 541/687-8392
e-mail: mediate@efn.org
or

Annie Roberts

Center for Restorative Justice and Mediation
University of Minnesota, School of Social Work
Dakota Co. Community Corrections
1406 Palace Avenue
St. Paul, MN 55105
tel/fax: 651/699-4532
e-mail: annwarnerroberts@compuserve.com

.....

Victim Offender Mediation Association
4624 Van Kleeck Drive
New Smyrna Beach, FL 32169
tel: 904/424-6129 or 904/424-1591
fax: 904/423-8099
e-mail: voma@voma.org
on-line @ www.voma.org

1998-1999 VOMA Board of Directors

Lorraine Stutzman Amstutz, Co-Chair Region III/VII

MCC Office on Crime and Justice
2501 Allentown Road
Quakertown, PA 18951
215/536-2733; fax 215/536-2783
e-mail: amstutz@fast.net

Jan Bellard Region IV

Mediation Network of North Carolina
P.O. Box 705, Brevard, NC 28712
828/877-3728; fax 828/877-5060
e-mail: janbellard@citcom.net

George Dash Region I

87 Mackenzie Way
Regina, Saskatchewan S4S5M8
306/693-0780; fax 306/787-0088
e-mail: gdash@justice.gov.sk.ca

Dave Doerfler Region V

Texas Dept. of Criminal Justice
Victim Services Division
P.O. Box 13401, Capitol Station
Austin, TX 78711
512/406-5441 or 800/848-4284;
fax 512/452-0825
e-mail: david.doerfler@tdcj.state.tx.us

Kathy Elton Region IV

Mediation Programs Coordinator
Administration Office of the Court
P.O. Box 140241
Salt Lake City, UT 84114-0241
801/578-3984; fax 801/578-3843
e-mail: kathye@email.utcourts.gov

Kathy Hall, Secretary Region II

Iowa Mediation Service
1025 Ashworth Road, Suite 202
West Des Moines, IA 50265
515/223-2318; fax 515/223-2321
e-mail: amh335@aol.com

Bruce Kittle, Co-Chair Region II

The Restorative Justice Project
University of Wisconsin Law School
975 Bascom Mall
Madison, WI 53706
608/262-4013; fax 608/263-3380
e-mail: bakittle@facstaff.wisc.edu

Mike Llado Region IV

2072 Mistletoe Court
Tallahassee, FL 32311
850/656-3379
e-mail: Peaceworks@planetdirect.com

Doris Luther Region III

P.O. Box 335
Cumberland, ME 04021
207/829-5775
e-mail: dluther@igc.org

Carolyn McLeod Region I

Community Justice Prog., Washington Co. Court Serv.
P.O. Box 6
Stillwater, MN 55082-0006
651/430-6948; fax 651/430-6947
e-mail: mcLeod@co.washington.mn.us

Beverly Moore Region IV

Restorative Justice Program/Community Mediation Services
44 W. Broadway, Suite 202
Eugene, OR 97401
541/344-5366; fax 541/687-8392
e-mail: mediate@efn.org

Marty Price Region VI

VORP Information and Resource Center
19813 N.E. 13th Street
Camas, WA 98607
360/260-1551; fax 360/260-1563
e-mail: martyprice@vorp.com

Ann Warner Roberts Region I

Center for Restorative Justice & Mediation
University of Minnesota, School of Social Work
Dakota Co. Community Corrections
1406 Palace Avenue
St. Paul, MN 55105
Tel/fax: 651/699-4532
e-mail: annwarnerroberts@compuserve.com

Barbara Schmidt Region V

KNnections Program
Kansas Children's Service League
1365 N. Custer
Wichita, KS 67203
316/942-4261; fax 316/943-9995
e-mail: bschmidt@kcsll.org

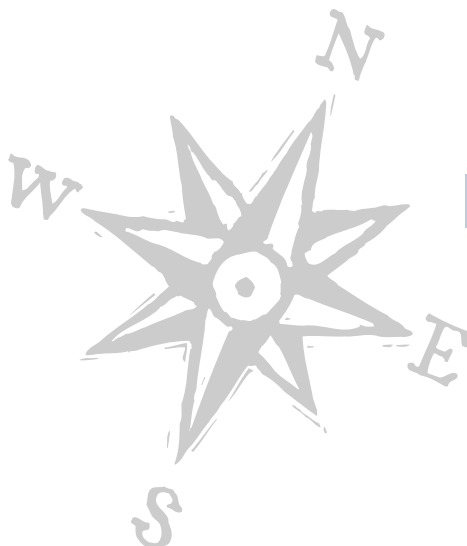
Sue Wiese, Treasurer Region II

Mediation Services - Fransiscan Skemp
LaCrosse County Administration Center
400 N. St., Suite B01
LaCrosse, WI 54601
608/784-7322; fax 608/784-5910
e-mail: wiese.susan@mayo.edu

VOMA Administrators

Bill & Wendy Preston

46224 Van Kleeck Drive
New Smyrna Beach, FL 32169
904/424-6129 or 904/424-1591; fax 904/423-8099
e-mail: voma@voma.org



VOMA by Region

VOMA has developed regional networks to better serve its members. Following is the United States, Canada and the world divided into seven Regions. After each Board member's name in the Directory on the preceding page, the assigned Region is listed.

