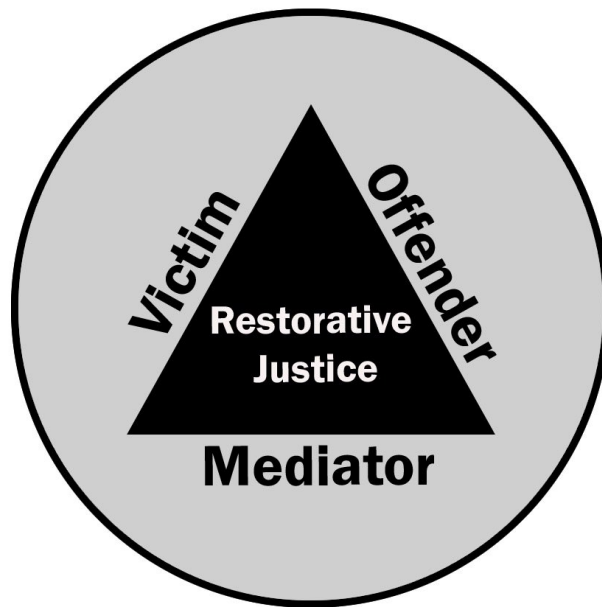


How Victim-Offender Mediation Impacts Juvenile Offenders

What it Offers and Who it Benefits



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Introduction

Traditional Justice and a Call for Reform

The retributive and rehabilitative models of justice have traditionally dominated (Bradshaw & Roseborough, 2005) and disappointed (Bazemore, 1999) the juvenile justice system in the United States. Increases in youth crime and criticisms of juvenile justice programs have led to demands for change in the way young offenders are charged, punished, and treated (Howell, Krisberg, & Jones, 1995). The retributive model of justice defines juvenile offenses as crimes against the state, and holds the state responsible for punishing offenders. Yet although this model assumes that punishment will deter future offenses, it often creates situations that increase the likelihood of further delinquent activity (Crouch, 1993). The rehabilitative model focuses on treating the offender with interventions such as probation supervision, work readiness training, cognitive skills training, and behavior therapy to change delinquent behavior. These methods have also proved insufficient, however, and may reduce recidivism by as little as ten percent (Lipsey, 1995). As the models of reformative and rehabilitative justice fail to control crime, researchers seek alternative means of responding to juvenile delinquency.

The Restorative Justice Alternative

The restorative model of justice is becoming an increasingly important alternative to responding to crime (Bazemore & Umbreit, 1995). Instead of focusing on the punishment or rehabilitation of offenders, restorative justice asserts that criminal offenses violate people and relationships, and thereby addresses victims, offenders, and communities as those primarily concerned with restoration and healing (Zehr, 2002). Dialogue, reparation, and accountability are key components of restorative interventions

(Bazemore, 1996; Zehr, 1990).

Three types of restorative justice dialogue programs are receiving significant research attention: family group conferencing (FGC), peacemaking circles, and victim-offender mediation (VOM) (Bradshaw & Roseborough, 2005). In FGC, juvenile offenders and their families and supporters come together with their crime victims and their families and supporters to discuss the impact of the crime on the victims and encourage offender responsibility. The conference offers victims the opportunity to move towards forgiving their offender and empowers the community to resolve the problem on a local scale (McCold & Wachtel, 1998). Peacemaking circles strive to promote accountability, healing, and compassion through community participation in resolving conflicts. They are based on the process of dialogue, relationship building, and the communication of moral values to repair harm and improve social wellbeing (Presser & Van Voorhis, 2002).

In VOM, the victim and the offender of a crime get together under the facilitation to “talk directly to each other about the impact of the crime upon their lives and receive answers to important questions” (Juvenile Mediation Program). Umbreit (1999), a leading scholar on VOM, defines mediation as a “voluntary process” (p. 217) wherein both victim and offender must agree to participate. Victims can express their feelings, get questions answered regarding the crime, and have input in the reparation plan, while offenders are held personally accountable for providing restitution (Bradshaw & Roseborough, 2005). Of these three most widely accepted forms of restorative justice, VOM is the most established, with more than 1300 programs in 18 countries (Umbreit & Greenwood, 1999). Though research suggests promising potential for VOM programs,

questions remain to be asked of the ways in which mediation impacts young offenders. In this study, I focus on the holes that remain in the expanding dialogue on VOM.

Research Says VOM Reduces Delinquent Behavior

Several comprehensive literature reviews of VOM have reported varied effects of VOM on juvenile recidivism (Braithwaite, 1999; Latimer & Klienknecht, 2000; Marshall, 1999; Umbreit, Coates, & Voss, 2002). Most current VOM research, however, claims that mediation reduces juvenile recidivism rates. Nugent, Williams, and Umbreit (2003) conducted a meta-analysis of studies that used different definitions of reoffense and suggested different effects of VOM on recidivism rates. They assessed each study using a narrow definition of reoffense, wherein reoffenders are those found guilty of a subsequent charge, in order to avoid inflating reoffense rates with youth who may have been accused based on prejudices within the justice system. By these standards, they found the reduction in reoffense rates to be as great as 26% for youth who participated in mediation compared to nonparticipants.

Nugent and colleagues (2003) concluded that their “results clearly imply that VOM participation is associated with a reduction in delinquent behavior...[and] that VOM participants also tend to commit reoffenses of lesser severity. These findings clearly support the development of VOM programs across the country and the adoption of juvenile justice policies that emphasize restorative justice approaches” (p. 164). They assume that participation in VOM reduces criminal behavior based on the correlation between VOM participation and lower recidivism. Chambless and Hollon (1998) also reported that there is sufficient data to support VOM as a well established, empirically-supported intervention for reducing juvenile recidivism after examining 15

studies that researched the effect of VOM on recidivism. While these studies do suggest that youth who participate in VOM recidivate at a lower rate than youth who do not, they do not prove VOM to be the crime-reducing factor among participating youth. Thus, without explaining why VOM reduces crime, they do not have sufficient data to claim that it does. As Nugent et al. (2003) acknowledged, the question of causality requires future research on the effects of VOM participation on reoffense.

Other scholars, who also assume that mediation causes changes in offender behavior, have attempted to explain why VOM reduces crime among participating youth. Umbreit, Coates, and Vos (2004) offered an alternative explanation for mediation's effectiveness, arguing that VOM allows for the "development of victim empathy in the offender, which can lead to less criminal behavior in the future" (p. 280). My study addresses the question of whether offenders develop victim empathy during mediation, and whether such empathy reduces criminal behavior.

Does the Mediation Experience Lower Recidivism Rates?

In traditional retributive and rehabilitative models of justice, "reduction of recidivism is the gold standard of outcomes" (Bradshaw & Roseborough, 2005, p. 19). Researchers have carried that measure into restorative justice models as well. As Presser and Van Voorhis (2002) argued, change in offending behavior is a relevant outcome of most restorative justice programs. "Desistance from crime indicates both individual well-being and social well-being...[C]rime and recidivism rates afford an opportunity to understand crime and crime control" (p. 176). Crime is itself an indicator or "warning signal about the quality of community life" (Clear & Karp, 1999, p. 61), and is appropriate to a community model of justice. In addition, because restorative justice

resides primarily within the domain of corrections, correctional measures are important and relevant (Van Ness & Strong, 1997). In considering the expansion of restorative justice within the juvenile justice system, we must evaluate its effectiveness at reducing criminal behavior. As Bradshaw and Roseborough (2005) articulated, “[t]he goals of healing and restoration for victims, offender, and community are limited if there is no change in criminal behavior and increased community safety” (p. 16).

Going beyond Recidivism Rates: Defining VOM Success

While reducing recidivism is important to restorative justice programs, McCold and Watchel (1998) claim that it is not central to the practice of restorative justice. They argued that we should prefer restorative justice programs that reduce recidivism over programs that do not, but that even if recidivism is not reduced, restorative justice programs could serve other needs of victims, offenders, and the community. As Braithwaite (1999) wrote, restorative justice “involves a different way of thinking about traditional notions such as deterrence, rehabilitation, incapacitation, and crime prevention” (p. 2). He called crime prevention an “impoverished” (p. 2) goal of justice work when compared to promoting peace and social equality. When assessing the effectiveness of restorative justice programs, restorative values also deserve consideration (Bradshaw & Roseborough, 2005).

Scholars have proposed perceptions of satisfaction and fairness as measures for VOM reparation (Coates & Gehm, 1989; Umbreit, 1989, 1994, 1996; Umbreit & Coates, 1993; Umbreit, Coates, & Roberts, 1997; Umbreit & Fercello, 1997). Yet because these measures are internal to the mediation itself, they do not explain how the mediation experience affects the lives and behaviors of offending youth post-mediation. Umbreit,

Coates, and Vos (2004) addressed the lasting impact of mediation, and claimed that VOM allows for the “development of victim empathy in the offender, which can lead to less criminal behavior in the future” (p. 280). Presser and Van Voorhis (2002) likewise suggested social wellbeing, meaning peaceful relations between parties, as a desired end in restorative justice. We can measure social wellbeing in terms of change in victim and offender attitudes toward a less stereotypical and more humane view of the other (Braithwaite & Mugford, 1994; Coates & Gehm, 1989; Umbreit, 1994; Umbreit & Coates, 1993; Van Ness & Strong, 1997). My study explores social wellbeing as an outcome of VOM, and whether victim empathy is the factor that leads VOM participants to commit less crime.

Research Objective

In this study, I attempt to bridge the gap in VOM research and determine why youth who participate in VOM go on to commit less crime. I investigate whether or not VOM participants develop understanding and empathy during mediation which in turn reduce delinquent behavior. Rather than focus on recidivism rates, which neither reflect the reasons why youth commit or abstain from further crime nor the extent to which mediation itself affects behavior, I asked the youth themselves about the ways in which the mediation impacted them. In identifying the self-reported reasons why VOM participants do not want to break the law again, this study examines the extent to which mediation changes offender behaviors, and under what circumstances it does so.

Methodology

To determine whether and why the mediation experience encourages youth to refrain from future crime, I interviewed young offenders who participated in mediation at

the Juvenile Mediation Program in San Mateo County, California. The Juvenile Mediation Program is a partnership of the San Mateo Superior Court, Multi-Option ADR Project, and the Peninsula Conflict Resolution Center. I received access to the databases of VOM participants at the Juvenile Mediation Program after clearing a background check for criminal history. The Institutional Review Board approved my proposal to interview participants in accordance to Human Subjects Protocol.

To gather research participants, I sent letters to the 60 youth who participated in VOM at the Juvenile Mediation Program between April 2005 and June 2007. I informed them or their parents, depending on their age, of my research objectives and requested their participation in an hour-long interview, noting that they would receive \$25 for their time and participation. See Appendix A for the forms included in those mailings. After receiving no replies, I contacted potential participants via telephone. Between five and ten youth could not be reached due to change of address and phone number, and less than five youth who were in juvenile hall or probation at the time were ineligible to participate. Fifteen youth, whose names have been changed to protect their privacy, agreed to participate in the study.

I conducted 15 one-on-one interviews with youth between the ages of 13 and 20 regarding their experiences with VOM, as well as their pre- and post- mediation views of crime, self, and others. My interview questions evolved over the two months during which I conducted interviews as I gained understanding of the research topic. Because this is a qualitative study, I also asked specific questions of individual youth when appropriate. See Appendix B for a list of both the original and final interview questions. For information about interview dates and locations, see Table One on the next page.

Because the primary data for this study comes from original interview material, it is important to identify the ways in which the interview process may have affected the research findings. Participants' responses could have been influenced by the audience, a young college researcher whom they had never met, who recorded their comments, and whom some may have seen have represented a figure of authority. When discussing their views of their victims, themselves, and crime, participants may have sacrificed honesty to protect their privacy or to please the researcher, despite the confidential nature of the interviews. Additionally, the self-selection factor among the participants who agreed to an interview may have also affected the research.

Table One: Interview Information

Participant Name	Interview Date	Interview Location	Age	Gender
Allen	Sept. 17, 2007	High School	17	Male
Brandon	Sept. 18, 2007	High School	17	Male
Carl	Sept. 18, 2007	Telephone	16	Male
Daniel	Sept. 19, 2007	Library	15	Male
Eddie	Sept. 20, 2007	High School	15	Male
Frank	Sept. 25, 2007	Shopping Center	16	Male
Gladys	Oct. 11, 2007	Private Home	13	Female
Henry	Oct. 16, 2007	Private Home	15	Male
Ian	Oct. 18, 2007	College Campus	19	Male
Julia	Oct. 19, 2007	Private Home	18	Female
Keith	Oct. 20, 2007	Book Store	20	Male
Logan	Oct. 20, 2007	Park	15	Male
Mike	Oct. 26, 2007	Telephone	13	Male
Nathan	Oct. 29, 2007	Private Home	14	Male
Olivia	Nov. 2, 2007	Shopping Center	19	Female

Most participants in this study took part in mediation approximately two years ago for crimes such as vandalism, fighting, breaking and entering, and stealing. These are fitting representations of crimes that go to mediation in the United States, as VOM programs typically involve victims and perpetrators of juvenile property offenses and minor assaults, though some programs do provide mediated dialogue for severely violent crimes (Umbreit, 1994). Participants represent a wide variety of ethnic backgrounds and

multiple sects of Christianity, as well as non-religious perspectives. Contrary to the hypothesis of Levrant, Cullen, Fulton, and Wozniak (1999), who argued that restorative justice programs will reinforce existing race and class biases of the criminal justice system, demographic factors such as race did not seem to affect the impact that mediation had on these offenders. For more demographic and basic information about the youth, see Table Two below.

