

Recommendations for Utilizing Victim Offender Mediation Programs

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Abstract

Purpose

There are more than 300 victim offender mediation programs in use across the United States to mediate issues ranging from violent to non-violent crimes. Many of the victim offender mediation programs in use are utilized primarily for juveniles of non-violent crimes; however there are some victim offender mediation programs that are used to mediate violent crimes. This variation between programs result in inconsistency between victim offender mediation programs in regards to procedure and their ability to mediate both violent and non-violent crimes. In addition many of the victim offender mediation programs do not continue if the victim or offender choose not to engage in the mediation process, which prevents restorative justice from being achieved. Victim offender mediation programs need to be standardized in their procedures in order to improve their utilization for violent and non-violent cases within the criminal justice system. The overall purpose of this research paper is to determine the inconsistencies between programs, create options for the restorative process to continue, and develop a comprehensive victim offender program that can be used by all victim offender mediation programs for violent and non-violent cases

Method

In order to obtain the necessary data for this study, secondary sources were reviewed. The sources were derived from academic and other accredited journals, government websites, and other government publications, government reports and textbooks in the field of criminal justice victim and offender services.

Key Findings

This research contributes to the field of criminal justice in several different ways. First, it establishes that current victim-offender mediation programs are ineffective due to their lack of adherence to a standard protocol which results in a less effective restorative justice process. Second, it demonstrates that victim-offender mediation can be applied to violent crimes as well as non-violent crimes if a comprehensive procedure is followed. Lastly, this paper demonstrates that a comprehensive victim-offender mediation program can encompass more restorative practices than just mediation.

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Section I: Introduction

The current criminal justice system is overburdened, causing financial strain on tax payers without improving crime rates, especially in high crime rate areas. Victims and offenders are both becoming frustrated with the traditional punishment orientated criminal justice system and delay in case processing (Choi & Gilbert, 2010). The criminal justice system in place has resulted in the Department of Corrections becoming over-crowded and consuming more and more tax dollars. In the year 2010, “state expenditures totaled \$1.9 trillion dollars while state spending on corrections was \$48.5 billion” (Kykelhahn, 2014, p.1). The prison population, though not expanding at a high rate, is still alarmingly large and contributing to the corrections expenditures. In 2013 the United States had 1,574,700 persons in state and federal prisons (Carson, 2013, p.1). In order to reduce tension between communities and the criminal justice system, reduce prison populations, decrease recidivism rates, and reduce tax dollars spent towards the criminal justice system, victim offender mediation programs need to be utilized more frequently as a lower level of intervention before resorting to incarceration in both violent and non-violent crimes. Victim offender mediation programs are expected to reduce re-victimization through trial, strengthen community relations, reduce crime rates, and reduce the Department of Corrections expenditures (Tsui, 2014).

The significance of this research is to provide the most effective forms of victim offender mediation programs and illustrate the ineffectiveness of the current judicial system in terms of

victim input, offender recidivism rates, crime rates, and community-criminal justice relations. The proposed ideal victim offender mediation program at the end of this paper is motivated by the study “Effects of Victim Presence and Coercion in Restorative Justice: An Experimental Paradigm” by Alana Saulnier and Diane Sivasubramaniam (2015). Saulnier & Sivasubramaniam (2015) studied the impact of victim’s presence and coercion in eliciting high quality apologies from offenders. Their findings suggest that the way in which restorative justice is practiced through procedures such as whether the victim is present and if the offender was coerced into making an apology or not, have a significant impact on the ability for restorative programs to elicit meaningful apologies from offenders. At the end of the study Saulnier & Sivasubramaniam (2015) determined that being able to identify the most effective procedures for victim offender mediation programs will provide researchers and policy makers with the means to produce an effective form of restorative justice.

Therefore this research intends to identify those best practices among victim offender mediation programs and develop a victim offender mediation program procedure that includes the best practices that can be applied to non-violent and violent crimes. In addition this paper will provide an overview of victim offender mediation history, provide an overview of victim offender mediation, a cost benefit analysis of victim offender mediation programs vs corrections, the disproportional effect of the current criminal justice system on minorities, the lack of consistency between victim offender mediation programs, and theoretical perspectives that support using victim-offender mediation.