Region I

Saskatchewan, Manitoba, North Dakota, South Dakota, Nebraska, and Minnesota

Region II

Wisconsin, Iowa, Missouri, Illinois, Michigan, Ohio, Indiana, West Virginia, Kentucky, and Tennessee

Region III

Ontario, Quebec, New Brunswick, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and Washington, D.C.

Region IV

Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida

Region V

Arkansas, Louisiana, Kansas, Oklahoma, Texas, Colorado, New Mexico, and Arizona

Region VI

California, Nevada, Utah, Wyoming, Idaho, Oregon, Montana, Washington, Alaska, Hawaii, Alberta, and British Columbia

Region VII

International Members



Welcome to New Members

Allen Albright, ND
Lutheran Social Services of North Dakota

Nathan Barge, VA
Eastern Mennonite University

Gary Fortenberry, CA
Restorative Justice Program

Richard Frechette, RI
Rhode Island Victim/Offender Restoration Program

Anita Gilbertson, TX

Rado Harrington, AK
A.L.I.V.E. Ministries

Frances Henderson, NC
Orange County Dispute Settlement Center

Cindy Herzog, OR
Community Mediation Services

Joseph, WA
Alcohol Drug Dependency Service

Carla Kuhlman-Friesen, Ph.D., CO
VORP of Denver, Inc.

Julia Mix, TN
Mediation Services

Haruo Nishimura, Japan
Kokushikan University in Tokyo

Mary Pastorik, MO
Criminal Justice Ministry

Norman Pickell, Ontario, Canada

Mary Rice, MN

Marita Schneider, FL

Barbara Strahl, NV
Clark County Social Service
Neighborhood Justice Center

Don Swift, IN
VORP, EXTENT, PREVENT, CARE

Kathy Wrightson, NH
Milford Area Mediation and Cheshire Mediation

Invitation to Join VOMA

*"We may not have a common language, or a common country, but we still have **common ground**... in the spirit of the law... in the good intentions of our hearts... in the pain and suffering of the human condition... in the need for hope and healing and justice... in the people and processes and programs which grow out of our life journeys."*

Dave Doerfler, VOMA Board Member

As a step in the journey to reach common ground, you are invited to become a member of the Victim Offender Mediation Association (VOMA). The mission of VOMA is to provide inspiration, leadership and information-sharing in the development and support of various models of justice which create opportunities for dialogue between victims, offenders and their communities for the purpose of healing and restoration.

VOMA is well-known for its quality Annual Training Institute and Conference that has brought together pioneers, leaders, and practitioners in the Restorative Justice field for the past 15 years. The 16th Annual International Training Institute and Conference will be held September 14-18, 1999 in Harrisburg, Pennsylvania. This year's Conference theme is "Innovative Practices in Victim Offender Mediation and Conferencing."

VOMA invites persons interested in providing a nurturing, mature, visionary direction to join our association. If you are one who shares that "common ground" vision, your membership and participation in VOMA will be powerful in contributing to the balance and diversity we seek. It will be exciting to hear from you soon. And we hope to see you in Harrisburg in September.

For further information on the Conference or VOMA membership, please contact VOMA at 4624 Van Kleeck Drive, New Smyrna Beach, Florida 32169, or find VOMA on the internet at www.voma.org. For a first-hand experience from a VOMA international member, contact Hans Boserup, Sekretariat, Dansk Forlignsnaevn (work phone: 74 42 36 05; FAX: 74 43 44 42); E-mail: boserup@po.ia.dk

Key Trainers at 1999 VOMA Conference Share Future Visions

Interview by Beverly Moore

Interview Participants:

Dr. Morris Jenkins, Assistant Professor, Penn State University

Jane Reise, Director, Victim Offender Mediation Program, Mediation Services for Conflict Resolution, York, PA

Mark Yantzi, Coordinator, Sexual Abuse Treatment Program of Community Justice Initiatives

Several key trainers at the 16th Annual VOMA Training Institute and Conference took some time out from their busy schedules to discuss victim offender mediation, restorative Justice and their inspirations and visions for the future. Beverly Moore, VOMA Connections Editor, pondered a few questions and queried Jane Reise, Dr. Morris Jenkins and Mark Yantzi for their thoughts. Here are their responses.

Q: At the VOMA Conference and beyond, what do you think are some of the pivotal discussions on RJ and VOM/Conferencing?

Jane Reise: I think Conference participants will be exposed to a very dedicated and proud Pennsylvania VOM movement. Also, I strongly believe that VOM practice has so much to offer other mediation arenas, and visa versa. I think that we'll be seeing more discussion regarding the merging of models, and a sharing of ideas and resources with our colleagues in community, family, and even corporate mediation.

Mark Yantzi: This is my first VOMA Conference so I'm not sure what to expect. I would hope for a blending of philosophical discussions with realistic applications in a wide range of settings.

Q: What will be the major challenges for RJ and VOM/Conferencing in the next millennium?

Dr. Morris Jenkins ("Dr. J"): The biggest obstacle will be the "wanna keep things the way they are" conservative punishment-minded philosophy of our policymakers. They control society, at least in the way we deal with "crime." And crime control is very profitable for them.