Table Two: Participants' Basic Information

Name	Gen.	Age	Ethnicity	Religion	# of Meds.	Crime date	Med. Date
Allen	M	17	Irish and Hawaiian	Agnostic	1	1 year ago	3 or 4 months ago
Brandon	M	17	Caucasian Armenian	Not religious	1	5 months ago	2 months ago
Carl	M	16	Chinese and Hispanic	Christian	1	3 or 4 years ago	2 or 3 years ago
Daniel	M	15	Mexican	Catholic	1	Over 2 years ago	2 years ago
Eddie	M	15	Latino	Went to Christian and Catholic church, but not anymore	2 (for same crime)	2 years ago	1 year ago
Frank	M	16	Mexican and Italian	Not really religious, maybe Christian	1	3 years ago	2 years ago
Gladys	F	13	Mexican	Catholic	1	Nearly 2 years ago	Over a year ago
Henry	M	15	Black	Not religious	1	7 months ago	?
Ian	M	19	White	Catholic	1	2 ½ years ago	Nearly 2 years ago
Julia	F	18	Mexican	Not really religious	3	4 years ago	Between 2 and 4 years ago
Keith	M	20	Filipino	Catholic	1	Over 2 ½ years ago	Over 2 years ago
Logan	M	15	Spanish, Irish, and Native American	Catholic	2	6-7 months before each mediation	2 years ago and 3 years ago
Mike	M	13	Mexican and White	Christian	1	Nearly a year ago	?
Nathan	M	14	Caucasian	Christian	1	1 ½ years ago	A couple months ago

Olivia	F	19	African American	Christian	1	2 years 8 months ago	2 years 7 months ago
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My study builds on previous research on juvenile offenders' experiences with VOM. Umbreit and Coates (1993) conducted the first cross-site analysis of VOM programs in the United States. Though they found that many youth were satisfied with the VOM experience, they did not compare VOM participants with one another to determine the factors that distinguish youth who benefit from mediation from youth who do not. I compare VOM participants on the basis of self-report measures to identify who VOM impacts and why.

Focus on Offenders

This study only includes interviews with juvenile offenders, not victims or mediators, to evaluate VOM as an alternative means of addressing juvenile, and subsequently adult, crime. Some scholars argue that restorative justice focuses on healing victims and communities rather than offenders (Barajas, 1998; Bazemore, 1997; Harris, 1991; Stuart, 1996). However, when considering restorative justice as an alternative to offender-focused models of justice, we must examine how it affects offenders specifically. This study compares youth who have gone through mediation with each other to determine what mediation offers and who it benefits.

Part 1: Addressing Recidivism Rates

Mediation is not the Only Low-Risk Factor Common to VOM Participants

Chapter 1: Common Factors among Self-Selecting VOM Participants

Accepting Responsibility

Restorative justice theory defines offender accountability as accepting responsibility for one's actions and playing an active role in the restitution process (Zehr, 1990, pp. 192-193). The act of offenders' accepting responsibility for their crimes is a principal objective of restorative justice (Presser & Van Voorhis, 2002; Umbreit, 1994; Umbreit, Coates, & Vos, 2004; United Nations, 2002), and is predicted to lower their likelihood of reoffending in the future (Morris, 2002). All participants in this study, however, reported that they accepted responsibility for their crimes prior to mediation. If acknowledgment of responsibility does in fact lower an offender's likelihood of recidivating, we can conclude that the participants were at a lower risk of recidivating than offenders who did not accept responsibility for their crimes. Such youth would be unlikely to participate in VOM.

Before meeting with their victims, Ian, Carl, and Keith chose to participate in their mediations without a support person, whom they were allowed to bring, because they considered the consequences of their crimes to be their own responsibilities. Mike and Henry also felt like they took responsibility for their actions by participating in mediation, although they each brought a family member with them. Julia, Eddie, and Olivia demonstrated a sense of responsibility when they explained that the consequences following their crimes were the results of their own actions. Nathan was the only participant who said he did "not really" (Personal Interview, October 29, 2007) feel

responsible for committing a crime. He did say, however, that he was “responsible for not stopping it” (Nathan), and that if he were in the same situation again he would “either stop it or walk away” (Nathan). The participants in this study reported accepting responsibility for their crimes prior to mediation, not as a result of it.

VOM provided participants in this study with a chance to act on the sense of responsibility they already felt. Eddie said that at his mediation, he learned to “be responsible for your actions, face the consequences” (Personal Interview, September 20, 2007). Similarly Keith learned “that there’s always consequences to your actions... You always got to deal with them to deal with what you do, be responsible. And you got to think before you act” (Personal Interview, October 20, 2007). Offenders who enter mediation having acknowledged responsibility for their crimes can reaffirm or deepen their sense of responsibility for their crimes through VOM.

To determine whether offenders have accepted responsibility for their crimes before victim and offender meet face to face, as well as to explain VOM and prepare participants for mediation, 78 percent of VOM programs offer separate premediation meetings before the joint mediation session takes place (Umbreit & Greenwood, 1999, p. 2). The Juvenile Mediation Program holds such meetings and trains facilitators that before they recommend a case for mediation, the “offender should accept responsibility for the act committed to reduce the chance of re-victimizing the victim” (Juvenile Mediation Program, 2007, p. 27). To the extent which it is possible to do so, youth who do not acknowledge their crimes are screened out of VOM participants.

Among the offenders to whom the Juvenile Mediation Program offered VOM during the two years between summer 2004 and summer 2006, when the participants in

this study agreed to mediation, approximately 71 and 63 percent, respectively, agreed to meet with their victims (D. Cherniss, Personal Communication, May 8, 2008). Youth who did not accepted responsibility for their crimes may be among those who declined mediation or were asked not to participate. The requirement that VOM participants must acknowledge their crimes before meeting with their victims sets participants apart from youth who do not take responsibility for their actions.

Voluntary Debate

In addition to the requirement that offenders who participate in VOM have taken responsibility for their crimes before meeting with their victims, the voluntary nature of VOM could serve to further explain why 100 percent of study participants, based on their self-reports, accepted responsibility for their crimes. However, the claim that only youth who accept responsibility for their actions agree to meet with their victims is only relevant to the extent that offenders perceive participation in mediation as voluntary.

Bradshaw and Roseborough (2005) argued that because most restorative justice dialogue programs are voluntary, “there is an inherent self-selection bias that makes interpretation of results difficult” (p. 19). Research asserts that a self-selection factor in VOM participation overlays its high levels of satisfaction (Umbreit, Coates, & Vos, 2004), and that that much of VOM’s success stems from the fact that participants are typically carefully screened for potential success (O’Hara, 2006). While VOM claims to be voluntary, however, some theorists argue that nearly all mediation programs have an inherently coercive element (Brown, 1994; Umbreit, 1991). Brown (1994) found that the risk of coercion is especially great when mediation is per court order or statute, and that juveniles in particular are at risk of coercion because they may fear punishment for their

decisions not to participate in VOM. As Brown (1994) suggests, nearly all participants in this study received referrals for mediation through their probation officers or the Court, and the majority perceived their participation as mandatory.

Henry assumed that if he did not participate in mediation, he would “be in juvenile hall probably. Like disobeying something that my probation officer recommended... Since you’re on probation it’s better to do what your probation officer says” (Personal Interview, October 16, 2007). Logan also felt forced to participate, saying that mediation “was court-ordered and it was our probation, so once you’re on probation, you don’t have parents anymore. They’re your pretty much your family. They decide everything, so I didn’t have any choice in the matter” (Personal Interview, October 20, 2007). Although mediation is theoretically voluntary (Umbreit, 1999), reality is not always so simple. As in Keith’s case, participating in mediation “was part of the restitution... They said that I would have to pay back restitution, I wouldn’t know how to do that if there was no mediation” (Keith). In cases where it is in an offender’s best interest to participate in mediation, the voluntary nature of VOM comes into question. Further studies with larger sample sizes are needed to address whether youth think that their participation in VOM is voluntary, and whether there is a relationship between perceiving mediation as voluntary and accepting responsibility for one’s crime.

Regardless of whether participants realized that they could choose not to participate in mediation before they agreed to meet with their victims, they all demonstrated a sense of responsibility for their crimes. Though self-selection biases resulting from the voluntary nature of VOM may not explain that uniform acceptance of responsibility, since many offenders did not perceive mediation as such, the factor of

participant self-selection could nonetheless be at work. Youth who did not think they had could choose whether or not to meet with their victims may have participated in VOM out of adherence to the law. Research shows that “[i]f youth do not see themselves as being bonded to the same social contract that the adult society adheres to, they will see no reason to follow it” (Godwin, 1998, pg. 4). On the argument that delinquent beliefs cause delinquent behavior (Browning, Thornberry, & Porter, 1999; Thornberry), youth who express a commitment to obey the law are less likely to break it. Offenders who agree to participate in mediation and accept their social responsibility show respect for society’s laws, and with that a lower likelihood of continued reoffense.

Positive Views of Self

There is an important relationship between self-concept and delinquency (Levy, 1997). Several participants in this study expressed a positive sense of self-identity, independent of their mediations. They saw themselves as different from their peers, as people who should not be in trouble. Because negative self-identity is a significant risk factor for recidivism among juvenile offenders (Chang, Chen, & Brownson, 2003), having a positive sense of self may have lowered participants’ chances of committing further crime.

Henry thinks if he were “a really really bad kid” (Henry) he might have said no to doing the mediation. Like Henry, Mike, Nathan, and Olivia see themselves as good people. Mike said that his probation officer seemed surprised that he had committed a crime, but does not know whether the officer was equally surprised by the criminal actions of his friends. Olivia explained that “people were baffled” (Personal Interview, November 2, 2007) when she had to spend two weeks in juvenile hall. When she

interacted with other youth who committed crimes and listened to their conversations, Olivia thought, “wow...your actions deserve for you to be here. And that fact that you don’t seem opting to change them at all, well maybe you should be here a little longer. But me on the other hand, I shouldn’t be here” (Olivia).

Like Olivia, Keith felt different from the other people in juvenile hall. He described an environment where “most of these kids pick on each other, it’s so immature. I was like, wow, I’m not that type of person...Lots of these people talk about their lives and I was like, wow, it’s pretty bad” (Keith). Keith explained that “people who go to jail have I think a 70% rate of going back after six months. There are people who want to change and people who want to stay the same or go back to the same environment. I felt like my background helped me change because of who I was before” (Keith).

Carl said that while he was in juvenile hall, “other inmates...would ask me if it was my first time, I would say yes it was. And then I would respond thereafter saying I would never come back. And what scared me was their response was, ‘everyone comes back.’ I don’t know why...people would continue to do so” (Telephone Interview, September 18, 2007). Just as Carl could not identify with his peers who continued to get into trouble, Julia saw herself as different from the friends she made in her drug rehab program, who “didn’t want to change. They kept on doing their things. I was like, I’m gonna change for myself ‘cause I know they ain’t getting nowhere, and why do I want to be like them?” (Personal Interview, October 19, 2007).

Participants in this study expressed a positive sense of self-identity based on experiences and conceptions external to the mediation experience. Yet the role of self-identity in distinguishing VOM participants from nonparticipants is difficult to define as

we can neither assume that all VOM participants have a positive sense of self, nor that nonparticipants have a negative view of self. While VOM participants must accept responsibility for their crimes before they can meet with their victims, they do not need to demonstrate a positive sense of self. Additional research is needed to compare the self-identities of youth who agree to participate in mediation and youth who decline the opportunity.

VOM Participants are Less Likely to Reoffend

The participants in this study entered mediation with a sense of responsibility for their crimes, and many also had a positive sense of self. These factors lowered their likelihood of committing further crime, independent of the mediation experience (Chang et al., 2003; Levy, 1997; Morris, 2002). However, because this study focused exclusively on VOM participants rather than comparing them to nonparticipants, it lacks the authority to suggest whether offenders who do not participate in mediation also report a sense of responsibility for their crimes and a positive sense of self. Additional studies are needed to address those questions and the reasons why youth decline VOM. To do so might identify the factors that set VOM participants apart from nonparticipants, especially nonparticipants who are offered mediation but choose not to participate, and help explain the factors that cause disparate recidivism rates between these cohorts.

Like VOM participants, some nonparticipants may also accept responsibility for their crimes, as failure to accept responsibility is not the only reason why offenders might not participate in VOM. Beyond they many reasons behind their own choices to accept or decline mediation, not all youth have the opportunity to participate at all. We can assume, however, that nonparticipants accept responsibility for their crimes at a lower

rate than VOM participants do. Not all youth who commit crimes accept responsibility for them, as the Morris (2002) study suggests, and youth who fail to accept responsibility are not likely among VOM participants. Because youth must accept of responsibility for their crimes before they can participate in mediation, and accepting responsibility makes youth less likely to reoffend (Morris, 2002), VOM participation attracts youth who are independently at a lower risk of recidivating. Determining the role that mediation itself plays in reducing recidivism, then, presents a challenging task.

Chapter 2: Reasons Not to Break the Law after Mediation

Researchers claim that because offenders who participate in VOM recidivate at a lower rate than offenders who do not, participation in VOM reduces recidivism among offending youth (Braithwaite, 2002; Chambless & Hollon, 1998; Nugent et al., 2003; O'Hara, 2006; Umbreit, Coates, & Vos, 2004). Yet before attributing crime reduction to the mediation itself, research must show that the mediation gives youth reasons not to commit crime again. It may come as no surprise that all 15 participants, when asked about future crime, said that they do not plan to break the law again. To more fully understand their thoughts on crime, I asked them what reasons they had not to break the law again. The question was open-ended, yet participants' answers generally fell into one or more of the following three categories: consequence aversion, goal achievement, and support networks. As these three categories became increasingly apparent from interview to interview, I developed specific questions to ask subsequent participants that addressed the roles of consequences, goals, and support networks in influencing participants' behaviors and choices. The participants credited these reasons, which were external to the mediation, for desisting further crime.

Consequences

Each of the youth in this study, after committing crime and getting caught, has experienced consequences first-hand. For some, consequences were limited to participating in mediation. Several also spent time in juvenile hall, and one described the experience of house-arrest. Some participants took part in a Victim-Impact Awareness Class, wherein they learned how their actions affect others, a Community Care Program, with which they picked up trash and beautified public places, and/or paid retribution for

stolen items or other costs or their crimes. Participants described the ways that experiencing consequences have led them to avoid breaking the law again, offering evidence for the classic argument that consequences deter criminal behavior (Wright, Caspi, Moffitt, & Paternoster, 2004).

Gladys said that she does not want to commit crime again because she “wouldn't like doing some other bad thing and get more...consequences...That's why right now I don't want to do nothing bad” (Personal Interview, October 11, 2007). Similarly, Mike does not want to commit crime because he does not want “to go through all that again” (Telephone Interview, October 26, 2007). Henry's reasons not to break the law now are “not just the mediation” (Henry), but also the daily reminder of police presence in his neighborhood when he walks to school in the morning. Although some of Henry's peers try and influence him to get into trouble, when he looks in his pocket “the first thing that you see is...your probation officer's number and it's like, dang. Don't do that” (Henry). An aversion to repeating the consequences of their previous crimes keep Gladys, Mike, and Henry from breaking the law again.