Section II: History of Victim Offender Meditation

Restorative practices originated within tribal communities around the world (Amstutz, 2009). The restorative practices have been referred to as peacemaking circles, “they composed of the victim and his support system, the offender and his family, and community members” (Karmen, 2010, p.397). Scholars in criminal justice trace the origins of restorative justice in North America to a case in 1974 Ontario, Canada where two offenders went on a stretch of chaos vandalizing 22 properties in two hours (Amstutz, 2009). The probation officer assigned to the case suggested to the judge that the offenders meet all their victims in order to hear about how their crimes impacted the victims, offer compensation or services, and ask for forgiveness. The practice grew within the probation department and became a foundation for restorative practice in Ontario, Canada. This restorative practice spread from Ontario, Canada to various locations throughout the United States, and found particular success in Elkhart, Indiana (Amstutz, 2009). In 1980, Congress passed the Dispute Resolution Act, which allocated funds to research and develop dispute resolution programs (Karmen, 2010). By 1990 there were 125 Victim-Offender Reconciliation Programs in 20 states in the United States, by the end of the 1990’s there were roughly 300 programs operating in the United States (Karmen, 2010). Originally these programs were called Victim Offender Reconciliation Programs. Victim Offender Reconciliation Programs continued to grow steadily in the United States through community programs, private agencies and parole & probation departments (Umbreit & Greenwood, 2000). Today there are roughly 350 Victim Offender Reconciliation Programs in North America (Umbreit & Greenwood, 2000). Victim Offender Reconciliation Programs gained popularity in 1994 when it was endorsed and recognized by the American Bar Association (ABA) as a method of improving victim-offender dialogue in courts (Umbreit & Greenwood, 2000). However the terminology was changed to

Victim Offender Mediation after an American Bar Association subcommittee determined that the term “reconciliation” implied that victims had to forgive the offender and surrender their own rights in order to come to a resolution (Amstutz, 2009). Arguments among experts regarding the terminology suggested another change to Victim Offender Conferencing from Victim Offender Mediation. Still some experts believed that mediation implied to victims that they would have to mediate with an offender regarding their rights to restitution (Amstutz, 2009). In addition, some experts suggest that the term conferencing implies flexibility and opens the door to more members of the community being involved in the process, whereas mediation implies the restriction of involvement to just the victim, offender, and mediator. However, due to the extent of literature that emphasizes the use of victim offender mediation instead of victim offender conferencing, this paper will use victim offender mediation programs.

Section III: The Basics of Victim Offender Mediation

Victim Offender Mediation programs seek to establish three main goals, “to benefit the victim and/or co-victims, to benefit the offender and/or the offender’s family, and to benefit the community” (Rossi, p.195). The power of victim offender mediation exists in the dialogue that occurs between the victims and offenders, allowing victims to get answers from offenders that provide closure to the traumatizing experience of being victimized. Questions such as, “Why did you choose to burglarize my house?”, “Why did you choose me?”, “Were you watching my home for weeks or days before burglarizing my home?”, “Did you have something against me personally?” might be asked. Often times, after the victim meets with an offender and receives closure from the ability to ask questions and get answers, a victim’s fears of being re-victimized can be significantly reduced (Amstutz, 2009).

Victim offender mediation moves away from the perspective that crimes are committed against the state to the definition of crime, “defined as a violation of one person by another” (Gray, 2002, p.324). The current adversarial process of the criminal justice system is a zero sum situation, where there is always a clear loser and winner, and the whole story regarding the crime and events leading up to the incident are not entirely explained (Karmen, 2010). The current criminal justice system has the capability of protecting citizens from crime and catching offenders, however when it comes to reintegrating individuals into the community, the system fails. Current forms of integrating offenders back into the community consist of drug testing, check in’s with probation officers, counseling, and restitution. However reintegration into the community cannot be coerced, it needs to be facilitated. All too often offenders are brought back into the community labeled with the title of criminal, probationer, parolee, and other similar names. Community members only talk about the crime the offender committed and the loss of the victim. What if that could be changed to a discussion of how the victim and offender resolved the conflict and became better because of it? This is the goal of restorative justice through victim offender mediation.