Mark Yantzi: I think it will be a challenge to keep a distinctive grass roots emphasis and approach as RJ and VOM/Conferencing models come to be more accepted and perhaps even "trendy." I think that exciting new initiatives more

often lose their luster because they do not keep connected with the communities and groups that gave birth to them, rather than because they fall into disuse.

Q: Where do you find your inspiration to work in RJ and VOM/Conferencing?

Jane Reise: I know I was originally inspired to do this work based on my commitment to offer more "avenues of healing" to victims of crime. I stay committed and inspired by my experience of sitting with both VOM participants (victims and offenders). Another inspiration to me is the knowledge that what we're doing in VOM is unique and an enormous asset to the standard forms of "justice."

Dr. Morris Jenkins ("Dr. J"): My inspiration comes from the people. Generally I believe that most people, including victims of crime, believe that Restorative Justice is better than the current criminal justice system. If you ask conservatives, liberals, radicals, fascists and almost any other political group about the system, almost all will say it is not fair. I believe that this foundation (dissatisfaction with the current criminal justice system) unites all of us, and is an asset for RJ reform. Although this sounds simplistic, I believe we are more united on this issue than most would believe.

Mark Yantzi: I find the people who strive for healing and growth after some devastating experiences to be inspiring. They produce a sense of optimism and hope in me. Equally, when I see persons who have caused devastating harm take responsibility for their actions and commit themselves to growth and healing, it is truly awesome!

Q: What is your message to Conference participants at your trainings/workshops?

Jane Reise: I have the privilege of training with Dorothy DellaNoce, a brilliant, experienced mediator and a deeply compassionate individual who is new to the

Mark Your Calendars for VOMA 2000

The VOMA 2000 Training Institute and Conference will be in the Twin Cities area of Minnesota. Next year's Conference is expected to be VOMA's biggest and best ever as the field of Restorative Justice continues to grow exponentially. Join us at the VOMA 2000 Conference and hear from practitioners, researchers and policymakers about what is happening in other parts of the US and the world. Included will be highlights of significant research completed in the last 10 years and new and innovative variations on VOM practice such as group conferencing and circles. Also, consider presenting a workshop yourself.

Dates:

September 12-14, 2000
VOMA Training Institute

September 15&16, 2000
VOMA Annual Conference

In addition to attending our premier 2000 Conference, there is much to do for recreation in the Twin Cities. This area is noted for outstanding theaters and museums; outstanding parks, with paths around the many lakes and along the Mississippi River; and of course, an opportunity for the great American past-time — shopping — at the Mall of America or the many downtown shops. Lake Superior and the Boundary Waters Canoe Area are a couple of hours away, so you might consider adding a day or two onto either end of your trip to explore the wonders of Minnesota.

See **Interview** page 9

VOM Cases Featured on TV News Programs

VOMA On-Line

VOMA has three different ways members can electronically communicate and acquire information using e-mail and the internet:

1. VOMA maintains a web site at www.voma.org. The web site contains information on the Association, upcoming training and conferences, current and past issues of VOMA newsletters, and links to related sites. If you join VOMA as an agency, you are entitled to a free web page on the VOMA web page. To take advantage of this benefit send your agency information to duanerh@fresno.edu.

2. VOMA provides a list-serve, intended to provide a medium for networking and sharing or relevant information, resources, and diverse ideas between VOMA members. The list-serve is an e-mail based discussion group in which list-serve subscribers receive messages sent to all subscribers. This forum allows VOMA members to discuss issues related to victim offender mediation/conferencing, restorative justice, and activities of VOMA. The VOMA list-serve is a benefit for members only. To subscribe to the VOMA list-serve, send an e-mail to duanerh@fresno.edu with the message: subscribe vomalist.

3. VOMA offers members with e-mail addresses the opportunity to receive announcements and information from the Association and Board of Directors via e-mail. To subscribe to the e-mail announcement list send e-mail to duanerh@fresno.edu with the message: subscribe VOMA e-mail announcement list.

"My Daughter's Killer"

On February 4, 1999, CBS' 48 Hours aired a documentary entitled "My Daughter's Killer." The context was the Texas Victim Offender Mediation/Dialogue program as it specifically related to the mediation process between a victim (surviving mother of a murdered daughter) and her death row offender.

Anyone who was not able to see the televised special and/or would like a video tape copy may write, e-mail, or call David Doerfler, State Coordinator of the Texas Victim Offender Mediation/Dialogue program.

David is especially interested in your honest reflective feedback.

David Doerfler, State Coordinator
Victim Offender Mediation/Dialogue
TDCJ Victim Services Division
P.O. Box 13401, Austin, TX 78711
(512) 406-5441
e-mail: david.dorfler@tdcj.state.tx.us



Thanks to Webmaster

VOMA wants to extend a warm thank-you to Duane Ruth-Heffelbower, VOMA's webmaster, for all his generous contributions to VOMA over the years. Duane is taking a leave from his faculty position at the Fresno Pacific University Center for Peacemaking and Conflict Studies. He will be joining the faculty of Universitas Kristen Duta Wacana in Yogyakarta, Indonesia to work on the development of their peace center. The assignment, on the island of Java, is through Mennonite Central Committee. Duane will continue to maintain VOMA's web site and his email address. You can contact Duane at duanerh@fresno.edu. He plans to return to FPU in 2002.