Carl explained how 44 days in therapeutic juvenile hall provided a consequence that he does not want to repeat. He found the experience to be “a lot more helpful than anything else...The idea itself about going away from your family, your friends, your everything for a certain amount of time can automatically change your thought process” (Carl). Carl felt a stark lack of freedom in juvenile hall, and found it “disturbing to think how removed the idea of personal, civil rights [was there]. That disturbing aspect is kind of what makes you not want to come back” (Carl). Carl reports that “the reason that juvenile hall is so moving and so powerful and so extreme is because it's a hell hole. It is

one of the worst experiences in life and that's why it's so life-changing. People get in their minds, wow, I really don't want to come back to this, ever" (Carl). Carl explained that spending time in juvenile hall had a much more profound effect on him than mediation, which "doesn't scare you into becoming a complete, upstanding, extreme, I'm never gonna jay-walk citizen" (Carl).

Juvenile hall also impacted Daniel's views on crime, as did his time on probation. For him it was "it's hard to get out of it...I wouldn't want to do it again just to go through the same thing again" (Personal Interview, September 19, 2007). Knowing about the consequences of the law has also encouraged Ian to stay away from crime. "I don't want to go to jail, obviously. I'm not gonna break the law on purpose. I'm not gonna get in any violent things anymore" (Personal Interview, October 18, 2007).

Williamson and colleagues (1993) have found that youth who understand the law are less likely to violate it. Participants who learned about consequences following their crimes better understood how to avoid consequences in the future. Eddie attended a probation school following his crime, where he learned about legal consequences. After that experience he "was thinking about the strikes and everything, and I was just like, man, I can't do that. I went to jail for like ten days, most, and I never want to go back there, even though it's juvenile. It just changed my mind about everything" (Eddie).

Julia also learned about the law at probation school, where law students taught classes about such topics as civil rights. Yet while this school taught her about the law, it also gave her reasons to break the law as she met more "gang-related people from both sides" (Julia). Julia also met gang-related friends in juvenile hall, which made her "not really care" (Julia) when she repeatedly recidivated because it gave her a chance to

“visit” (Julia) them. It was not until she was sentenced to six months of detainment that she “started realizing, why can’t I change and be out with my family? I don’t want to be here... That’s when I wanted to change” (Julia). Julia reported that that consequence had the greatest impact on changing her views of crime.

Julia’s understanding of consequences has changed since her crime, and she realizes now that “now that I’m 18 I know I could go to county, and that’s gonna be on your record. As a juvenile, I didn’t think like that. I was into gang stuff, that’s why I didn’t care. But now it’s different. I want to change...I don’t want to have a felony” (Julia). Aside from the threat of jail, Julia avoids consequences external to the justice system. She said that she used to “try to act tough with the guys...They broke my nose twice, and they were guys...that's how I learned” (Julia). In addition to learning from her own actions, she has also learned through the consequences of people she cares about. Julia has seen “a lot of my friends...got killed, they died, you know, they overdose on drugs, they died ‘cause of an accident, a lot of things for being drunk. I don’t want to be like that” (Julia).

Keith said that the three “horrible” (Keith) days he spent in juvenile hall experience most shaped the way that he sees crime now. Keith was not challenged academically, and thought, “I don’t want this. I don’t want to be here...After that whole thing I told myself after I’d get that stuff done and over with, I wouldn’t do that again” (Keith). In addition to going to juvenile hall and being on in-house arrest, Keith lost his job and had to pay more than \$600 in restitution as a result of his crime. “I think it was the consequences, having to pay that much back, and not wanting to go through that process again, and being seen as a criminal. It’s not worth it” (Keith). Keith would not

commit crime now “‘cause I already learned my lesson...because of the consequences” (Keith).

Immediately following his experience in juvenile hall, the threat of recidivating deterred Frank from committing crime again. This aversion to juvenile hall has since faded, however, and Frank said that “in the end I think it’s more myself that stopped myself instead of the threat of going back to juvenile hall. Not really worried about that” (Personal Interview, September 25, 2007). He said that if he had to go back to juvenile hall, “I’d be kind of mad but it wouldn’t be that big of a deal to me” (Frank). Jail does not scare him either. “Juvenile hall is just a lot more boring than jail, what I’ve heard of jail” (Frank). Frank was the only participant in this study who said that consequences do not contribute to his reasons not to commit crime now.

Logan and Nathan said that consequences are the reason why they are not participating in further crime. Logan might commit another crime if he knew he would not get caught, but his decision “depends on the situation, the crime, and where it’s located. If it’s something close to home, then you don’t want to really do anything. But if it’s somewhere that you’re never gonna be again, depends on the time of the day, depends if there’s anybody there. It pretty much depends on the circumstances” (Logan). Logan does not have a problem with committing crime, but does not want to face the consequences of getting caught. He said that community service “made me not want to do anything bad again “‘cause it was horrible” (Logan), impacting him more than juvenile hall or mediation because it scared him from wanting to commit further crime.

After Nathan committed his crime, he said he “didn’t feel anything until I got a call” (Nathan) and knew he was in trouble. At that time, Nathan was “pretty upset that I

had to do this program and all that” (Nathan). Nathan wants to avoid crime so as not to repeat “that whole [Victim-Impact Awareness] program and mediation again” (Nathan). Although he has had the chance to commit crime since his mediation, he has chosen not to based on the threat of “getting caught, and what my consequences would be... Wasn’t worth it to me” (Nathan). As part of the VIA class, Nathan had to go to San Quinton on a field trip, which made him realize, “I don’t want to go there” (Nathan). Nathan said that that the trip had the a greater impact on him than mediation or community service.

Goals

Part of the reason why the youth in this study are averse to consequences is due to their goals, which give them reasons to obey the law. In her 1995 study, Carroll examined the role of goals among juvenile delinquents and found goal-setting to be important within the juvenile delinquent population. Henry, for example, said that he really wants “to change my life and not get in trouble as in the law” (Henry). Currently, Henry is “trying to get a job, and then trying to open a bank account and I’m trying to support my groups” (Henry), both in and out of school. Henry understands that “there’s things that I couldn’t change, like I did what I did and I can’t take it back. But I could go much further and do different things. Not bad things but good things” (Henry).

Gladys appreciates the fact that her parents have strict rules for and “influence me to keep my studying path...They say, you have to finish high school so you could go to college and get a career and get a perfect job....If I study and I go through high school and go through college and get my career, I would have a good job...because I studied and I got my goals” (Gladys). Gladys is going to work hard for her goals, and does not want to have a criminal record that would stop her from getting a “perfect job” (Gladys).

Julia hopes to get her GED, then “get a job and then save up some money and then from there go to adult school [college]” (Julia). She wants to do something “that will get me a career...so when I have kids, they wouldn’t be needing nothing...I want to be there for my kids a lot of years from now” (Julia). Most of Julia’s former gang friends “got married or...they got pregnant. I don’t want that for me...I want to do something for my life and then think about kids later on” (Julia). Julia said that her goals stop her from wanting to commit crime because she knows “if I do anything and I get locked up, I’m not gonna do what I want to do. I’m gonna hold [myself] back” (Julia).

Since committing his crime, Keith’s reasons not to break the law are “myself, I don’t want to lead that kind of life, and I just knew it was a stupid decision in the first place...There’s better ways to live your life...I just want to finish school and get a real job and be a real person” (Keith). Keith expressed interest in going to medical school to “become a neurosurgeon...I finished all my general eds. and prereq’s” (Keith). After he was caught for his crime, Keith was afraid that he might not be able to “do the stuff I want to do, like maybe this gonna go on my record, I might not be able to become a nurse. Like, college might see this on my record or something...I felt like, it’s gonna be hard to get a job...it’s gonna be hard to get to a good school” (Keith). Now Keith’s goals affect “what I do [and] where I go” (Keith).

Logan is planning on “getting my high school diploma, then start contractor’s, get my contractor’s license, become a plumber. After five years I’ll make 60 an hour, medical and dental” (Logan). Logan agrees that it is important for him to be able to achieve that goal, and that crime might stop him from reaching it. Mike’s future plans are less clearly defined, as he has “a lot of goals that I want to try to achieve. I want to

try to make it in professional football...and then I wanted to make movies” (Mike). Mike said that he wants to avoid crime because it would “probably prevent me from ever trying to accomplish...my dreams” (Mike).

Nathan wants to “graduate high school and go to college” (Nathan). He thinks that committing crime would stand in the way of those goals, which is part of why he does not want to commit crime. Olivia wants to teach and plans to begin studying at a university in the fall of 2008. “I want to teach high school and just start a life...I'm really family oriented. I want to raise kids, I want to be a wife and do all that stuff” (Olivia). Accomplishing their goals encourages these youth not to break the law again.

Support Networks

Support networks provide youth with reasons not to commit crimes following their mediations. According to social control theories of crime, attachment to others can ultimately inhibit offending (Hawkins and Weis, 1985; Sampson & Laub, 1993). Social support, both tangible and emotional, helps people to cope with sources of stress that may precipitate expressive and instrumental crime (Agnew, 1992; Cullen, 1994). Nearly all participants whom I asked reported that family and other adults encouraged them to participate in the mediation. Similarly, all participants asked said they had people to talk to about their mediation following the experience.

Gladys's “mom and dad” (Gladys) encourage her to stay away from crime, and she appreciates their rules because “you never know what can happen. There's really bad people around” (Gladys). Since his crime, Eddie's “mom helps me out, she tells me to think. It's better than before when I used to just not give a hoot” (Eddie). Frank said that he stays out of crime now because he is living with his sister, where he finds it “a lot

easier to let my feelings be heard and be more open about things than it is with living with my mom” (Frank). Frank said that he can communicate openly with his sister before difficult situations develop, like they did with his mother.

Henry said that his family and friends really care and want to support him and “change me” (Henry). To do “good things and...help other people” (Henry) are among his family’s values, along with getting “good grades, do school, go to college” (Henry). Henry said that seeing “not just the victim [but] other people who cares about you...[like] family and friends” (Henry) makes him not want to commit further crime, and that those people are “probably the reason why I won’t commit a crime anymore” (Henry). Henry also appreciates support from his teachers, and said that most of them “influence me to do much better” (Henry).

Henry is involved with an organization that helps him “learn about new people and get into different stuff, like now I’m doing baseball and I’m trying to get a job too” (Henry). Since his crime, Henry has learned that people can influence kids who are getting in trouble by telling them that there are “other people who wants to help you and keep you in a good environment and not get in trouble” (Henry). Henry wants to stay away from crime because he believes that “if I did do something, it’s just like a waste. Like I just wasted people time if I just did another time and just got caught...All the people who gave you great comments and stuff and trying to help you and influence you doing good things, it’d just be a waste of their time and a waste of your time just doing all that stuff to let people know that you’re not bad” (Henry).

Logan said that his “mom and my grandparents, pretty much my family” (Logan), encourage him to stay out of crime. His reasons not to break the law again since

committing his crime include that “now I got a little sister, working to get a job. I’m actually doing good in school now. Friends, family” (Logan). A number of people also encourage Olivia to stay out of crime. “My parents have a lot do with it... and friends and family, my church family. We’re really close knit, so that had big influence too. Still shaping me actually...I have a lot of role models. My inspiration comes from a lot of different places. Church is a really big one, God is a main one” (Olivia).

Nathan said that “pretty much everybody” (Nathan) encourages him to stay out of crime now, “like my mom and my dad and everybody else” (Nathan). Mike, too, said that his “whole family” (Mike) encourages him to stay out of crime. “My dad, my grandma, my teachers, anybody I could talk to” (Mike). As he starts his new crime-free attitude, Mike looks up to his “dad because he teaches me to stay out of trouble. He’s really strict about that stuff. He tries to pick safe places to live and just keep me out of [crime]” (Mike). Mike thinks that he has not had a chance to commit crime since his mediation because “I live in a nice neighborhood, so it’s not like I’m gonna do anything bad” (Mike).

Like Mike, Keith sees his environment as an important factor in keeping him out of crime, and has sought out a setting that fosters a positive lifestyle. “I believe where you stay, or your environment, is basically your grounds for if you will commit a crime or not. I know if I was somewhere not in a good neighborhood, maybe I would have more chance of committing crime. But now that I’m going to college I have a good job...and I have friends and family [who] support me, it’s easier” (Keith). Keith said that what he put his parents through gives him reason not to commit crime again. He realizes that by committing crime, “you just put more than yourself through what you have to go

through. Like, your family and friends, a lot of people. Co-workers that you were working with.” (Keith). Keith said that he was “raised in a good family. I know that myself, I didn’t want to be in [trouble] again” (Keith).

Many of Julia’s support networks have changed since the time of her crime, which makes it easier for her not to break the law now. Julia said that she did not “have support with my family” (Julia) when she was growing up. She was raised by her aunt and grandmother, and resented her mother “‘cause she didn’t take care of us. I didn’t really know her or my dad...I think that’s why I got like that” (Julia). Now, however, Julia said that now she understands that her mom really cares, and she “see[s] things differently” (Julia). Since participating in mediation with her mother, Julia can talk to her “about my problems. I never used to tell her that...It helped me just to get along with my mom better” (Julia). Now Julia’s desire to protect her mother motivates her to protect herself. “I just want to get my things straight and just do something for my life. ‘Cause I think about my mom too. If something happens to me she’s the only one that’s gonna be always by my side” (Julia).

Julia said that her probation officer, a girls’ drug program, counseling, and NA and AA meetings have supported her to stop using drugs, which helps her control her anger and refrain from committing crimes. When she was tempted to revert to gang life, Julia’s older friends and her boyfriend helped dissuade her. Her family members who have been in trouble with the law, particularly for drug-related crimes, also tell Julia that she needs to change so that she does not turn out like them. Julia’s brother is a role model for her because he changed after being “into bad things” (Julia), and now he encourages Julia not to do things that are bad for her. Julia said that her support network

has been important in helping her to stay on track and that it might be a lot harder to do it without them. Like the other study participants, Julia appreciates the people in her life who support her in making positive decisions.

Mediation

When I asked participants about their reasons for refraining from criminal actions now, their responses addressed aversion to consequences, attainment of goals, and/or support networks as opposed to the mediation itself. However, when I specifically asked participants whether VOM affected their views on crime, more than half affirmed that it did. The reality that some youth who affirmed that mediation affected their views on crime neglected to include mediation among their reasons not to break the law again may be a result of open-ended versus closed-ended interview questions; open-ended questions can produce more accurate results than closed-ended ones (Greer, 1991). Other possible explanations include that the participants who agreed that mediation affected their views of crime may have been trying to please the researcher, whom they may have associated with the Juvenile Mediation Program. It is also possible that these participants projected their positive mediation experiences onto their views of crime, as the same participants who said that the mediation affected their views of crime reported benefiting from the mediation experience.