Philosophical Approaches to Mediation

There are several different philosophical approaches to mediation. According to McCorkle & Reese (2015) the two main philosophical approaches to mediation are the transformative approach and problem solving approach. Transformative mediation has the goal of, “building healthy relationships, improving communication between parties, trying to understand the situations, and promoting healthy communities” (McCorkle & Reese, 2015, p.20). Therefore the mediator who approaches mediation sessions would focus on facilitating the growth of the individuals involved by helping them focus on their personal values and

empathizing with the other party (McCorkle & Reese, 2015). The transformative philosophical approach assumes that once the parties transform their perspectives, the problem solving will naturally occur between the parties.

The second most common philosophical approach is the problem solving approach. This approach suggests that the mediation process is all about solving the substantive issues between the parties, and it is up to the mediators as to whether or not to focus on the emotional aspects of the problem or parties (McCorkle & Reese, 2015). Mediators who follow the problem solving approach believe that following an orderly succession of processes in order to mediate the problems are essential.

Theoretical Approaches to Mediation

There are several theories that can be applied to victim offender mediation to explain why it is helpful to utilize victim offender mediation to resolve criminal disputes. The first theoretical approach is the opportunity model of victimization (Wallace & Roberson, 2011). The opportunity model of victimization asserts that exposure, guardianship, proximity, attractiveness of targets, and definitions of specific crimes influence an offender to commit crime (Wallace & Roberson, 2011). The opportunity theory believes that an individual's chances of being victimized are based upon the above factors. Exposure refers to the amount of offenders in the vicinity of the victim. Therefore the more offenders an individual is exposed to, the more likely they are to be victimized. Guardianship refers to the amount of and/or effectiveness of guardians who are able to divert, prevent, and respond to criminal activity determines the amount of criminal activity and deterrence surrounding the individual. If there is a lack of capable guardians in the vicinity an individual becomes a susceptible target. Attractiveness refers to the desirability of a target such as expensive property and an attractive person. Definitions of certain

crimes are referred to by the difficulty of committing certain crimes (Wallace & Roberson, 2011). Therefore some crimes are conceived as easier to be completed because of the difficulty needed to complete them. For example, shoplifting/larceny is easier to commit than burglaries.

How does the opportunity of victimization theory apply to mediation? The opportunity theory helps victims understand why they were chosen as victims. By having an offender explain the victim's exposure, guardianship, proximity, attractiveness, and their definition of crime, an offender can help a victim understand the reasons behind their victimization. Victim Offender Mediation provides victims with the opportunity to get the questions of "Why me?" answered.

The general strain theory is another criminological theory that can help explain the importance of mediation in victim and offender services. The general strain theory was developed by Robert Agnew in the 1980s (Tibbetts & Hemmens, 2010). The original strain theory developed by Robert Merton in the 1930s, suggests that individuals become frustrated by their inability to achieve the "American Dream". This occurs when individuals are socialized to achieve the "American Dream" but unable to accomplish due to structural and economic barriers. This frustration results in criminal behavior in order to fight against the established economic and structural barriers to improve their economic standing. The failure of the original strain theory developed by Merton is that it only applies to individuals in lower socioeconomic status, whereas crime is prevalent among multiple socioeconomic tiers in society. Robert Agnew's general strain theory extends beyond the fundamental concept of strain theory of an individual's failure to achieve positively valued goals and adds additional factors such as the presentation of noxious stimuli and removal of positively valued stimuli (Tibbetts & Hemmens, 2011). The phrase, noxious stimuli, refers to abusive parents, alcoholic parents, and divorce as well as other factors that can increase stress/frustration. The removal of positively valued stimuli refers to the

loss of a loved one, losing a good job, or losing a house. Therefore general strain theory suggests that the combination of an individual's failure to achieve positively valued goals, presentation of noxious stimuli, and the removal of positively valued stimuli creates anger within an individual. Whether or not the individual is able to use coping mechanisms to cope with anger will determine his susceptibility to criminal activity.