"Healing Justice"

Last Spring, ABC's 20/20 news program presented a powerful story entitled "Healing Justice," featuring two victim-offender mediation cases. In the first case, a home invasion burglary by a juvenile male in Kandiyohi County, MN, the camera captured portions of the separate victim and offender preparatory sessions with mediator and VOMA member Katherine Strand.

In their face-to-face mediation session, viewers saw the young offender moved to tears by the pain and fear he had caused a family whose home he literally destroyed, causing over \$20,000 in damage. At the mediation, the wife and mother expressed forgiveness for the offender.

20/20 then focused on the case of Elaine Myers, who was killed by a 25 year-old drunk driver, Susanna Cooper, in Washington State. VOMA board member Marty Price facilitated a nine-month journey of restorative justice, which led Elaine's family from hate to compassion, and led Susanna from self-pity and denial to empathy, responsibility and commitment to reform.

In a continuing "healing alliance," Susanna, who has served a two-year prison term, and Elaine's family work together in a campaign against drunk driving and promoting restorative justice.

A videotape copy of "Healing Justice" may be ordered by calling ABC at (800)-CALL ABC or at www.fdch.com/abcform.htm



Apologies: Balancing the Needs of Victims and Offenders

By Carol Lavery and Mary Achilles

Definition: apology - an acknowledgement of some fault, injury, or insult, etc., with an expression of regret and a plea for pardon.

The shift in focus to restorative justice over the last several years has led to an increased interest in having offenders apologize to their victims. But any attempt to hold offenders accountable for their actions through an apology to the victim must include an assurance that the victim's needs are not neglected.

Apologies are good. For some victims an apology is another step in the reconstruction of their lives. Many victims want to hear the offender apologize. But the how, when, if and why of the apology are extremely important in addressing the needs of victims and in preserving the integrity of the apology.

The needs of offenders often initiate the offer of an apology. The process of devising and delivering an apology can have a rehabilitative effect upon offenders. This process can be a means for offenders to make amends to their victim. It can force offenders to consider the effects that the offense had on their victim.

But, an apology done poorly can do more damage than good. If the circumstances of the apology are such that the focus is on the needs of the

offender to apologize, the victim is put into a position of being responsible for the emotional recovery of the offender.

What precipitates the apology is important to the long-term effect that the apology has on the victim. Is the apology coerced? Is it court-ordered? Is it the offender's idea? Did the victim know that it was coming? Victims may perceive the apology in many different lights depending on what precipitated it.

victim.

Is the victim far enough in the reconstruction of their lives to even be interested in what the offender has to say? Quite often the court will have the offender apologize at sentencing. This is not necessarily a bad idea, but the victim's current recovery needs must be considered. If the sentencing comes three months after the incident would a violent crime victim be ready to hear what

the offender has to say? An overall assessment of the individual needs of the victim should be an essential part of the decision if and when an apology should take place. This needs-assessment should consider a continuum of remedies including restitution, mediation, compensation, as well as an apology. The existence of and desire for any re-crime and post-crime relationship or contact of the victim and offender should also be an element in this assessment.

What is the benefit of the apology to the offender? If the offender is expecting a reduction in the sentence of some other criminal justice relief as a direct result of the apology, the victim needs to know the conditions. Victims' awareness of these conditions will reinforce their sense of control over the situation, and will shape their expectations. These expectations must be examined. There is a range of emotional, financial, psychological, and spiritual reactions of victims to the trauma of the crime. Where the victim is

in this range of reactions will affect their expectations as well as the short and long-term impact of the apology.

Questions to consider for an effective apology...

1. Is the apology a part of a broader comprehensive approach to addressing the needs of the victims?
2. Is the victim being forced to participate in the apology? Does he/she really have a choice?
3. Is the victim being asked by the circumstances of the apology to address the emotional needs of the offender?
4. Does the offender expect something in return for the apology? And does the victim know what that is?
5. Is there something expected of the victim in return for the apology?
6. Does the offender understand that he/she must demonstrate regret for his/her actions not just regret for the victim's pain?
7. Will the victim be judged on his/her willingness or unwillingness to participate in the apology and/or his/her acceptance of the apology?
8. Is it truly the offender's agenda to apologize or are others interested in seeing him/her apologize?

The victim needs to be in control of recovery to occur. During the commission of the crime, control was taken from the victim. A poorly conceived apology may again give control to the offender and recreate the dynamics of the crime, essentially revictimizing the

Carol Lavery is Director of Bureau of Victims' Services PCCD, and Mary Achilles is Victim Advocate for the Office of the Victim Advocate, Harrisburg, Pennsylvania.

See **Apologies** on page 10

Defining Success in Mediation

by Sarah Reichwald

Authors note: This case study focuses on two mediations that took place between a victim and her offender. The first mediation occurred after an offense against the victim. The second mediation took place when the offender re-offended against a different victim, and the first victim requested a second mediation with the offender.