Research to date has focused on mediation itself as the factor that distinguishes young VOM participants from nonparticipants (Chambless & Hollon, 1998; Nugent et al., 2003; O'Hara, 2006; Umbreit et al., 2004) and attributes the lower recidivism rates among youth who have participated in VOM to the mediation experience. However, nearly half of the VOM participants in this study, including some who have desisted

criminal activity and obeyed the law since their mediations, said that mediation did not affect their views on crime. The participants who agreed that mediation did affect their views on crime only said so when asked specifically. Additional factors to the mediation that these youth have in common may help to explain the lower rate or recidivism among youth who participate in VOM than youth who do not. Thus, while mediation may contribute to reducing recidivism, we cannot look to it as the only factor that distinguishes VOM participants from nonparticipants. Rather than focus on mediation as a tool for crime reduction, we can identify the unique potential of VOM, as described by participating offenders, so as to better understand the roles that mediation can play in our society and communities.

Part 2: Addressing the Benefits of Mediation

VOM Offers Understanding and Resolve to Receptive Offenders

Chapter 3: Differences among VOM Participants - Points of Comparison that Affect Restorative Measures of Success

Restorative measures, appropriate for assessing restorative justice, can go beyond recidivism rates to evaluate VOM. Change in victim and offender attitudes toward a less more humane view of the other serves as a measure of social wellbeing (Braithwaite & Mugford, 1994, p. 149; Coates & Gehm, 1989; Umbreit, 1994; Van Ness & Strong, 1997, p. 87), which is a desired goal of restorative justice (Presser & Voorhis, 2002). Research suggests that offenders who participate in VOM gain a sense of understanding and empathy for their victims (Umbreit, 2001), which can reduce criminal behavior in the future (Umbreit, Coates, & Vos, 2004, p. 280). In this study, I assess the extent to which VOM offers juvenile offenders an opportunity to gain a sense of understanding of their victims, closure, positive self-identity, and reduce the likelihood of future crime. Though I have arrived at these measures based on a compilation of qualitative interview data, they do respond to previously proposed success measures of restorative justice.

Understanding

Presser and Van Voorhis (2002) argue that “restorative justice programs emphasize relationship building processes...[that] play an important role in the etiology of both prosocial and antisocial behavior” (p. 177). To build that relationship, researchers suggest that offenders develop a sense of empathy during VOM that causes them to feel shame for what they have done (Braithwaite and Mugford 1994; Maxwell and Morris 1999; Morris 2000; Walgrave and Braithwaite 1999). This sense of empathy

is said to change people and communities (Braithwaite, 1989; Braithwaite, 1999; Nugent & Paddock, 1995; Umbreit et al., 1997). Research suggests that during mediation, participants can go from unjust to just viewpoints, and from self-centered to mutually nurturing viewpoints (Taylor, Gilligan, & Sullivan, 1995). I examine the extent to which offender empathy develops as a result of the mediation itself during this study.

Closure

Scholars discuss the way in which restorative justice can offer closure and healing for crime victims (Braithwaite, 2002; Harrison, Maupin, & Mays, 2001; Presser & Van Voorhis, 2002; Umbreit, 1994; United Nations, 2002), and reduce crime among offenders (Braithwaite, 2002; Chambliss & Hollon, 1998; Nugent et al., 2003; O'Hara, 2006; Umbreit, Coates, & Vos, 2004). In focusing on victim healing, however, researchers neglect offenders' needs for closure and healing as well. Offenders' ability to reach closure during mediation may provide a valuable measure of mediation's success.

Self-Identity

Scholars claim that mediation itself can be a valuable enactment of new, peacemaking personas (Presser & Hamilton, 2006), and that constructing oneself as redeemed might lead youth to stop committing crime (Maruna 2001). When young people's positive sense of self-identity suffers following trouble with the law, mediation can provide them with an opportunity to reaffirm a positive sense of self as they take responsibility for their crimes, apologize to their victims, and repair victim relations. This study explores the potential of mediation to function as a vehicle for positive identity transformation or affirmation.

Scales of Impact

Juvenile delinquents are a heterogeneous population, and their diverse personalities affect future recidivism (Steiner, Cauffman, & Duxbury, 1999), as well as the extent to which they will attain the restorative outcomes of VOM. Van Voorhis (1985, 1997) found that while many offenders are capable of empathizing with others, some offenders are less empathic (VanVoorhis, 1997). Measures of empathy development, a sense of moral responsibility for harms done, and reduced adherence to criminal values have been used successfully with offender populations (Mak, 1990). The Criminal Sentiments Scale (Gendreau, Gtant, Leipziger, & Collins, 1979), Pride in Delinquency (Shields & Whitehall, 1991), and the Bar-On Emotional Quotient-Inventory (EQ-i) (Bar-On, 1998) assess character values and mindsets in individuals as indicators of criminal behaviors.

In line with this research suggesting that some people are more likely to develop empathy, or to commit crime, than others, the participants in this study said that mediation works better on some youth than others. They point to factors external to the mediation to distinguish between youth who benefit and youth who do not. One such factor is willingness to participate. Ian said that mediation “only works as much as the kids want to use it...It’s a good thing if you want it to be good...If you don’t want it to work it’s not gonna work” (Ian). According to Olivia, VOM is most effective “when the suspect wants it. Like, I need to have this meeting because I need the victim to know that I’m sorry, or I want to hear the victim's side of the story, I want the victim to hear my side of the story” (Olivia).

Keith said that a person's character and "who you are prior to what you committed" (Keith) determines the impact of mediation and "how you'll get through" the consequences that follow a crime. Frank also thinks that character and personal choice determines whether or not a person will reoffend. He said that staying away from crime is "pretty easy to stop if you want to stop. A lot of kids that keep committing crimes want to keep committing crimes...They don't have any reason to stop" (Frank). Frank explained that meeting their victims "doesn't really phase" some kids. Similarly, Daniel said that he has "seen people that, no matter what, whenever they see each other they're gonna fight or they're gonna do something" (Daniel).

Comparison Groups

Although the participants in this study shared a sense of responsibility for their crimes and positive self-identity when entering the mediation, the experience of meeting and talking with their victims did not affect them all to the same extent. Just as these youth may be less likely to break the law again than youth who have not accepted responsibility for their crimes, so too are there youth within this cohort that are less likely to gain a sense of understanding, closure, and positive self-identity from mediation than others. While previous research has proposed ways to measure VOM's success, it has yet to examine the reasons why mediation benefits individual offenders to varying degrees. Scholars have conducted studies comparing VOM participants with nonparticipants (Braithwaite, 2002; Chambliss & Hollon, 1998; Nugent et al., 2003; O'Hara, 2006; Umbreit, Coates, & Vos, 2004), but have not compared youth who took part in mediation with each other to as a means of investigating what is required to make mediation successful.

My study divides VOM participants into two comparison groups based directly on their self-reported experiences of VOM. These groups are derived from several points of comparison regarding participant profiles entering the mediation and the mediation's impact. The extent to which participants experienced remorse, took their crimes seriously and sought out positive peer groups, wanted others' trust, wanted to apologize, and respected their victims' reasons for participating in mediation were directly correlated to their self-reports of whether mediation had an impact and produced restorative outcomes. Although variations in responses exist within each comparison group, and data may be lacking for a given participant on a given point of comparison, the two groups represent general trends in research participants. The impact that mediation has on offenders may fall anywhere along a wide spectrum, yet dividing study participants into two groups, one that reported high impact from mediation and one that did not, sheds light onto the circumstances under which mediation is most effective.

Participants who Reported Benefiting from VOM

Allen
 Brandon
 Daniel
 Eddie
 Gladys
 Henry
 Mike
 Olivia

Participants for whom VOM was not Enough

Carl
 Frank
 Ian
 Keith
 Logan
 Nathan
 Julia*

*Julia discussed two VOM experiences during her interview. She described her mediation with her mother as beneficial, providing her with a sense of understanding and resolve. She also expressed understanding for a girl she mediated with from an enemy gang. Due to her own gang involvement surrounding the time of her mediation, she did not apply the lessons from meeting with her victim beyond her agreement not to fight with that particular girl again. Julia's comments generally align most closely with the participants in the group who did not describe mediation as beneficial, though she reflects experiences of both groups.

Chapter 4: Trends among Participants who Reported Benefiting from VOM

Profiles Entering Mediation

Remorse

Scholars claim that through personal relations with their victims and empathy with others, offenders feel intensely a mixture of all kinds of unpleasant emotions such as shame, guilt, remorse, embarrassment, humiliation as a result of mediation (Braithwaite and Mugford 1994; Maxwell and Morris 1999; Morris, 2000; Walgrave and Braithwaite 1999). They argue that offenders experience these feelings during the restorative justice meeting, which then have an enduring impact on their lives in general.

Participants who took their crimes seriously expressed remorse for what they had done. These participants explained the ways in which their remorse encouraged them both to participate in mediation and to obey the law in the future. Brandon expressed his continued remorse when he explained that “almost every single night I go to bed it always pops up into my head. Not just mediation, just, everything that happened in general” (Personal Interview, September 18, 2007). Like Brandon, Olivia said that “even to this day, I still think about...how much more damage I could’ve caused” (Olivia). Olivia said that even if she had not been caught, her crime “would’ve eaten me up on the inside...[because of] the kind of person I am” (Olivia). Olivia took her crime seriously, and breaking the law conflicted with her sense of positive self-identity. The guilt that she experienced as a result of her crime “prompted me not to try even to think about committing any kind of crime” (Olivia).

Similarly to Olivia, Mike said that if he had not been caught for breaking the law, his own guilt would have discouraged him from committing further crime because he

“wouldn’t want to think about two different crimes at once” (Mike). Even now, Mike is unsure whether or not he has forgiven himself because “I knew I did something bad and it’s not like me at all” (Mike). Mike said that even if he knew that he would never get caught for a crime, he would not commit it because “it would still feel like I got caught and I would feel bad and regret it” (Mike). Daniel also expressed remorse and guilt for his crime, and said that during his mediation he “didn’t even feel good” (Daniel) to be in the same room with someone he had threatened.

Friends

When youth commit crimes as a result of peer pressure, seeking new groups of friends reflects a commitment to changing their behaviors. Social learning theory considers how relationships with others provide models of and reinforcements for normative conduct (Akers, 1998; Andrews & Bonta, 1998; Bandura, 1986). Additional evidence shows that delinquent peer groups encourage delinquent behavior (Elliot & Menard, 1996). Youth who deliberately surround themselves with friends who are good influences have likely taken their crimes seriously, as they separate themselves from peers who may get them into trouble. The youth who benefited from mediation surrounded themselves with positive peer groups following their crimes.

Daniel is no longer friends with his peers who encouraged him to break the law. Before his crime, Daniel “wanted to show them that I was bad or something. But it wasn’t me...I don’t see them as my friends” (Daniel). Daniel thinks that not being friends with those youth has helped him not to reoffend. Back when he spent time with them, “we used to commit crimes just for fun and I didn’t want to live like that. That’s

not gonna lead ‘em to nowhere so I just kind of do my own thing” (Daniel). Daniel has taken ownership over his own actions and avoids friends who might get him into trouble.

Like Daniel, Eddie said that his friends influenced him to break the law because he was “just trying to fit in with them. Now I see it different, I don’t really chill with them no more. My own person, go chill with whoever I want to” (Eddie). Mike does not hang out with the friends he broke the law with anymore either, in part because he has moved since his crime. Yet even before his move, he hung out “with other friends...I was trying to avoid” (Mike) the friends with whom he got into trouble. Mike thinks that avoiding them helped him stay out of trouble, even though he does not blame them for his decision to commit crime. “I didn’t think about it or I wasn’t pressured. It just happened. I was just in the wrong place at the wrong time” (Mike).

Gladys is no longer friends with the youth she committed her crime with because “they’re a bad influences” (Gladys). Gladys thinks that spending time with different friends has helped her stay out of crime, and said that one of her best friends shares her same positive goals. Gladys did not want her friends who had not been involved with the crime to know about her mediation. If they found out, she “would’ve felt embarrassed because they were gonna think that I was a bad influence for them or something” (Gladys), since those friends have not broken the law.

Henry was not good friends with the youth he committed his crime with, and said that he does not associate with them much anymore. Henry said that while they had something to do with his decision to commit crime, he does not hold them entirely responsible. “It was a bit peer pressure but also was my fault ‘cause I was making it seem like it was fun” (Henry). Henry avoids those youth now so as to avoid further

crime. “The most I would talk to him is about three minutes and then I just go ‘cause I get that feeling that this kid is probably gonna try to make me do something that I would regret again and get me in more trouble” (Henry). Henry’s good friends were not involved in the crime with him, and are still his friends now. He said that he sees “about two of my friends going to the wrong way. And I told them that if you want to end up like people in juvenile hall or jail, that’s fine. But there’s other things that you could do...Even though I did bad I still done something good” (Henry). Henry avoids spending time with peers who might get him into trouble, and tries to provide a positive influence for his own friends.

Olivia’s friends have never had any trouble with the law, and she describes them as having a positive influence on her life. “All my friends are from the church, our little community. And my best friend that went to [high school] with me was Mormon, so she never had any trouble with the law. We’re pretty good, I mean, my kind of personality clicks with other people that have the same personality” (Olivia). Olivia described spending the night before she had to go to juvenile hall with her church family “‘cause they wouldn’t see me for like two weeks... and then in the morning they all dropped me off. And it was so funny ‘cause...the wardens and everyone were looking at me, they were like, what are they doing? And I’m like, I know, this is my church group” (Olivia). Olivia has not had a chance to commit crime since her mediation, which she attributes to the fact that “I don’t really surround myself with those kind of people. We know not to do crime” (Olivia).

Wanted Others' Trust

Presser and Van Voorhis (2002) argue that relationships “generate indirect controls, such as by cultivating concerns about what others may think of us if we act with violence. By creating and/or strengthening relationships—increasing the social stakes of antisocial behavior—restorative justice may strengthen those informal social controls that inhibit offending” (p. 177). They suggest that when youth care about what others think of them, they will be compelled to follow social rules. Similarly, reintegrative shaming theory (Braithwaite, 1989) views relationships as the basis for both control and support of offenders. Braithwaite asserts that shaming by people important to us followed by gestures of reintegration and support, as is the process of restorative justice, deters antisocial behavior and enables more prosocial behavior in the future.