How does the general strain theory apply to victim offender mediation? Similar to the opportunity model of victimization theory, general strain theory helps victims understand why offenders are motivated to commit crimes. By explaining to a victim their struggles at achieving positively valued goals, any presentation of noxious stimuli and the removal of positively valued stimuli will help a victim understand why an offender committed a crime against them due to the stress and anger they are experiencing. Helping a victim understand that there are underlying factors for the offender's actions might help a victim understand that they were not specifically targeted for personal reasons, but instead targeted out of frustration from societal barriers that prevent the offender from achieving the "American Dream". An essential component of mediation is to create understanding between parties and build trust (McCorkle & Reese, 2015). This theory, when applied to victim offender mediation programs, also allows offenders to be accountable for their crimes while doing so in manner that is respectful and understanding for both the victim and offender.

Section IV: Cost Benefit Analysis of Corrections vs. Victim Offender Mediation Programs

Victim offender mediation programs and the Department of Corrections track their success rates through varying measurements, however some measurements are similar. Therefore by comparing the success of victim offender mediation programs and the Department of Corrections, the benefits of victim offender mediation programs can be determined. The

Department of Corrections judges success from the recidivism of inmates and parolees and their ability to successfully complete probation/parole. In order for inmates to complete probation or parole they have to complete restitution, comply with drug testing, complete community service, attend counseling, and avoid associating with other felons and violating laws (Abadinsky, 2012). This is similar to how the success rate of victim offender mediation programs is judged, which is based upon the successful completion of contracts which involves offenders ability to complete community service, pay restitution, and attend counseling. There are also some financial aspects of victim offender mediation and corrections that can be compared.

Recidivism and Rehabilitation of Offenders

Recidivism rates within victim offender mediation programs are determined based upon the ability of the offender to successfully complete the contract made with the victim during the mediation session(s). A contract is an agreement reached by the offender and the victim in order to pay restitution, repair the physical damage done, complete community service, and other related restoration activities. A study of contracts being fulfilled between victims and offenders in Elkhart County from 2004-2005, indicates that 86% of the contracts signed during that time period were successfully completed by offenders (Thiessen, 2008). Furthermore of the contracts signed in 2004-2005, 35% of the offenders who signed contracts with victims were convicted of another crime in the following two years whereas 80% of the offenders who signed contracts did not reoffend or re-offended with a less serious crime (Thiessen, 2008). Another study of 1,298 juveniles discovered that juveniles who participate in victim offender mediation programs have a 32% reduction in recidivism rates (Nugent, Umnbreit, Wiianamki, & Paddock, 1999). Statistics regarding the recidivism rate among probationers and parolees is suspected to be about 40%-60%, in which offenders reoffend will on probation/parole or fail to comply with stipulations set

forth by the probation department (Abadinsky, 2012). Therefore, victim offender mediation programs are more successful in reducing recidivism rates in comparison to traditional parole and probation programs.

Upon further inspection, incarceration in the current form is not effective at rehabilitating offenders. As of March 2010, there were 2,292,133 American citizens incarcerated in the United States, which is larger than China and Russia (Trout, 2011). In addition, the Department of Corrections holds roughly 2,500,000 individuals on probation and parole (Cole, Gertz & Bunker, 2004). These statistics paint a picture of a continuous revolving door of an increasing amount of individuals entering, exiting, and returning to correctional centers. Prisons do not rehabilitate offenders or deter them from committing future crimes and often times make offenders more dangerous. As Gray (2002) states, “Prisons are inherently the cruelest institutions we have devised in our society” (p.247). If prisons are cruel institutions, how offenders are supposed to become reformed through undergoing a treacherous event? These offenders are not returning to the free world as reformed citizens and diverting from criminal behavior. The environment within prisons harbors degrading tactics that further create a disdain for authority and respect for law. Although they are deemed as correctional centers, implying that they are correcting criminal behavior, correctional institutions do the exact opposite. Inmates leaving correctional institutions have high recidivism rates; this seems to be true for offenders on probation and parole programs. Inmates who are violent and suffer from mental health disorders are placed in isolation which further compounds their emotional and behavioral problems. As Gray (2002) states, “the major effect of imprisonment on those serving time is shattered self-esteem and acceptance of brutality as a way of life” (p.247). This is enforced by the concept of prisonization, developed as a way of describing the cultural assimilation of inmates into the prison world that evolves around