How do we define success in mediation? How many times should an offender be allowed to participate in the mediation process? These are questions I have asked myself several times regarding a particular offender who has gone through our program three times. The offender has been “in the system” for a number of years and seems to have never “gotten it.”

I first became acquainted with Joe* when he was convicted of burglary. The victim, Gladys* a woman in her eighties, was full of energy and life. However, the attempted burglary on her home took away some of that, along with her peace of mind. Her husband had died not too long before the burglary, and she had just begun to adjust to living alone.

*Names have been changed out of respect to those involved.

Sarah Reichwald is Program Coordinator for the Brown County Victim/Offender Mediation Program, Brown County Probation Department/Minnesota Department of Corrections New Ulm, MN 56073-0248, tele. (507) 233-6646. Prior to her current position, Sarah was Director for Brown County Victim Services. Brown County has a population of 27,895 and is a largely agricultural community in South Central Minnesota.

On January 26, 1997, Gladys awoke to a loud noise in her house. She thought it was her furnace exploding. As she walked through her kitchen to get to the basement, she saw someone at the backdoor. The person was wearing a black mask and was attempting to break in with a crowbar. Gladys grabbed the phone and called 911. The person saw her on the phone and took off.

The police caught Joe, hiding in the doorway of a nearby church. With his extensive criminal background, the police were very familiar with him. Mediation was ordered as part of Joe's court sentence. Joe said he felt it was something he should do whether ordered to or not.

Gladys had several things she wanted to tell Joe she had experienced as a direct result of the burglary, including that she was having problems sleeping at night, had installed steel bars on her basement windows, four locks on every door, and now kept a floodlight on outside all night. Most importantly though, Gladys wanted to know “Why?”

The mediation took place on May 7, 1997. Joe was forty-five minutes late for the mediation (I called when he was five minutes late - he had forgotten about the mediation). At the mediation, Gladys had an advocate from Brown County Victim Services for a support person. Joe chose not to have anyone with him. Gladys told him all the things that she had gone through as a result of his actions and then asked him why he had chosen her. Joe told her he had heard she had money in her house so he planned to break in and steal it. Gladys informed him this was not the case. Joe then apologized and stated he was at a turning point in his life (being sober and having a job) and promised he would not reoffend.

But Joe did re-offend one month later. He and two friends got drunk and used cocaine one night. They broke into a farm implement dealership (in a town with a population of 3,000) and did what was initially estimated to be \$200,000 worth of property damage.

Again, as part of Joe's sentence, he was court ordered to meet with the victims in the case. But something else unexpected occurred. Gladys contacted her victim's advocate to say she felt victimized because Joe had broken his promise to her. The advocate in turn informed me that Gladys wanted to meet with Joe again.

“He was beginning to understand that for Gladys, because he had re-offended and broken his promise to her, the burglary was like it happened yesterday.”

I met with Joe to discuss his latest charges, and then let him know that Gladys wanted to talk with him. He did not ask why, but looked more ashamed than anyone I have ever seen before. Joe stated he felt he owed Gladys an explanation.

This second mediation took place on March 12, 1998 - nearly one year after the first mediation (Joe was only ten minutes late this time). The same people as before were present. Gladys told Joe how upset she was when he re-offended and that she couldn't understand why he kept doing things like this (Gladys knew a lot of his family, and thinks they are wonderful people). Gladys repeatedly told Joe “You're such a good-looking kid! What you need is a girlfriend. You have so much going for you, why do you keep doing stupid things?”

Joe appeared very sheepish, and told her he had really learned this time, and was working on getting a girlfriend. Joe also stated he was trying to

See **Case Study** on page 10

Reading Summary/Reflections

A Book Review

by Jeff Heie

Violence: Reflections on a National Epidemic

By James Gilligan, M.D.

267 pages

It is difficult to know where to start when describing this book. It is so full of thoughtful insights and critical analysis that it is a challenge to identify what should be included in a short book report. Gilligan offers a very organic and multi-disciplinary approach to the causes and prevention of violence in U.S. society. He argues that you cannot understand violence from the perspective of criminal justice or law or sociology or psychiatry or economics alone. Violence is a systemic issue that must be understood through a lens which integrates these and other fields of study.

Through his many years of working with men in the prisons of Massachusetts, he has come to draft a theory of violence which exhibits a clear cause and effect relationship. His theory is supplemented by many stories of men who have committed seemingly unthinkable, irrational acts of violence. Through working with these men, he has identified a common thread among what appears to be unrelated, random acts of violence. This common thread is the emotion of shame. Shame is described by Gilligan as "the absence or deficiency of self-love".(p. 47) Shame occurs when one is humiliated through a loss of respect, honor, prestige, or status. Violence is turned to as a last resort effort to replace shame with pride (meaning

self-esteem and self-respect). It is not shame alone which induces violence. Several other preconditions must be met in order for one who has been shamed to turn to violence. The person must feel chronically ashamed over trivial matters, they must perceive that no nonviolent means will be sufficient in warding off their feelings of shame, and they lack the emotional capacities or the feelings that normally inhibit the violent impulses that are stimulated by shame, namely love and guilt towards others and fear for self.(p. 112-113)

The violent act which results from shame is a type of symbolic language which attempts to undo the shame through projecting it onto a victim or attempting to somehow hide the shame through violent acts. This act

"It is very reassuring to me that someone from a medical background is articulating a restorative justice framework without even being aware of it."

precedes the thought and the word. It is a symbolic language in that it has a symbolic logic of its own which, at the time of the act, is not articulatable in spoken words by the aggressor. The act is communicating a symbolic representation which has a rationality of its own while appearing to be very irrational to outside observers.