When youth value the way others see them, they find value in being trusted as good people. Brandon cared about how his victims perceived him, and did not want them to “just think, oh, he’s a bad kid. That’s it. [In mediation,] they get to hear that he’s actually a good kid but he just made a mistake” (Brandon). Brandon felt badly for the crime he committed and wanted his victims to forgive him. Forgiveness was also important to Eddie, who thought that only one of his two victims forgave him. Eddie said that participating in mediation and apologizing was only half the battle. “Their reaction was half of it. Me doing it too, but more like them, their reactions, seeing how they feel” (Eddie).

Henry said that he already felt sorry for his crime and wanted his victims “to trust me before the mediation started” (Henry). While he was talking with them, he “told them that if it would make you feel better I would do something for you just [so] that you could

trust me...like if they need any help around the house or around the yard or whatever, they don't have to think, if I bring this kid over, is he gonna go in my house and just take something? I don't want people to be thinking that" (Henry). Henry did not want his victims to think that he was a "negative person" (Henry), and attempted to convey his remorse to his victims during the mediation. "The most important was that I was telling them that I did feel guilty [for] what I did and I am sorry for what I did, and tell them that I hope that you could forgive me for what I did" (Henry).

While Henry wanted his victims to see him as a good kid, he said that even if his victims did not accept his apology, he would still have felt better after the mediation for having apologized. "All I care is that I say sorry and then to tell them that I am not a bad kid...As long as I say sorry to them and know that I'm not a bad kid...it's their choice either that they want to forgive me or not forgive me" (Henry). Although Henry said that he would have understood if his victims had not forgiven him, it was meaningful to him that he thought they did.

Olivia wanted to participate in mediation so that she could tell her victim "my side and let her know how sorry I was" (Olivia). She wanted her victim to know that she is a "lovable person, just don't hate me!" (Olivia). Olivia was nervous to meet her victim, "and when I went in, she came in and it was like, [gasp], the moment of truth. And then she smiled and I was like, oh God, she smiled!" (Olivia). Olivia wanted to appear well in the eyes of others, which may reflect the extent to which she values other people. Olivia said that it was difficult for her to come to terms with her crime because she likes people, and "the last thing I want to do is like inflict harm upon a person" (Olivia).

Daniel and Gladys also demonstrated their concern for what others thought of them through their concern about their victims' parents. Daniel was afraid that his victim's mother, who was present at the mediation, "would probably look at me in a bad way" (Daniel). Daniel did not bring his own mother to the mediation, although he wishes he had because he thinks that she and his victim's mother "could be friends too or they could meet each other. If [his mom] had some thoughts about me, that probably could've changed them" (Daniel). It was important to Daniel that his victim's mother did not think poorly of him, as his action against her son may have led her to do. Likewise, Gladys found it "kind of embarrassing" (Gladys) that her victim's mother was at the mediation "because I was treating [her] son bad" (Gladys). Her concern for how the boy's mother thought of her demonstrates her value of the thoughts of others.

Mike also expressed concern about the way his victim's family perceived him, and is afraid that "if they see me again they'll probably think, oh that's that kid that hurt my son" (Mike). He thinks that his victims still have the image of him as doing something bad, and imagines that "it'll probably take them a while to regain what they looked at me before" (Mike). Mike says that it would mean something to him if his victims thought well of him. "Even though I probably won't see him again since we both moved, there could always be that time where I just run into him, and I don't want him to think oh, that's that kid that, you know, what happened long time ago" (Mike).

Wanted to Apologize

O'Hara (2006) argued that offenders who acknowledge their wrongdoing and commit to better conduct in the future are more likely to develop the self-esteem necessary to avoid reoffending, and that making an apology increases offenders'

likelihood of reform. Fourteen of the 15 participants in this study apologized to their victims during mediation. Only six, however, named apologizing to their victims as a reason for participating in VOM. Because the question of why they agreed to participate was open-ended, some youth who did want to participate in mediation so that they could apologize to their victims may not neglected to mention that during the interview. Still, whether they included it as a motivating factor seems to reflect the degree to which a desire to apologize prompted participants to meet with their victims.

Five of the six participants who reported participating in mediation so they could apologize to their victims were in this group of participants who reported benefiting from mediation: Brandon, Daniel, Gladys, Henry, and Olivia. Mike, Allen, and Eddie were the only participants in this group who did not mention apologizing to their victims among their reasons for participating in mediation. This is not to say, however, that these youth did not acknowledge responsibility for their crimes or regret their actions. Mike had already apologized to his victim's mother before the mediation on the day of the incident, which relieved him somewhat of the need to apologize. Allen's property crime did not have an individual victim, and the person he had his mediation with was representing a larger business, which may explain why Allen did not focus on apologizing to a crime "victim" when he agreed to participate in VOM. Similarly, Eddie seemed more focused on making things right than on specifically wanting to apologize to his victims, which could also reflect the nature of his property crime.

Results of Mediation

Understanding

Participants who entered mediation with a sense of remorse, seriousness of their

crimes and willingness to change, desire for victims' trust, and desire to apologize, were able to gain a sense of understanding of their victims at the mediation. Allen said he gained a sense of understanding about his victim, and thinks that mediation is "successful...[because] the person that you committed the crime to comes and talks to you about their feelings...You get to learn how they felt and know how they were feeling during the crime" (Personal Interview, September 17, 2007).

Brandon credits his mediation for his realization of "the impact [his crime had] on the people. Now that I realize small [crimes] affect someone...It has changed my opinion on a lot of things" (Brandon). Brandon that that VOM is a good idea because it "gives you a chance to talk to the victim and hear the other side of the story...instead of just what the cops say or just what the judge says or probation officer says. It gets an actual person's point of view" (Brandon).

Before mediation, Daniel "kind of felt hatred" for his victim, whom he mistakenly assumed was the person who told on him. Daniel said he had been holding onto "bad thoughts about the victim...for a long time in juvie and everything" (Daniel). It was not until his mediation that Daniel was able to "see things better...[My victim and I] got to talk to each other...He was a good kid. I shouldn't have done that" (Daniel). During their mediation, Daniel realized that he was "judging him of something he didn't do" (Daniel). After his mediation, Daniel said that he "regretted [what he had done] even more" (Daniel). Daniel thinks that if he had not gone through with the mediation, he and his victim probably still "wouldn't be getting along" (Daniel). Now, when Daniel saw his victim in the park, they talked to each other "like friends" (Daniel).

Daniel said that one of the most important things about mediation is that "you get to know your victim, or the victim gets to know the offender, and how they are" (Daniel). Daniel thinks that that understanding could allow for "a better chance to stop a crime because you get to know what happened. Other people that don't have that opportunity just want revenge because they're doing time for it" (Daniel). He said that offenders who participate in mediation will "have a different thought about both their selves and the [victim]" (Daniel).

At his mediation, Mike learned that his victim "hasn't had as many friends...He would come home and tell his mom and [that] just taught me that it was bad to do because it wasn't fair for him or any of us" (Mike). Mediation showed Mike "how bad it was to the victim, and...how serious it was" (Mike). Mike said that mediation "gives you the kind of view of how the other person would feel...That's how it worked for me" (Mike). Like Mike, Gladys gained a sense of understanding about her victim at mediation and learned that he was "a really nice boy" (Gladys), and she felt "sad" (Gladys) for what she did to him. Gladys thinks that mediation is a good idea because people who do "something bad" (Gladys) will understand the implications of their actions "after they see the victim and they talk to him and they say sorry" (Gladys).

During his mediation, Henry learned about the extent to which he had "scared" (Henry) his victims and their families, and harmed them through his actions. Henry's mediation "made me feel like I was...kind of in their body and just listening [to] how they felt...They probably could've had been hurt and then I'd probably be in more troubles than I am right now" (Henry). One lesson that Henry took specifically from

meeting with his victim was that "before you even do anything just think...of the problems that might happen, and think of the people you might be hurting" (Henry). During Henry's mediation, "there was one person that I met with and when she was telling her story, I was just looking at her while she was crying...Tears were coming out of my eyes, it's just making it seem like this person is really a person that has been hurt and you're feeling guilty [for] what you did" (Henry).

The lesson that Henry learned during his mediation extends beyond the victims of his crime. Henry said that "now, if I see people hurt or anything, I go over there and help them, see what happened. And if anything happened I could call somebody to help and then tell somebody what that person did or why is he doing it or just talk to that person to see why he does it—or her who does it—to that other person" (Henry). Henry said that he would still have done that before his mediation, "but not for strangers. If it's people that I really know I probably help them. But since I went to the mediation, now in the world it's like, strangers are still people. You still should be able to just help them" (Henry).

Olivia realized during her mediation the extent to which her victim's "whole life was altered by...my mistake" (Olivia). She thinks that mediation is "a good idea because a person can never really know the act, the consequences or, heaviness of their actions, until they see it through the victim's perspective, and how it's affected them" (Olivia). According to Olivia, "everyone needs to see the consequences of their actions from the victim's point of view" (Olivia). Olivia found her victim to be "really understanding... she was really compassionate towards me and I was really grateful for that" (Olivia). Olivia explained that after she apologized, her victim told her that "I know this is hard

for you just like it's hard for me.' [Olivia thought,] I'm sure it's way harder for you having to adjust to this new lifestyle...She also understood my point of view and understood that it was hard for me" (Olivia).

Closure

VOM offered a critical opportunity for closure to offenders who experienced remorse and victim concern preceding their mediations. This closure empowered them to move past the guilt of their crimes and affirm their own positive sense of self-identity. Daniel felt a sense of "relief" (Daniel) following his mediation, and was "happy" (Daniel) that he participated. Daniel thinks that victims who participate in mediation will "have better thoughts about what happened" (Daniel). Eddie also emphasized how relieved he felt after completing his mediation, and described the experience "like a burden off my mind. I feel more responsible 'cause I did something. I faced the consequences and now I could look for the future. Everything will be better, and it is better now" (Eddie). He explained that since his mediation, he has been able to return to the places where he committed his crimes "and not turn my back and see if [anyone is] looking at me" (Eddie). Similarly, Gladys said that thinking about mediation makes her feel "relieved that I'm not a bad person anymore" (Gladys).

The closure that Brandon experienced was important to his mediation. Brandon had wanted to communicate with his victims and when VOM gave him the chance to do so. Brandon thinks that if had not gone through with VOM, he "still would have what I wanted to say in the back of my mind because I wanted to say it to them—not my probation officer to say to them or my parents to say to them. Just what I wanted to say to them" (Brandon). Brandon said that mediation helps to "close on what you need to

close on” (Brandon), and that the meeting also brought closure “to my family [and] their family” (Brandon).

Olivia described mediation as necessary for her to reach closure. She said that since she had been unable to communicate with her victim following the incident, she had expected her to have “angst and hate against me” (Olivia). However, Olivia learned at her mediation that this was not the case. When Olivia’s victim told her, “I forgive you and I understand. I don't hate you” (Olivia), Olivia was able to forgive herself. Until that time, Olivia was “really stuck on, gosh, how could you be so stupid?...I was gonna remain sorry until she forgave me, even with myself” (Olivia). At the end of her mediation, Olivia felt “like a weight had been lifted off my shoulders. I was still, of course, remorseful...But I was relieved that I had finally communicated with her, gotten to know her side of the story, gotten to know a little bit about her, she'd gotten to know a little bit about me and my side of the story” (Olivia). Olivia said that her mediation “definitely gave me a sense of closure. I would've never gotten closure or anything, so I'm really glad that I had the meeting” (Olivia).

Mike said that mediation gave him closure “‘cause with mediation and talking about it, it got the whole thing off my chest...[That] felt great” (Mike). He said that even without the mediation he would have been able to put the crime behind him because “I would think it's over. But mediation helped a lot” (Mike). Part of why Mike did not feel like he needed the mediation for closure was because he had already been able to apologize for his actions before the mediation. Like Mike, Henry also felt that he did not need mediation to be able to move past his crime. He does not to think about his past or “anything way back...for trying to see your path or your future” (Henry). Although

Henry learned from meeting with his victims and wanted them to trust him, he did not rely on his mediation, or on his crime, to determine the way he felt about himself.

Self-Identity

Most youth who experienced impacting mediations reported that mediation affected the way they viewed themselves or their futures. Talking with their victims allowed them to reaffirm a positive sense of self. Eddie said that mediation gives offenders “a chance to open their eyes and see that they have a chance for the future and that the court believes in them” (Eddie). Eddie said that even if a person would be going to jail anyway, it would still be a good idea for him to participate in mediation because following that experience, “when he goes in jail he could notice things like, I'm not supposed to be here, I'm not one of them. He'll think about it, go back, get out, and try to do better” (Eddie).

During Daniel's mediation, he too realized that he is not like some of his peers who commit crimes and do not change. He said that in his mediation, he thought that “I could go more places with my life. Most of the people I hang out with can't be around their victims. If they went to jail for somebody, they're still gonna be after them, no matter what. I'm not like that, so I think I could do more things with my life” (Daniel).

After he committed his crime, Mike “thought of myself like, wow, why would I do this? That's not like me. I thought differently about myself” (Mike). Mediation helped Mike feel better about himself again. “It taught me a lesson, it just made me feel better talking about it and just knowing that it was a bad thing to do and I wouldn't want to do it again” (Mike). Now he thinks about himself “the same way as I did before the

incident. I don't think I'm a bad person since that, because that was the only time I ever did something like that” (Mike).

Gladys said that VOM helped her to think positively about herself. She explained that before her mediation, she saw herself “like a bad person” (Gladys). Since meeting with her victim, she sees herself as a “relieved and better person” (Gladys) because she and her friends were able to explain “that we were nice kids” (Gladys). Like Gladys, Olivia’s mediation “reaffirmed that I’m not a bad person, not a horrible person... You're still the same person you were, just, you made a mistake” (Olivia).

At the start of his mediation, Henry did not feel positive about himself. He explained, however, that “when I started talking to them, I gave out that positive energy inside of me. By the time the mediation was finished, I was feeling real good” (Henry). Henry said that shaking hands with his victims at the end of his mediation was “great... In there, I convinced them that I'm here for them. Like if they need any help, I'm here” (Henry).

Allen was the only participant who reported benefiting from VOM who said that the main thing lessons he took away from his mediation were about “safety” (Allen) rather than about himself or his future. In large part, most youth who were moved by the mediation came to view themselves in a positive light as a result of the experience, and validated their sense of self-worth.