violence, aggression, intimidation, and coercion. The culture of violence inmates learn in correctional facilities often become embedded in the inmates' attitudes and beliefs, which are taken from the correctional centers into their community absent of interventions.

Financial Cost

It is suspected that the cost of a probationer averages between \$1,000 and \$3,000 per year (Abadinsky, 2012). The state of Ohio alone spends roughly \$25,867.55 a year to incarcerate an inmate (Trout, 2011). While survey of victim offender mediation programs in California discovered that victim offender mediation costs roughly \$250 a case (Esq, 2006). The vast amount of federal and state spending on offenders in order to rehabilitate them is enforced by a lawmaker who suggests that no matter how strongly you feel that incarceration is an effective means of punishment or rehabilitation to spend up to \$150,000 on each person in prison, when a fraction of that money would likely allow individuals who are incarcerated to be free, rehabilitated, and productive in society (Latessa & Holsinger, 2006).

The fascination with incarceration in the United States is causing financial and political concerns. As Latessa & Holsinger (2006) state, "The current incarceration binge will eventually consume large amounts of tax money, which will be diverted from essential public services such as education, child care, mental health, and medical services"(p.452). The only results we are seeing from the current form of incarceration are state and federal debts, criminals who are entering correctional centers with worse psychological damage, more neurologically refined criminal behavior, disdain for laws and society, and socially crippled from their isolation from society and families (Latessa & Holsinger, 2006).

Community-Criminal Justice Relations

In addition to reducing recidivism rates, victims and offenders are more satisfied with the criminal justice system when being involved in the victim offender mediation process. Umbreit (1994) discovered that 79% of victims that participated in victim offender mediation reported being satisfied with the criminal justice system, as opposed to 57% of victims who did not participate in victim offender mediation who reported un-satisfaction with the criminal justice system. Roughly 80% of participants involved in the mediation process (victims and offenders) report satisfaction with the process (Umbreit, 2001). Another review of in six California victim offender mediation programs discovered that, “general satisfaction uniformly scored above 90% for both victims and offenders (Evje & Cushman, 2000, p.26).

Typically for offenders, the Department of Corrections establishes restitution through probation and parole services who attempt to ensure that offenders complete restitution to victims through, “making restitution for the fruits of the crime, or making reparation for losses or damages caused herby” (Abadinsky, 2012). Given that offenders and victims want fairness and restitution is a central component of the justice system, victim offender mediation programs offer victims and offenders more satisfaction in developing and completing restitution. Therefore victim offender mediation is more effective at soliciting offender participation in paying restitution, and gaining satisfaction from victims.

The current model of the criminal justice system is based upon punishment which is disproportionately affecting minorities. Currently, African Americans make up roughly 15% of the United States current population, yet African Americans make up at least 55 percent of incarcerated offenders in the department of corrections (Gray, 2002). In addition Hispanics make up about 10 percent of the United States population and make up 16 percent of the United States

prison population (Gray, 2002). African Americans are incarcerated at a rate of 1,947 per 100,000 whereas whites are incarcerated at a rate of 306 per 100,000 (Latessa & Holsinger, 2006). This suggests that the current form of corrections and judicial processes are hindering African American communities.