Gilligan goes on to suggest that the U.S. is particularly plagued by violence due to the structural inequities of our socio-economic and political systems. He argues that our society is characterized by conditions which stimulate the emotions of shame and guilt. These conditions, which he calls "structural violence" include relative poverty, race and age discrimination, and sexual asymmetry, among others. According to Gilligan, structural violence causes far more death than

behavioral violence. But structural violence is also far more effective at social control because it is subtle, elusive, and not easily changed. He also argues that it is not in the best interests of the ruling class in society to pursue those social policies which cut down on crime. On the contrary, it is in their interest to keep the crime rate as high as possible. The reason for this is that violence protects the privilege of the ruling class through helping to maintain the significant gap between the rich and the poor. In a manner of speaking, Gilligan describes a civil war which is being fought in the United States. This war pits the poor against the poor in a contest for dignity while the middle and upper classes collude against the poor in order to maintain their privilege.

Gilligan's conclusion is that we must treat violence as a public health issue with prevention, not treatment, being the key response. He uses a very helpful metaphor to describe his strategy for reducing violence: cleaning up the sewer system. He argues that instead of using physicians to treat the diseases which are caused by a bacteria-stricken sewer system, we must get the bacteria out of the sewer system. Likewise, we must create a socio-economic system which minimizes shame. The fundamental concern of this system would be caring for people. The three suggestions which Gilligan gives for creating such a system are:

1. Promote the welfare state;
2. Work towards a classless society; and
3. Reform gender roles.

This book has contributed greatly to my understanding of restorative justice. This is somewhat surprising considering that James Gilligan does not come from that field of restorative

Jeff Heie is a masters student in conflict transformation at Eastern Mennonite University. Before entering graduate school, he worked in Washington, D.C., for Brethern Volunteer Service, Mennonite Voluntary Service and Christian Peacemaker Teams. This fall he plans to work for Restorative Justice Initiatives, a recently established organization which is based in Harrisonburg, VA.

See **Book Review** on page 11

Reconsidering Restorative Justice: The Corruption of Benevolence Revisited?

Article Review

by Russ Immarigeon

Article By Sharon Levrant, Francis T. Cullen,
Betsey Fulton, and John F. Wozniak
45(1) *Crime & Delinquency* 3 (January 1999)

Interview

continued from page 4

VOM field. We focus on the principles of “empowerment” and “recognition” as key ingredients to a transformative mediation process.

Dr. Morris Jenkins (“Dr. J”): I will focus on the “roots” of RJ, meaning the traditional African approach to justice. In addition, I will focus on how to evaluate “success” using a Eurocentric model.

Mark Yantzi: My training addresses healing in the context of past sexual abuse. This is a topic that can raise various philosophical issues around the use and misuse of power. I look forward to discussing these issues and sharing from my experience over the past 15 years of working with both victims and offenders of sexual abuse in their journey toward healing.

Q: Any other topic or issue you would like to comment on?

Jane Reise: I am delighted to be part of the VOMA Conference Site Committee which is hosting VOMA this year! We have a strong team of Conference planners, and I believe everyone’s in for an excellent professional experience... and a great time, too!

Dr. Morris Jenkins (“Dr. J”): The change in our approach to criminal justice is definitely coming. The criminal justice system cannot handle the current rate of expansion and has to look for alternatives. The RJ movement must be ready for the change.

In this critically constructive article, Levrant, et al., apply their intellectual acumen to the prospects for restorative justice achieving a central place within criminal justice.

They are, appropriately I think, cautious and skeptical. Restorative justice, for them, is a benevolent reform, but, as students of criminal justice reform, they worry about the corruption of benevolence.

The authors raise six considerations which suggest that “the restorative justice movement may not achieve its progressive goals and, in fact, may increase the extent and harshness of criminal sanctions.” These considerations are:

- (1) inadequate due process protections and procedural safeguards;
- (2) coerced offender participation;
- (3) a widening of the net of social control;
- (4) the infliction of additional punishments upon offenders;
- (5) the increased violation of offenders who do not complete increased sanctioning conditions; and
- (6) the failure to reintegrate offenders into communities.

The authors claim that, like many so-called

alternatives to incarceration, restorative justice, at least so far, does not include principles of effective intervention. Moreover, its risks furthering race and class schisms in our society. They conclude: “Until more programs operating within the restorative justice framework incorporate the principles of effective intervention, the likelihood of producing reductions in recidivism is limited.

This, in turn, will compromise the extent to which other restorative goals can be achieved because victims and communities will continue to suffer from the criminal behavior of these repeat offenders. A truly restorative program will be rooted in empirical evidence in what works in changing offender behavior.”

The perspective offered in this article is compelling, although the authors nonetheless miss some important developments in restorative justice. They worry, for instance, about the failure of restorative justice to address serious and violent offenders.