Chapter 5: Trends among Participants for whom VOM was not Enough

Participant Profiles Entering Mediation

Remorse

The concept of shaming (Braithwaite and Mugford 1994; Maxwell and Morris 1999; Morris, 2000; Walgrave and Braithwaite 1999) only affects youth who are concerned about what others think of them. As Presser and Hamilton (2006) have articulated, VOM is “persuasive but not coercive... Offenders did not universally convey remorse or even acknowledge its appropriateness” (p. 337). Based on the participants in this study, mediation does not seem to generate remorse in youth who were not remorseful when they entered the meeting.

Ian thinks that if he had not been caught for his crime, he would “still feel bad... But I kind of felt at the time I was justified” (Ian). Although he realizes that “an eye for an eye doesn't really make sense” (Ian), Ian said that he did “not really” (Ian) enter his mediation with as much desire to resolve the situation as he thinks he should have. Ian explained that when he committed his crime, he did “what I wanted to do... It's not the right thing to do obviously, but why does anyone do any crime, I guess. I think everybody knows right from wrong, but still crime happens” (Ian). Similarly to Ian, Frank said that he “kind of felt bad” (Frank) about what he did, although his remorse was consoled by “the whole events leading up to it” (Frank).

Had he not been caught, Nathan does not think that he would have felt as badly about his crime “‘cause I didn't actually think about what I did” (Nathan). His sense of remorse came as a consequence of being caught rather than from harming his victim.

Julia also experienced remorse for “a lot of things that went on” (Julia) in her past, but rather than feeling that way at the time of her crimes, she experienced remorse after she changed her lifestyle and no longer committed crime.

Friends

Most youth who reported little impact from their mediations have not sought out new friends following their crimes. Frank’s friends have not changed since his crime, and he said that they “really didn’t get me into committing crimes or anything, or doing things wrong, it was more myself. I wouldn’t blame the people I hung out with” (Frank). Although one or two of those friends have “been on probation or something like that” (Frank), Frank said that they were not associated with his crime.

Like Frank, Ian does not think that his friends influenced his decision to commit crime. “They were all brought up well, they have good morals and stuff. So I think we all know right from wrong, that’s the bottom line. Anything else that happens, it’s just kind of like spur of the moment... We all just need to think about what we do first before we do it” (Ian). Ian has kept his same friends, who have also been in trouble with the law, since before his mediation. Ian said that his friends “didn’t make fun of me” (Ian) for participating in mediation, suggesting that they might have otherwise judged him for meeting with his victim.

Keith said that his friends did not have anything to do with his decision to commit crime. He explained that they have not committed crimes, “it’s just that they’ve thought about it... I’m still friends with all my friends, and they’re all good. They haven’t done anything” (Keith). Keith’s friends thought it was good that he participated in mediation

so that he could “get it over with and just learn from this” (Keith). Keith said that his friends were “just being supportive for me and saying, at least you know now” (Keith).

Unlike Keith, Logan said that his friends influenced his criminal behaviors. Although he does not see most of those friends anymore due to “a court order against a few” (Logan), Logan said that some of the friends he spends time with now “aren’t any better” (Logan), and that he feels pressure from his friends sometimes to do things that might get him into trouble. Nathan, too, said that his friends “kind of” (Nathan) contributed to his decision to commit crime. Nathan does “not really” (Nathan) hang out with those same friends anymore because “they live in a different city” (Nathan), and they go to different high schools. Nathan said that his new friends have not been in trouble with the law.

Julia said that most of her former friends let her down. She said that they were not her friends, but rather her “homies. They could be down with you to beat up some people, to do bad things...But they don’t got your back. They’re not really your friend” (Julia). Julia said that now she spends time with girls who “have changed...We realize that that wasn’t life” (Julia). Julia got out of gang life because she was “getting into a lot of trouble and I wasn’t getting nowhere in my life” (Julia). She said that when she stopped associating with her old friends, “that’s how it helped me. That’s how I started changing. ‘Cause if I’m with them, I want to do the same things that they do, just to fit in” (Julia). Now, Julia’s friends encourage her to make positive choices and stay out of crime.

Wanted Others' Trust

Many of the youth who were not greatly impacted by the mediation did not express much concern for the ways in which their victims perceived them. Ian said that he was embarrassed during his mediation for what he had done “‘cause the kid's dad was there” (Ian). Other participants, however, expressed less concern for their victims.

Carl said that his particular mediation was unusual in that the people whose property he damaged were not at the mediation, and that the victims he was paired with owned a different piece of property that did not violate. Because of this, Carl felt like he had “nothing to do with” (Carl) the other people at his mediation, and “wasn't really keen with conversing” (Carl) with them. He assumes that if his mediation had been “with somebody that had some type of relation to what happened I would probably say that it would've been slightly more valuable” (Carl). Perhaps due to the special circumstances of his mediation, Carl did not seem to care much about his alleged victims, nor what they thought about him.

Though Logan attempted to please his victims during his mediation, the things he said to them did not reflect his actual thoughts and feelings. During his mediation, Logan was “pretty much waiting for it to get over, saying what they wanted to hear, and it worked pretty good” (Logan). While he said that “some of it was real” (Logan), a lot of what he told them was “random stuff, what I thought they might want to hear” (Logan). Logan may have done this to benefit his victims or to benefit himself. Positive victim relations would work to his advantage, for example, when creating a restitution agreement.

Wanted to Apologize

In their 1993 study, Umbreit and Coates found that approximately the same number of offenders who said that apologizing to their victims was important to them before mediation said that it was important to them after mediation. Although six of the seven participants who reported little impact from their mediations apologized to their victims during mediation—excluding Ian, who felt like he did not need to verbalize an apology because the fact that he and his victim were both sorry was assumed—only one reported that a desire to apologize prompted him to participate in mediation.

Interestingly enough, this participant was Logan, who said that he apologized to his victims because he “felt like that was what they needed to hear” (Logan). Although he was “a little bit” (Logan) sorry himself, Logan said he led his victims to believe that he was more sorry than he actually was.

This seemingly contradictory data could have a number of possible explanations. It could suggest that Logan did indeed want to participate in mediation in so as to apologize to his victims, but that his intent to apologize was not based on remorse but rather on other motives, such as appealing to his victims and lowering his restitution. Alternatively, the inconsistency could have resulted from the interview context. Logan did not name a desire to apologize to his victims in response to an open-ended question, but rather was asked specifically whether or not a desire to apologize to his victim encouraged him to participate in the mediation. Logan may have said a desire to apologize encouraged him to participate in mediation because he wanted to please the interviewer.

Results of Mediation

Understanding

For the youth who did not express significant remorse, desire for nondelinquent peer groups, desire for their victims' trust, or desire to apologize to their victims prior to their mediations, understanding was not a common VOM outcome. Carl does not think that mediation builds understanding between victim and offender. He recalls being a thirteen-year-old at the time of his mediation, "trying to connect with what was maybe like 40, 50-year-old men, trying to tell them about how I was searching for acceptance and I was doing this or doing that, I do not feel that we met eye-to-eye at all" (Carl). Ultimately, Carl felt like his "apology fell somewhat on deaf ears. I felt like they were trying to really screw me over in the end" (Carl).

Carl felt like there was "a huge imbalance of power" (Carl) between his victims and himself because "they had prior knowledge of what was going on and I was stepping into that room basically blind" (Carl). Carl felt pressured to consent to an agreement that he did not think was fair because he did not have control over his mediation, and that "whatever they decided that they wanted to have me do, I couldn't refuse anyway" (Carl). Beyond their different levels of preparation for the mediation, Carl saw the relationship between his victims and himself as inherently unequal. Because he perceived his victims as having "the power to make things easier for you or make things a lot harder for you" (Carl), he felt like he was "always gonna be playing at a lower level. As much as you can contrive a sense of power and equality in the room, it's impossible because they have an ability that you don't" (Carl).

Nathan was frustrated that he did not “really have the time to talk” (Nathan) to his victim during his mediation because the mediators “were always talking” (Nathan). He apologized to his victim, but not necessarily in the way that he wanted to because he felt like the mediators were being directive. Nathan said that as a result of this, he did not feel like he learned much about his victim during the mediation. He did come to understand, however, that “I would've probably been scared if I was him, too” (Nathan).

Like Nathan, Logan also felt like the mediator gave his victims more time to talk and asked more questions of them than they did of Logan. He said that he did not get a chance to say things he wanted to say, and “probably would've told them why I did it more, and told them how it could've been avoided or something” (Logan). When Logan did get a chance to speak he “was talking to the mediator most of the time” (Logan), but he wanted to have more direct dialogue with his victims. According to Logan, the people at his mediation “wanted to say that it's wrong to do this. So, they were trying to make it sound like, okay, you don't want to do this anymore to anybody. But it was more like, don't do it to this guy anymore or you're going to jail for a really long time” (Logan). Logan reported that he did not really learn anything about his victims or gain a sense of understanding of them at his mediations, nor does he think that they gained any sort of understanding of him.

Ian was angry with his victim, who had once been his friend, when he entered the mediation. Ian explained that they have had “a constant feud” (Ian), and that he was upset because his victim stole from his family but “didn't really get in trouble for it” (Ian) under law. At the mediation, Ian learned that his family had been reimbursed without his knowledge, and realized that physically attacking the boy “wasn't very nice” (Ian). In

spite of this, the anger Ian felt for his victim when he entered the mediation seemed to worsen as a result of their meeting. Ian learned that his victim “probably doesn’t even want to be friends again. He was trying to get me in trouble the whole entire time and making me seem pretty bad. So, I learned that he’s kind of a backstabber... That’s all I learned. He doesn’t really tell the truth.” (Ian). Ian said that his victim was lying during the mediation and saying that he had not committed the theft, although “everybody knew what he had done” (Ian).

Ian does “not really” think it was important to be able to talk with his victim after his crime, and said that he did not “really want to see him” (Ian). Now, if he sees his victim Ian said that “nothing’s gonna happen... The mediation meeting didn’t make me like him. But it made us stop being mean to each other—verbally, physically, whatever” (Ian). Ian and his victim agreed to that if they see each other again, they will just “be nice... don’t even look at the other person” (Ian). While they may not have developed much of an understanding for one another at the mediation, Ian and his victim did agree to be peaceful with one another.

Keith, like Ian, entered his mediation with negative feelings for his victim, whom he did not know personally but had interacted with once before. Keith explained that the victim, representing the business that Keith had worked for and stolen from, came into the store while Keith was working “and he made me sign all this stuff that I supposedly took... He was like, we have you on video... don’t make this process longer by making us take out our camera and showing you” (Keith). Keith said that he signed off on things that he did not think he took because he “felt so pressured” (Keith). This same sense of powerlessness set the tone of Keith’s mediation, where he felt like “the victim’s in

control” (Keith). When it came to making a restitution agreement, Keith felt like he “was just sitting there just saying yes, yes. I didn’t really have a say... Basically was on the short end of the stick again” (Keith). Keith felt like he was being “pushed and pushed and pushed 'cause you are the offender” (Keith).

Keith said that the focus of his mediation was more about getting the restitution and figuring out what he had to give back rather than actually establishing any sort of connection with his victim. Keith said the only understanding he gained of his victim was that “he wanted his stuff back and he was just trying to get the company all of their merchandise back” (Keith). Keith said that his victim was “in a rush” (Keith) and had to go catch a flight. To Keith, it seemed like his victim was not there “to say you did me wrong but it's okay... basically all they told me was to pay back what I did for the crime... There was no mediation really. To me it was a one-sided thing” (Keith). As Keith’s example shows, if both victim and offender do not approach mediation with the desire to learn from the other, they will not likely come away with much understanding.

Frank thinks that “everything would be about the same” (Frank) if he did not participate in mediation. “I just don’t think I would be able to talk as openly to my mom anymore, I don’t know—communicate to her, I don’t talk to her openly” (Frank). Mediation offered Frank an opportunity to practice communicating with his mother “without arguing with her [and] how to get what I have to say out” (Frank). He said that their relationship now is “about the same” (Frank) as before their mediation, however. The communication skills he worked on during the mediation were not new to him, and Frank explained that even before his mediation he “basically knew how to talk to her I just didn’t do it” (Frank). The mediation helped him to remember, “this is the way I

should be doing things” (Frank). Rather creating a new framework for understanding, Frank said that his mediation helped him realize what he already knew.

Julia discussed the role that understanding played in each of her mediations, one with her mother and one with a girl from an enemy gang. Julia took the mediation with her mother as an opportunity to talk with her about “what bothered me and what she needed to do or what I needed to do. What she didn’t like about me” (Julia). Julia said that she “never used to talk” (Julia) to her mother, but that their mediation was “how we started talking” (Julia). Because Julia and her mother took their new sense of communication away from the mediation, Julia said that she “got along with [my mom] better. I knew what she was feeling, her worries, all of that” (Julia). The communication between Julia and her mother has improved since their mediation, and now if something is bothering Julia, “I’ll tell her straight up....We build up a trust” (Julia).

Any understanding that Julia reached with the victim of her other mediation was based on establishing neutrality rather than developing a positive relationship. Julia entered her mediation with negative feelings for the girl because the gang she belonged to used to beat up her brother. Then at the mediation they discussed ways “not get in a fight every time I see her” (Julia). Julia thinks that her mediation with the girl from an enemy gang was successful because the two of them “got to talk. I told her, like she told me, we ain't gonna be friends, but I ain't gonna do nothing to you....And I felt good” (Julia).

Despite their enemy status, Julia’s own gang involvement allowed her to relate to her victim during their mediation. “I knew if they tell you to do it, you've got to do it. So I kind of understand what she was trying to say. That's how it is” (Julia). Julia understands that the conflict she had with the girl was not personal. “It wasn't 'cause of

her, it was just because of the gang” (Julia). Yet while Julia described the mediation itself as successful, and she and her victim agreed not to interact with each other, Julia still carried “a lot of anger at her” (Julia). At the time of Julia’s mediation, her own life circumstances, gang involvement, and drug use limited the impact that her mediation had on her life.