Utilizing victim offender mediation can assist in providing minority communities an alternative to the criminal justice system that their cultures have grown to question and mistrust. As Hampton et al (2008) state, “Some African American women perceive the criminal justice system as a racist institution based on the disproportionate numbers of African American males involved with it”(p.332). If African American women feel this way about the criminal justice system, it is likely that African American males share the similar perceptions of the criminal justice system. In general, many minorities feel targeted and hopeless in the criminal justice system and handicapped by the perceived bias in the criminal justice system. This same mistrust of the criminal justice system also applies to minority victims. If traditional victims feel helpless, then the added perception of inequality in the criminal justice system from a minority perception could make minority victims even more inclined to stray away from reporting crimes to the criminal justice system. African Americans tentative trust of the criminal justice system is supported by research which indicates a disparity in how African American victims are treated in comparison to non-Black victims. A study of African American female victims of domestic violence revealed that only 26% of African American female victims of domestic violence had their perpetrators arrested and 36% of non-Black female victims had their perpetrators arrested (Hampton et al, 2008).

Restorative justice through victim offender mediation programs provides minority victims and offenders an alternative means of discovering justice that avoids the use of punishing

community members through a criminal justice system that minority communities do not trust. Victim offender mediation programs provide minority victims empowerment, to have their voices heard, and the ability to suggest punishments for the offender that support their community and improve community relations. Due to recent events in Baltimore, Maryland and Ferguson, Missouri it appears that the African American community and other minority groups are becoming increasingly frustrated with the current criminal justice and law enforcement systems. Victim offender mediation could provide a substantial effect in improving relations between minority communities and the criminal justice system. As Hampton et al (2008) state, “A restorative justice approach also empowers Black communities to take responsibility for ending violence against women and facilitating community-wide change and healing from the effects of violence in ways that are not dependent upon legal intervention”(p.342).

Section V: DEVELOPING A COMPREHENSIVE VOM PROGRAM

Inconsistencies among Victim Offender Mediation Programs

The amount of empirical data comparing victim offender mediation programs is limited. Few researchers have focused on the empirical data regarding victim offender recidivism, with the exception of Mark Umbreit, Lorraine Stutzman Amstutz, and Robert Coates. Mark Umbreit spearheaded most of the research regarding victim offender mediation programs, with Umbreit’s most comprehensive work in 2001. Mark Umbreit worked in conjunction with the U.S. Department of Justice, Office for Victims of Crime on the “National Survey of Victim Offender Mediation Programs in the United States”. When the U.S. Department of Justice provided a grant to the University of Minnesota in 1996 to determine the extent of victim offender mediation

programs in the United States, Umbreit discovered that there are hundreds of victim offender mediation programs operating under various procedures and protocols and funding.

Umbreit & Greenwood (2000) reported that there were roughly a handful of programs in the 1970s, and there are about 315 victim offender mediation programs that exist in the United States today. Of the programs surveyed by Umbreit & Greenwood (2000) it was discovered that most programs received funding through state and local governments, and foundation dollars. However, there were also victim offender mediation programs that received funding through churches, individual contributions, and federal government grants. Victim offender mediation programs could be implemented throughout the United States if more federal, state, and local funding was made available.

Research regarding victim offender mediation programs illustrates that programs greatly varied in their staff and funding, reporting that the mean average budget for a victim offender mediation program was \$55,077 with the minimum program spending \$1 and the maximum budget being \$413,671 (Umbreit & Greenwood, 2000). Most programs averaged having 2.3 full-time staff, with the minimum program having 1 full-time staff member and the maximum program having 13, the average program has 37 volunteers (Umbreit & Greenwood, 2000). These statistics suggest a great deal of discrepancies between victim offender mediation programs across the country and a lack of inconsistencies. In order to streamline the mediation process and ensure the success of victim offender mediation programs, programs should be provided with a level of funding that supports a stable and coordinated work force.

The amount of referrals and types of cases referred to victim offender mediation programs is also inconsistent. For example, Umbreit & Greenwood (2000) identified an inconsistency in the types of severely violent crimes that were referred to victim offender

mediation programs. Of the programs (116) surveyed by Umbreit & Greenwood (2000) 40% received cases of assault with bodily injury, 22% received cases of assault with a deadly weapon, 13% received cases of negligent homicide, 10% received cases of domestic violence, 9% received cases of sexual assault within family, 7% received cases of sexual assault by a stranger, 7% received cases regarding murder, 5 received cases regarding attempted murder (Umbreit & Greenwood, 2000). This discovery suggests that programs have dealt with a varying severity of severely violent crimes. How were these programs able to handle the mediation of a murder and could the other programs handle the same mediation if referred? It appears that there is a great separation between various victim offender mediation programs and their abilities to handle severely violent victim-offender mediations.