However, often overlooked components of the restorative justice movement, such as Mark Umbreit’s case-by-case practices in the U.S., Dave Gustafson’s prison-based program in Canada, and of course, the New Zealand experience with family group conferencing have done just this. Still, these authors’ arguments merit careful attention and further discussion.

Russ Immarigeon is Editor of “Offender Programs Report” and “The Interdisciplinary Report on At Risk Children and Families.” He lives in Hillsdale, New York.

Reprinted with Permission from Community Corrections Report, March/April 1999, p. 41. For copies of the original article contact: Sage Publications, 2455 Teller Road, Thousand Oaks, CA 91320, 805/499-0721, e-mail: reprint@sagepub.com



Apologies

continued from page 6

Expectations of the victim should also be examined. There are often unspoken expectations on the victim, such as that the victim will graciously accept the apology and possibly forgive the offender. We need to be realistic as to what response a victim will give to the offender, and to the impact of that response on the offender making the apology.

From our experience, the need for an apology often stems from the victims' need to rid themselves of the psychological burden of responsibility for the crime. The contents of a real and meaningful apology are the taking of responsibility for one's own actions and the effects that those actions had on another. Anything short of this is just rhetoric, and does little to move the burden from the victim to the offender.

For some victims an apology is all they need from the justice system and from the offender. Other victims need the apology plus much more. For others there is no interest in an apology. Since these needs decide whether or not to be the recipient of an apology, victims should not be judged by their willingness or unwillingness to participate in the apology, nor by their response to the offender.

Our sensitivity to the intent and meaning of the apology, to both the victim and the offender, as well as our sensitivity to the timing of the apology, will make the difference between an exercise that will either accelerate or inhibit the recovery of the victim and the rehabilitation of the offender.

Reprinted by permission from Pennsylvania Juvenile Justice, a newsletter of the Pennsylvania Juvenile Court Judges' Commission, Vol. 7, #12, December 1998.



Case Study

continued from page 7

make new friends who don't drink or do drugs. Gladys then asked him if he had been in church last week (as it turns out they attend the same church). He told Gladys he had recently gone to church.

Gladys then flashed back to the burglary and how she felt that night. She repeated several times that she does not have any money in her home and wanted Joe to tell all his friends. I could tell by Joe's face that he was starting to "get it." He was beginning to understand that for Gladys, because he had re-offended and broken his promise to her, the burglary was like it happened yesterday.

Gladys repeatedly asked Joe how she would know if he were staying out of trouble. They discussed different ways to stay in contact. A decision was reached to exchange phone numbers so that Gladys could call Joe to check up on him.

The mediation with the farm implement dealership took place on August 18, 1998. Five members/owners of this family business came. Joe was there as well, but this time his father came. The mediation started with Joe talking about the positive changes he has made in his life (again), with sobriety being foremost. Each of the victims shared how Joe's actions affected them personally and professionally: the stress of not knowing who committed the crime, time lost from family, lost business, and all the hassles of dealing with the insurance company.

Then Joe's father took his turn. He broke down sobbing and started talking about how everything was his fault - from the day Joe's mother left him on his doorstep to trying to parent while earning a living. There was not a dry eye to be found. Each of the victims talked about how much they respected him as a community member and that he need not take full responsibility for his son's actions. Joe agreed that the full responsibility was his own. The mediation closed with the victims telling Joe that they truly believe he will do well from now on, and that they forgive him.

I cleaned up the mediation room we had used and left the room to get a drink of water. As they left Joe and his father did not see me. But I saw them as they were walking out of the building, with their arms around one another, talking about how everything was going to be all right. I felt a surge of hope for Joe.

Nearly a year has passed since the last mediation with Joe. Feedback from the victims confirmed that the process was very healing for them, as well as providing the opportunity for them to see that Joe is not a monster. As for Joe, he regularly delivers a monthly restitution payment to the Court Administrator's office and is working full time. And...Joe has not re-offended.

As for defining success, I think that participant satisfaction is the final determinant. Personally, I will continue to do mediations for however many times it takes, with the same people if necessary, for the victims, offenders, and the community to heal.



Coming Soon to VOMA Connections !

**The Research and Resource Review from the Center for Restorative Justice and Mediation
University of Minnesota,
School of Social Work**

The Research & Resource Review will consist of an insert in each VOMA Connections and will provide brief reviews of past and current VOM and Conferencing research, along with listing new written and video resources and training opportunities from the Center.

Book Review

continued from page 8

justice. But this fact is perhaps the greatest contribution of this book. It is very reassuring to me that someone from a medical background is articulating a restorative justice framework without even being aware of it. It confirms in me that the field of restorative justice has much broader implications than just being limited to criminal justice. And restorative justice can also benefit greatly from perspectives such as Gilligan's which are not included in the traditional realm of restorative justice. This book is a timely reminder that any approach to justice must be a multi-disciplinary effort in order for it to have any relevance.