Closure

Participants who had already put their crimes behind them before the mediation, or did not seem to have hopes for closure, did not report a sense of resolve from the VOM experience. These youth often said that too much time passed between their crime and the mediation, and did not need the mediation for closure; they had moved on without talking to their victims. Logan thinks that mediation has the potential to be most effective “closer to the [time of the] crime. They did it a long time after so I forgot a lot about what did happen, and then some of the facts got a little mixed up and stuff” (Logan). Logan’s crime was not weighing on his mind by the time six months had passed. This may explain why Logan said that VOM works “more for the victim than the offender...because they got the closure they wanted” (Logan). Logan did not feel like he himself got closure on his crimes, nor does he think he “ever will” (Logan). He suggested that “for some people [mediation] does help make some type of closure, but for me I didn't really care” (Logan).

Nathan also thought that too much time had passed between his crime and his mediation. He said that mediation should take place “right when it happens instead of six months later when you barely remember it” (Nathan). Nathan did agree that apologizing to his victim allowed him to forgive himself for his crime, yet he said that he would have

been able to forgive himself without his victims' forgiveness because "I was sorry" (Nathan). According to Nathan, being sorry was a more important part of forgiving himself than the act of apologizing to his victim. Nathan affirmed that the mediation gave him a sense of closure, but said that if he had to decide again, he would not choose to participate in mediation.

Keith said that during his mediation he "got to talk with the other party, make things right...Everything's in the past now and it's all good" (Keith). However, Keith reported that at the end of his mediation, he felt both relieved and "stressed 'cause I...[had] to pay this back now....Like everything was going good and like two or three months in, bam, you've got to go to mediation and do all this great stuff" (Keith). After thinking he could move past his crime, Keith had to face it again in the mediation. During his mediation, Keith was "probably thinking, this is so unfair...I'm still in trouble....let's just get this over and I'll do what it takes" (Keith).

Both Julia and her mother apologized and forgave each other during their mediation. She said that "it was hard at first to tell her I'm sorry. I couldn't tell her [because of] my anger. But I mean, I felt better when I did. I felt a lot better" (Julia) for apologizing. Julia said that talking to the girl she offended also helped her feel less angry, yet her forgiveness in that case was mixed with feelings of resentment, rooted in a painful gang history.

Self-Identity

Almost none of the youth who said that their mediations had little impact reported that VOM contributed to a positive self-identity. Frank, Logan, and Nathan specifically

said that they did not think differently about themselves or their futures as a result of meeting with their victims. Carl was the only participant in this group who said that if he did not go through with the VOM, he “probably would've felt worse with myself about what did happen” (Carl). Ian, on the other hand, said that at the end of his mediation he “felt kind of like a criminal, like a jackass I guess. I think I felt bad that, I wasn't raised like that, obviously” (Ian). Rather than reaffirm his identity as separate from his crime, Ian felt badly about himself when his mediation was finished.

Future Crime

Of the fifteen youth who participated in this study, three reported getting in trouble with the law since their mediations. All three—Julia, Logan, and Ian—were in the group of participants who reported that VOM did not have a significant impact them, at least not at the time of their mediations. Julia may have recognized the lessons from her mediation with the girl from an enemy gang more clearly after leaving the gang she herself belonged to than she did at the time of her mediation and reoffense.

Following her encounters with the law, Julia continued to commit crime because she was part of a gang, and using drugs, which influenced her decisions. She explained that while she may have tried to tell members of enemy gangs that she does not “bang no more” (Julia), people who want to fight are persistent. As long as Julia was in the gang, she fought the gang’s battles. Now that she has moved on from gang life, Julia has been able to follow the law. Her decision to make a lifestyle change, rather than the mediation itself, has helped Julia to avoid further trouble with the law.

When I asked Logan whether he would be more likely to commit crime if he

knew he would not get caught, he said that “it all depends on the situation, the crime, and where it’s located. If it’s something close to home, then you don’t want to really do anything. But if it it’s somewhere that you’re never gonna be again, depends on the time of the day, depends if there’s anybody there...It depends on the circumstances” (Logan). Logan thinks that whether another person personally suffers for a crime depends on “if they have insurance or not” (Logan). While he said that people who do not have insurance would suffer from a crime, he “honestly [does not] take that into account when I’m thinking about it” (Logan). Instead, he considers “what I can gain from it all” (Logan). Logan’s decision to commit further crime may reflect that his main incentive not to commit crime is not to get caught. When a person is only deterred by consequences, he or she may try to break the law if they think that they can get away with it.

Ian described the crimes he has committed as “spur of the moment. I wouldn’t say it was planned...Most of my run-ins with the cops have been unlucky. Just the wrong place at the wrong time” (Ian). Ian said that when he commits crime he does not really think back to his previous crimes and consequences “unless I get asked...I know what I’ve done. I’m not proud of it. And I guess, my other crimes haven’t been really related” (Ian). Ian said that he has been “pretty unlucky” (Ian) with the law, and that the law sometimes “gets abused, or it’s taken out of proportion” (Ian), and describes the laws he has broken as “ridiculous” (Ian). Ian did not take from mediation a general message to obey the law, but rather learned specific information about his victim’s crime, and made somewhat of amends with his victim. He has not applied that lesson to his life more broadly, and thus mediation has not affected his general behavior or his decisions

to commit or stay away from crime.

Just as the reasons why participants said they did not want to break the law again came from more sources than the mediation experience, so too did the reasons why these three participants broke the law again extend beyond their low-impact mediations. As Julia's case demonstrates, the friends the youth surround themselves with largely influence their behaviors (Elliot & Menard, 1996). As per Logan's example, when consequences are sole motivators to obey the law, youth may try and commit crimes that do not have consequences (Bazemore, 1999). Finally, as seen with Ian, those who do not care about the law are more likely to break it (Godwin, 1998).

Conclusions

Factors of Lower Recidivism Rates among VOM Participants

Studies show that juvenile offenders who participate in VOM go on to commit less crime than their peers who do not participate in mediation (Braithwaite, 2002; Chambliss & Hollon, 1998; Nugent et al., 2003; O'Hara, 2006; Umbreit, Coates, & Vos, 2004). However, these studies do not identify why youth who participate in VOM refrain from delinquent activity. As Umbreit and Coates (1992) articulated:

[i]t could be argued that it is rather naïve to think that a time-limited intervention such as mediation by itself (perhaps 4-8 hours per case) would be likely to have a dramatic effect on altering criminal behavior in which many other factors related to family life, education, chemical abuse and available opportunities for treatment and growth are known to be major contributing factors. (20)

Participants in this study all accepted responsibility for their crimes prior to their mediations, and some additionally expressed a positive sense of self, which made them less likely to reoffend independently of the VOM experience (O'Hara, 2006; Maruna 2001). The self-selecting nature of VOM participants accounts at least in part for the lower recidivism rates among participating offenders.

Each of the 15 participants in this study expressed a desire to avoid future crime. Yet while only eight said that the mediation experience contributed to their reasons not to break the law again, they all reported reasons external to the mediation that encouraged them to obey the law. Chief among these reasons were consequences (Wright et al., 2004), goals (Carroll 1995), and support networks (Agnew, 1992; Cullen, 1994; Hawkins

& Weis, 1985; Sampson & Laub, 1993), all factors that reduce their likelihood of reoffending

Differences among Participant Groups:

The mediation experience did not impact them all youth in this study to an equal extent. The participants who reported benefiting from mediation tended to be those who entered with a sense of remorse for their crimes, desire for positive peer groups, desire for victims' trust, and desire to apologize to their victims. For these participants, talking with their victims served to reinforce an existing sense of concern for others. Yet for participants who did not enter mediation with those same predispositions, the experience had little impact.

Restorative Measures of VOM Value

VOM offered participants in this study an opportunity for understanding, closure, and positive self-identity. For youth who were burdened by the weight of their crimes, these unique benefits of mediation were critical. Scholars claim that VOM allows for the “development of victim empathy in the offender, which can lead to less criminal behavior in the future” (Umbreit et al., 2004, p. 280). Data from this study likewise suggests a correlation between victim empathy and reduced crime, as none of the youth who reported gaining a sense of understanding of their victims at VOM have broken the law since their mediations. However, while victim empathy may be associated with lower crime, the mediation itself does not generate a sense of understanding in youth who do not enter with a sense of victim concern.

Only youth who approached mediation with a sense of remorse for their crimes, desire for positive peer groups, desire for their victims' trust, and desire to apologize to

their victims reported gaining an understanding of their victims during mediation. VOM does seem to promote offenders' "understanding impact of action and helping decide how to make things right" (Umbreit 2001, p. 3). However, understanding seems to be the foundation of an effective mediation rather than an inspired result of it. Mediation does not break "through [the] avoidance" (Braithwaite, 1999, p. 50) of guilt and blame for criminal activity, as some research suggests, so much as it offers a deeper understanding and a sense of resolve for offenders who come to mediation seeking those things.

While Umbreit and colleagues (2004) argued that the understanding developed during mediation reduces further crime, this study shows that the youth who gain a sense of understanding during mediation are those who are already less likely to commit further crime due to their sense of remorse, desire for positive peer groups, desire for victims' trust, and desire to apologize to their victims. For the participants whom VOM most impacts, who are already at low likelihood of reoffending, mediation's primary function is not to reduce further crime, though it may contribute to that as well. Rather, the restorative values of understanding, closure, and positive self-identity are benefits of VOM in and of themselves.

Risks of not Offering VOM

While VOM benefits some participants more than others, attempting to offer mediation exclusively to low-risk youth would be difficult, for "in practical instances of governing the concept of 'risk' is ambiguous, fractured and flexible" (Hannah-Moffat, 1999, p. 71). Although victim-offender mediation does not benefit all offenders, its benefits to some are invaluable. As Palmer (1992) said, the best correctional programs work with some participants under some circumstances. Like several participants in this

study, Logan said that when deciding whether or not to send a case to mediation, it is “better just to try it” (Logan).

Low Cost and High Potential of VOM

As previous studies show, the cost of mediation is low. Umbreit and Greenwood (1999) conducted a national survey in 1996 to evaluate victim-offender mediation Programs in the U.S. Using financial information for 116 of the 315 programs in the U.S., they found the average victim-offender mediation program budget to be \$55,077. The average number of staff for each program was 2.3 members, whereas the average number of volunteers working with a program was thirty-seven. Especially when they are driven primarily by volunteer efforts, it seems that there is little harm or cost in offering VOM, and that programs that do so embrace a community model for responding to delinquent behavior.

All 15 participants in this study said that VOM is a good idea and that it can work, at least for the victim (Logan), even if they did not feel personally impacted by VOM. Thirteen of 14 participants asked would recommend VOM to victims and offenders. In addition to benefiting young offenders, as this study suggests, the VOM experience can also benefit victims. Research shows that mediation contributes to increased victim involvement and healing (Umbreit et al., 2004).

Call for Social Responsibility: VOM is not Enough

While VOM offers restorative benefits to some offenders, we cannot expect mediation to have much impact on participants who have not already developed a sense of remorse for their crimes and victim concern. For these offenders, who are arguably at the greatest risk of recidivism, other services are needed. This study shows that

attempting to retroactively VOM participants the harm of their deeds is difficult. For mediation to be positive for more youth, we must take social responsibility to create constructive environments that encourage positive social behaviors.

As Umbreit (2001) has articulated, restorative justice “recognizes a community responsibility for social conditions that contribute to offender behavior” (p. 2). The environments that shape youth on a daily level affect their likelihood of benefiting from mediation, and with that, their likelihood of committing further crime. Mediation will be more effective, and eventually less necessary, if youth are part of supportive environments that foster respect and concern for others. Further studies can assess whether and how programs to instill positive social values can be integrated into young people’s environments. Mentoring and other resources have already been shown to help young offenders develop competencies that make viable a noncriminal lifestyle (Bazemore, 1991).

The restorative justice goal of social wellbeing suggests outcomes that go beyond the actual participation in a mediation session, conference, or circle to broad community-level changes (Bazemore, 1997; Stuart, 1996). If restorative justice is to call itself a paradigm that envisions systemic social change (Braithwaite, 1989; Zehr, 1995), communities must accept responsibility for creating and maintaining supportive environments encourage positive values.

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Appendix A: Participant Mailing Forms

August 14, 2007

Dear Former Mediation Participant with the Juvenile Mediation Program,

My name is Stephanie Fagliano, and I am a student at Stanford studying youth's experiences with victim-offender mediation. I am preparing to interview young people who have participated in mediation in order to better understand how they viewed the experience. This study is designed to look at how victim-offender mediation works or does not work, from the perspective of people who have experienced it, so that more juveniles might be able to benefit from the mediation experience.

If you are interested in being involved in this study, please contact me to request further information or to set up an interview. During this interview I will ask you questions about your experience with the mediation. Everything that is said in the interview will remain confidential, and your identity will not be revealed in the study.

I appreciate the time and energy that will go into your participation in this study. I have secured funding so that I can offer you \$25 as compensation for your involvement. The interview will last approximately one hour.

Included in this mailing is the Consent Form that you will be asked to sign if you choose to participate in this study. Please sign it and bring it to the interview. Feel free to ask me if you have any questions concerning this form.

I can be reached by phone at (650)575-1918, or by e-mail at fagliano@stanford.edu. I hope to start holding interviews in September and would like to begin scheduling them as soon as possible. Please do not hesitate to contact me if you are interested in the work that I am doing.

Thank you,

Stephanie Fagliano
Stanford University, '08
Program on Urban Studies

With the support of:

David Cherniss
Juvenile Mediation Program Manager
San Mateo Superior Court
August 14, 2007

August 14, 2007

Consent Form

STUDY TITLE: How do juveniles' perceptions of victim-offender mediation link to the outcomes of the experience? Youth assess its impact and how it can succeed

PROTOCOL DIRECTOR: Stephanie Fagliano, Stanford University

DESCRIPTION:

You are invited to participate in a research study on victim-offender mediation in the juvenile justice system that will look at the ways in which youth describe the mediation experience. One goal of the study is to identify the aspects of victim-offender mediation that youth find most beneficial so that victim-offender mediation can consistently incorporate an environment that has a positive impact on youth. You will be asked to answer questions about your experience with the mediation in a one-on-one interview that will be audio recorded. These recordings will allow the researcher to focus on speaking with you during the interview and then record responses in written form at a later time.

RISKS AND BENEFITS:

The risks associated with this study are that talking about the victim-offender mediation experience could be uncomfortable or otherwise negative, especially if the mediation process had been challenging. Participants might focus their thoughts on the crime that brought them to mediation in the first place which could result in such feelings as guilt or anger. The benefits which may reasonably be expected to result from this study are that the youth who have been through the juvenile justice system will be given a voice. Having feedback on juveniles' experiences of victim-offender mediation can help judges, policymakers, and mediation program directors understand why victim-offender mediation is successful, how it can be improved, and when it can be most effectively administered. We cannot and do not guarantee or promise that you will receive any benefits from this study.