Umbreit & Greenwood (2000) also discovered that the victim-offender mediation took place at various stages in the criminal justice process throughout the United States. For example, 34% of programs implemented victim offender mediation before court through diversion, 28% implemented victim offender mediation in post-adjudication but pre-disposition, and 28% reported that victim offender mediation was implemented post-disposition. This inconsistency reveals the lack of consistency for implementing victim offender mediations at specific points in the criminal justice process. However, these statistics also reveal the flexibility of victim offender mediation programs to adjust to the needs to the victim and offender regardless of what stage in the judicial process they are in.

Another inconsistency has been revealed in victim offender mediation programs approach to allowing parents to participate in the mediation involving juvenile offenders, of the programs surveyed (116) roughly 52% always have parents present during mediations, 27% reported sometimes having parents present, 13% percent reported parents were occasionally present, and

8% reported that parents were never present during mediation. This creates a stark inconsistency in victim offender mediation programs in how they handle juvenile cases, suggesting that some victim offender mediation programs may be operating under unethical practices.

A Comprehensive Victim Offender Mediation Program

A comprehensive victim offender mediation program should incorporate the best practices of not only a victim offender mediation program but other restorative practices. As past research has indicated, not all victims or offenders are willing to participate in the mediation process. The downfall of current victim offender mediation programs are that they cease to continue the restorative process if either victim or offender choose to not participate in the process. A comprehensive victim offender mediation program will allow flexibility for either the victim or offender to participate in the restorative process if either chooses to discontinue in either violent or non-violent cases.

Violent crimes are considered to be less eligible for victim offender mediation because of their violent nature and possible re-victimization of the victim. As Rossi (2008) states, “are due to the extremely violent nature of most capital crimes, it may take a longer time for victims or offenders to be sufficiently prepared for dialogue” (p194). It is important to develop a victim offender mediation program that incorporates violent crimes and felonies in hopes of deterring and rehabilitating offenders involved in more violent crimes. As Benson (2014) states, “The benefits attributed to mediating less violent and less serious crimes only further validate the importance of handling violent and serious crimes in victim-offender mediation”(p.223).

Various victim offender mediation programs have developed processes that are specifically developed to incorporate violent crimes into a process that typically only handles misdemeanor and non-violent crimes. This process is unnecessary, if a well formulated victim

offender mediation program is developed, it can be applied to both violent and non-violent crimes as long as the necessary procedures are followed. The purpose of mediation for a violent and non-violent offense is still the same. For victims; they need the opportunity to hear missing information about the crime, tell their story to the perpetrator, understand why they were victimized, forgive the offender, have recognition of their humanity, and to offer an opinion for punishment (McBroom, 2009, p.149). For offenders the goal remains; to relay their frustrations to the victim, have their humanity recognized, relay to the victim that they are receiving their punishment, confer with the victim to their punishment, a chance to tell their story, and apologize to the victim (McBroom, 2009, p.149).

One victim offender mediation program in particular has already begun implementing mediation that incorporate violent crimes. A San Diego County RJMP worker reported that their victim offender mediation program is looking to get more involved with mediating violent cases and currently mediates cases of DUI w/injury following a standard model victim offender mediation program. A victim offender mediation program can still provide victims and offenders of a violent crime with the same restorative principles and goals of mediation. Problems arise mediating violent and non-violent cases when a victim offender mediation program does not follow a comprehensive victim offender mediation program. Problems such as not preparing victim and offenders for mediation properly, not following up with victims and offenders, not allowing the restorative process to continue if either victim or offender does not wish to participate in mediation, as well as unsuccessful mediations. These problems can be avoided if victim offender mediation programs follow a stand approach.