Gilligan has also contributed an emphasis on social justice which is sometimes missing from restorative justice efforts. The framework which he creates is more accurately referred to as transformative justice. He argues that in order for true justice to be done, it is much more important that we focus on reducing the sources of shame and guilt which abound in our society rather than focusing upon what to do after that shame and guilt has acted itself out in violent ways. His inclusion of structural violence as the most catastrophic violence of our time is refreshing to me. Gilligan's reflections have renewed in me the desire to name and give a face to structural violence.



Recidivism

continued from page 1

A convenience sample of 320 juveniles was used in Umbreit's recidivism study. One-hundred-sixty of the juveniles in the Umbreit study participated in a VOM program, and 160 did not. The comparison group in his study of recidivism consisted of juvenile offenders from the same jurisdiction who were not referred to VOM. The VOM and non-VOM samples in Umbreit's (1992, 1993, 1994) study were matched on the variables of age, sex, race, and type of offense. About 87% of the

juveniles in Umbreit's study had committed property offenses, and the remainder (13%) personal offenses (most frequently simple assault).

Niemeyer & Schichor (1996) conducted an exploratory evaluation of a large victim offender mediation program in California. As a part of this study they compared the one- and two-year re-offense rates of a random sample of 131 VOM participants with the rates for 152 non-participants. About 16% of VOM participants had re-offended at one-year as compared to 19.1% of non-VOM participants, a statistically non-significant difference. At two years 28% of VOM participants had re-offended as compared to 23% of non-VOM participants.

Niemeyer & Schichor (1996) used a systematic random sample of 131 juveniles who had gone through the Orange County, California, VOM program. Their comparison group was comprised of all juveniles who had been referred to the VOM program but had not participated for various reasons. About 24% of the 283 juveniles in this study were referred to VOM for serious personal offenses, 15% for minor personal offenses, 16% for serious property offenses, 9% for minor property offenses, 1% for sex related offenses, and 35% for graffiti writing or tagging.

Nugent & Paddock (1996) investigated the relationship between participation in a VOM program and re-offense over a one-year period. This study involved 275 juveniles. Results showed a 37.5% reduction in re-offense associated with VOM participation. This reduction was nearly four times as large as the average reduction in recidivism found in Lipsey's (1995) meta-analysis. Results also suggested that VOM participants committed less serious offenses. Results showed VOM participants committed about 58% fewer minor offenses, and about 31% fewer property and violent offenses, than non-VOM participants (Nugent and Paddock, 1995).

Data for the Nugent & Paddock (1996) study were gathered from existing case records of the Anderson County, Tennessee, Juvenile Court and VOM programs. A simple random sample of 125 VOM cases were selected from existing VOM records, and a simple random

sample of 150 cases were drawn from the records of the Anderson County Juvenile Court that covered a 41-month period prior to the implementation of the VOM program. Both VOM and non-VOM participants were defined such that all juveniles had admitted guilt to the property offense with which they had been charged.

Wiinamaki (1997) subsequently conducted a replication of the Nugent & Paddock (1995, 1996) study. Her study involved 420 juveniles, 203 who went through a VOM program and 217 who did not. Results showed a 38.4% reduction in re-offense associated with VOM participation. Results also suggested that VOM participants committed about 54% fewer minor offenses, and about 16% fewer property and violent offenses, than non-VOM participants. The multi-site study by Umbreit (1994) also found that juvenile offenders in victim offender mediation tended to commit fewer and less serious offenses during a one-year period than a matched sample of non-VOM offenders.

In the Wiinamaki study a simple random sample of 203 VORP cases were drawn from the Anderson, Putnam, and Cumberland County, Tennessee VOM programs. Wiinamaki also drew a simple random sample of 217 cases in which the juveniles did not participate in a VOM program. Sixty-nine of the non-VOM juveniles came from Anderson County and were adolescents whose victims had declined in the VOM program. Eighty-seven of the non-VOM juveniles were drawn from Putnam County juvenile court records during a time period prior to the start of VOM in that county. Sixty-one of the non-VOM juveniles came from Cumberland County and were adolescents whose cases had not been referred to the VOM program. All juveniles in the Wiinamaki study had admitted guilt to the property-related offense with which they had been charged.



VOMA Membership

- Agency membership is available to any organization that has an interest in the mediation and conferencing process, the philosophy of restorative justice, or the criminal justice system. Annual agency dues are \$150.00.
- Individual membership is available to those persons interested and/or involved in victim offender mediation and conferencing programs. Annual individual dues are \$40.00.
- Student membership is available to full-time students. Annual student dues are \$25.00.
- Library and educational institution membership are available, which consists of a subscription to the newsletter. Annual library and educational institution dues are \$30.00.

VOMA membership benefits include the VOMA Connections, the Annual Directory of Members, access to VOMA resources, and agency discounts on the Annual Conference.

Membership Application _____

Name/Contact Person _____

Title _____

Program Name (if agency membership) _____

Mailing Address _____ **e-mail** _____

City _____ **State/Province** _____ **Postal Code** _____ **Country** _____

Tel _____ **Fax** _____ **Amount Enclosed** _____

Type of Membership (Full-time student membership, please list school name) _____

Agency Members: Would you like your agency contact information listed on the VOMA web page? Yes ☐ No ☐



Victim Offender Mediation Association

4624 Van Kleeck Drive
New Smyrna Beach, FL 32169