TIME INVOLVEMENT:

Your participation in this study will take approximately one hour.

PAYMENTS:

You will receive \$25.00 as payment for your participation.

SUBJECT'S RIGHTS:

If you have read this form and have decided to participate in this project, please understand your participation is voluntary and you have the right to withdraw your consent or discontinue participation at any time without penalty or loss of benefits to which you are otherwise entitled. You have the right to refuse to answer particular questions. Your individual privacy will be maintained in all published and written data resulting from the study.

CONTACT INFORMATION:

Questions, Concerns, or Complaints: If you have any questions, concerns or complaints about this **research study**, its procedures, risks and benefits, you should ask the Protocol Director, Stephanie Fagliano, at 650-575-1918 .

*Independent Contact: If you are not satisfied with how this study is being conducted, or if you have any concerns, complaints, or general questions about the research or your rights as a participant, please contact the Stanford Institutional Review Board (IRB) to speak to someone independent of the research team at (650)-723-2480 or toll free at 1-866-680-2906. You can also write to the Stanford IRB, Stanford University, Stanford, CA 94305-5401.

Appointment Contact: If you need to change your appointment, please contact Stephanie at 650-575-1918.

I give consent to be audiotaped during this study:

Please initial:

_____ Yes _____ No

I give consent for tapes resulting from this study to be used for recording interview data until that information is transcribed into written form.

Please initial:

_____ Yes _____ No

Signature of Participant Date

The extra copy of this consent form is for you to keep.

Protocol Approval Date: 4-27-07 Protocol Expiration Date: 4-28-08

August 14, 2007

Dear Parent or Guardian,

My name is Stephanie Fagliano, and I am a student at Stanford studying youth's experiences with victim-offender mediation. I am preparing to interview young people who have participated in mediation in order to better understand how they viewed the experience. This study is designed to look at how victim-offender mediation works or does not work, from the perspective of people who have experienced it, so that more juveniles might be able to benefit from the mediation experience.

If you and your child are interested in your child's involvement in this study, please contact me to request further information or to set up an interview. During this interview I will ask your child questions about his or her experience with the mediation. Everything that is said in the interview will remain confidential, and your child's identity will not be revealed in the study.

I appreciate the time and energy that will go into your child's participation in this study. I have secured funding so that I can offer your child \$25 as compensation for his or her involvement. The interview will last approximately one hour.

Included in this mailing is the Consent Form that you will be asked to sign if your child chooses to participate in this study. I have also included the Assent form for your child to sign verifying his or her willingness to participate. Please sign the Consent Form and give it to your child to bring along with the Assent Form to the interview. Feel free to ask me if you have any questions concerning either of these forms.

I can be reached by phone at (650)575-1918, or by e-mail at fagliano@stanford.edu. I hope to start holding interviews in September and would like to begin scheduling them as soon as possible. Please do not hesitate to contact me if you are interested in the work that I am doing.

Thank you,

Stephanie Fagliano
Stanford University, '08
Program on Urban Studies

With the support of:

David Cherniss
Juvenile Mediation Program Manager
San Mateo Superior Court

Parent or Legally Authorized Representative Consent Form

STUDY TITLE: How do juveniles' perceptions of victim-offender mediation link to the outcomes of the experience? Youth assess its impact and how it can succeed

PROTOCOL DIRECTOR: Stephanie Fagliano, Stanford University

DESCRIPTION:

Your child is invited to participate in a research study on victim-offender mediation in the juvenile justice system that will look at the ways in which youth describe the mediation experience. One goal of the study is to identify the aspects of victim-offender mediation that youth find most beneficial so that victim-offender mediation can consistently incorporate an environment that has a positive impact on youth. Your child will be asked to answer questions about his or her experience with the mediation in a one-on-one interview that will be audio recorded. These recordings will allow the researcher to focus on speaking with the youth during the interview and then record responses in written form at a later time.

RISKS AND BENEFITS:

The risks associated with this study are that asking the youth to talk about their experiences with victim-offender mediation could cause them to feel uncomfortable or otherwise negative, especially if the mediation process had been challenging for them. They might focus their thoughts on the crime that brought them to mediation in the first place which could result in such feelings as guilt or anger. The benefits which may reasonably be expected to result from this study are that the youth who have been through the juvenile justice system will be given a voice. Having feedback on juveniles' experiences of victim-offender mediation can help judges, policymakers, and mediation program directors understand why victim-offender mediation is successful, how it can be improved, and when it can be most effectively administered. We cannot and do not guarantee or promise that your child will receive any benefits from this study.

TIME INVOLVEMENT:

Your child's participation in this study will take approximately one hour.

PAYMENTS:

Your child will receive \$25.00 as payment for his/her participation.

How do juveniles' perceptions of victim-offender mediation link to the outcomes of the experience? Youth assess its impact and how it can succeed

Assent Form

What will happen in this study?

If you want to participate in the study, you will be asked to have an interview with just you and an interviewer, in person. The interviewer is trying to understand what kids and teens who have gone through victim-offender mediation think about it. We want to learn why it works when it does, how it can work better, and who seems to learn from it the most. You will be asked questions about your experience with the mediation. You won't be asked to talk about what you did to end up in victim-offender mediation. We just want to know how the mediation has or hasn't been important to you now that it's over.

Can anything bad happen to me?

It might not be easy for you to talk to a stranger about your experience with victim-offender mediation, but nothing that you say during the interview will be used against you or get you into trouble with the law.

Can anything good happen to me?

You can help teach adults who work in the juvenile justice system about the experience of victim-offender mediation as someone who was gone through it. Your feedback will help them learn more about how victim-offender mediation works and how it can work better so that youth who get into trouble with the law might have a positive experience of juvenile justice.

Do I have to participate?

You do not have to participate in this interview, and if you do begin an interview and want to stop at any time just say so. You can also ask to skip any questions that you do not feel comfortable answering. You will be paid for your help whether or not you finish the interview or answer all the questions.

Will anyone know I am in the study?

Your participation in the study will be kept secret. Things that you say during the interview might be put into a paper on youth's experiences with victim-offender mediation because your input really matters to us. But we will not write your name in the paper or report anything that you say.

Who can I talk to about the study?

You can talk to the interviewer, Stephanie, if you have any questions or problems related to the study. Her phone number is 650-575-1918, and her e-mail is fagliano@stanford.edu. You can also talk to your parent or guardian or the staff at the Juvenile Mediation Program.

If you are not happy about this study or if you have any questions, please contact the Stanford Institutional Review Board (IRB) at (650)-723-2480 or toll free at 1-866-680-2906 or write the Stanford IRB, Administrative Panels Office, Stanford University, Stanford, CA 94305-5401.

Do you understand this study and are you willing to participate?

YES NO

Date

Appendix B: Interview Questions

[Original Set] General Background Information:

Age:

Gender:

Ethnicity:

Religious background:

Language you speak most comfortably:

Are you fluent in English?

How many mediations have you had?

When was/were the mediation(s)?

When did you commit the act(s) that led to your mediation(s)?

Research Question:

How does a juvenile's experience of VOM help predict whether he/she will go on to commit further crime?

Interview Questions:

-After having a mediation, do you think that you would break the law again if you had the opportunity?

-Before your mediation, what reasons did you have not to commit crime?

-Has the mediation experience shaped your view on crime? How?

Research Question:

How does the motive for participating in the mediation affect the mediation outcome?

Interview Questions:

-How did you first hear about VOM?

-Why did you agree to participate?

-What do you think would have happened if you did not go through with the VOM?

Research Question:

How does the offender's perception of the victim affect the mediation experience?

Interview Questions:

-Why do you think the person you offended agreed to participate in the mediation?

-Did you apologize to the other person during your mediation? Why or why not?

-If so, do you think that person forgave you?

-Do you think that person cared about what happened to you?

-Did you and the other person come up with an agreement at the mediation?

-How did you and the other person come up with the mediation agreement?

OR: Why don't you think you were able to reach an agreement?

-Were you satisfied with the agreement?

OR: What was it like to end the mediation without reaching an agreement?

Research Question:

How does the offender's perception of the mediation environment affect the mediation experience?

Interview Questions:

-What word, or words, best describes how you were feeling during the mediation?

-Did you feel you were safe and allowed to say what you wanted to say? Were you being listened to?

-What could you do if you didn't feel comfortable with the mediation?

-Did anyone come with you to support you during the mediation?

-Did anyone come to support the other person?

-How did the presence of those people affect the mediation? Are you glad they were there?

OR: Do you wish someone had come with you?

Research Question:

What is the impact of mediation on juveniles and how do they define its success?

Interview Questions:

-What was the most important thing you learned during the mediation? What do you remember most?

-Do you feel like your mediation was successful?

-What does it mean to have had a successful mediation?

OR: What would it have meant to have had a successful mediation?

-Overall, is VOM a good idea? Why or why not?

-What do you think needs to change about VOM?

-Did meeting and talking with the person you offended have any impact on the way you see yourself or your future?

-What would you say to judges or probation officers who are thinking about using VOM?

-Would you say that there would have been a way to learn the same lesson that you got from your mediation without having to have the mediation?

-Do you think mediation could be an effective tool in cases of violent crime?

-Some people have said that mediation works because it fosters understanding between victim and offender. Do you think that is why mediation works?

Interview Questions

[Final Set] General Background Information:

Age:

Gender:

Ethnicity:

Religious background:

Language you speak most comfortably:

Are you fluent in English?

How many mediations have you had?

When was/were the mediation(s)?

When did you commit the act(s) that led to your mediation(s)?

Research Question:

How does a juvenile's experience of VOM help predict whether he/she will go on to commit further crime?

Interview Questions:

-Have you committed any crimes since your mediation?

-After having a mediation, do you think that you would break the law again if you had the opportunity?

-Before your mediation, what reasons did you have not to commit crime?

-Now that you've had the mediation, what reasons do you have not to commit crime?

-Now that you've had the mediation, what reasons do you have not to commit crime?

-Has the mediation experience shaped your view on crime? How?

Research Question:

How does the motive for participating in the mediation affect the mediation outcome?

Interview Questions:

- How did you first hear about VOM?
- Why did you agree to participate?
- Did anyone encourage you to do the mediation or tell you it was a good idea?
- Did your family encourage you to participate?
- What did your friends think about the fact that you were doing a mediation?
- Would it have been okay for you to say no to doing the mediation?
- What do you think would have happened if you did not go through with the VOM?

Research Question:

How does the offender's perception of the mediation environment affect the mediation experience?

Interview Questions:

- What word, or words, best describes how you were feeling during the mediation?
- What were you thinking about?
- Did you feel you were safe and allowed to say what you wanted to say? Were you being listened to?
- What could you do if you didn't feel comfortable with the mediation?
- What did you expect when you went into the mediation?
- How did you come up with those expectations?
- How did the actual mediation compare to what you had expected?
- Did you feel prepared when you went into the mediation?

- Did anyone come with you to support you during the mediation?
- Did anyone come to support the other person?
- How did the presence of those people affect the mediation? Are you glad they were there?
- OR: Do you wish someone had come with you?
- What are the qualities of a good mediator? Did your mediator have these qualities?
- How important is the actual mediator in the VOM?

Research Question:

How does the offender's perception of the victim affect the mediation experience?

Interview Questions:

- Why do you think the person you offended agreed to participate in the mediation?
- Did you apologize to the other person during your mediation? Why or why not?
- Did you plan on apologizing to your victim before you got to the mediation? Were you already sorry?
- Do you think you became more or less sorry for what you did during the mediation?
- If so, do you think that person forgave you?
- Did it matter whether he or she forgave you?
- Do you think you would've felt bad about what you did if you hadn't been caught?
- Do you think that person cared about what happened to you?
- Did you and the other person come up with an agreement at the mediation?
- How did you and the other person come up with the mediation agreement?
- OR: Why don't you think you were able to reach an agreement?
- Did you think the agreement was fair? Were you satisfied with the agreement?
- OR: What was it like to end the mediation without reaching an agreement?

- Did you stick to the agreement? Why or why not?
- Would you ever commit a crime again against the same person?
- Did the mediation shape your thoughts about committing a crime against anyone, or did it mostly affect the way you thought about your specific victim?
- Would you say you gained a sense of understanding about your victim at the VOM?
- What did you learn about him/her?
- How did you feel at the end of your mediation?

Research Question:

What is the impact of mediation on juveniles and how do they define its success?

Interview Questions:

- What was the most important thing you learned during the mediation? What do you remember most?
- Do you feel like your mediation was successful?
- What does it mean to have had a successful mediation?
- OR: What would it have meant to have had a successful mediation?
- Who could you talk with afterwards about your mediation?
- Overall, is VOM a good idea? Why or why not?
- What do you think needs to change about VOM?
- Did meeting and talking with the person you offended have any impact on the way you see yourself or your future?

Research Question:

When/why does VOM work?

Interview Questions:

-Does VOM work? Why or why not?

-Under what circumstances is VOM most effective?

-Why were you a good candidate for VOM? What qualities about you made it a good idea for the judge to recommend you for VOM?

-Could VOM work in cases of violent crime?

Comparisons

Interview Questions:

-Had you ever committed crime before the crime you had a mediation about?

-Have you committed crime since your mediation?

IF NO:

-Have you had the chance to commit crime since then? Why/why not?

-Why do you think you haven't committed anymore crimes?

IF YES:

-How did you decide to do that, and how did you feel about it?

-Have you ever had other sentences from the court, either from this crime or a different one?

-Have you been involved in other support programs related to this?

-What were those like?

-How does VOM compare to those other programs?

-Which had the biggest impact on you? Please describe.

-Did you think about your mediation more right afterwards than you do now?

Sources of Support

Interview Questions:

- Did your friends have anything to do with your decision to commit crime?
- Do you hang out with most of your same friends now as before your crime/mediation?
- Who encourages you to stay out of crime? (Or to commit crime)
- Do you ever want to commit crime?
- Do you then do it? If so, why?
- If you don't, what stops you?
 - Do you think of VOM?
- Was meeting with your victim one time enough to make you not want to commit crime again?
- If so, why?
- If not, what else would help you stay out of crime?
- Who are your role models?
- Would you describe yourself as a good kid? Has that changed at all since before your mediation?

Recommendations

Interview Questions:

- What would you say to judges about VOM?
- To victims?
- To other youth?
- Are you glad that you were caught?