Defining a Standard Victim Offender Mediation Program

Due to Professor Mark Umbreit's expertise on victim offender programs as evidenced by his multiple studies and research regarding victim offender mediation, his basic victim offender mediation guidelines can serve as the basis for other programs to be compared to. Umbreit (2001) suggest that the first process for a victim offender mediation process is intake. Intake involves referral of criminal cases to the mediation program from court services, community members, or self-referral. This involves gaining background information regarding the case, data on the victim and offender, and gauging the interest of the victim and offender. During the intake process the victim and offender are both contacted via mail or phone in order to establish contact and ask for their participation in a mediation process, stating the referral source, briefly describing mediation, name of the mediation program staff and phone number so they can contact them if they have further questions (Umbreit, 2001).

The second phase of the program is preparation for mediation (Umbreit, 2001). This involves making phone contact with the offender and victim in order to arrange separate interviews. In this stage it is important for the mediator to meet individually with the victim and offender in order to build trust and understanding with the mediator. During the initial meeting the mediator is able to assess the victim and offender's readiness and appropriateness for mediation, develop rapport and gather further background information regarding the crime, as well as explaining mediation in depth to both parties (Umbreit, 2001). Furthermore, the mediator speaks with the victim to discuss the types of solutions available to the victim such as monetary restitution, community service, personal service (mowing the lawn, cleaning), charity contributions, apology (written or verbal), and counseling for the offender (Umbreit, 2001). It is

essential that when the mediator meets with the offender that the mediator is able to identify directly or indirectly from the offender a sense of remorse and responsibility for the offense (Umbreit, 2001). At the end of each individual meeting with the victim and offender, the mediator asks if each participant is willing to participate in the medication. If one or both are unwilling to participate in the medication process then the mediator can discontinue the mediation process or find an alternative form of mediation that does not involve the victim and offender meeting face to face.

The third phase is the mediation. According to Umbreit (2001, p.47) “the purpose of the mediation is for the victim and offender to have the opportunity to learn from each other the events surrounding the crime and how it affected their lives, to get answers to their questions, express their feelings, to gain a greater sense of closure, and to develop a mutually acceptable plan that addresses the harm caused by the crime”. Before the mediation begins, the mediator determines the severity of the mediation and whether or not the session needs to be co-mediated. Co-mediation allows for two mediators to oversee the process, provide multiple points of view, and help in cases of an impasse (Umbreit, 2001). Seating arrangements need to be situated so that the offender and victim are both facing each other, parents and others providing support to either party should be seated behind the victim or offender (Umbreit, 2001). Before the victim and offender arrive, the mediator goes over the information gathered from individual sessions with the victim and offender.

During the mediation each participant will have the ability to tell what happened from their perspective without being interrupted. After each participant has their opportunity to tell their story, the victim and offender will have the opportunity to ask questions of each other and make additional comments. Once comments and questions have been asked, both parties discuss

how to resolve the situation through various means such as restitution, community service, charity contributions, and personal service to name a few. Once both parties come to a mutual agreement, a draft is written and review by both parties to edit. Once the final draft is completed it is read aloud and then signed by both parties (Umbreit, 2001).

The fourth phase is the follow up. The follow up process involves mailing or emailing copies of the agreement to all relevant parties such as the victim, offender, and courts (Umbreit, 2001). In addition a follow up meeting is scheduled with the victim and offender in order to monitor the progress of the agreement and discuss any discrepancies, renegotiate terms of the agreement if needed, applaud the completion of the agreement or make a restitution payment and create closure from the experience (Umbreit, 2001).

Comparison of Victim Offender Mediation Programs to the Standard Victim Offender Mediation Program

In order to gauge the differences in current victim offender mediation programs to the standard victim offender mediation programs, four victim offender mediation programs were analyzed. Three programs in California and one in Colorado. Only one of the programs was contacted via phone (Colorado), the other programs were taken from a previous study of 6 California victim offender mediation programs by Evje & Cushman (2000). Each program spokesperson was asked how their victim offender mediation program processes cases from initial contact to contract completion and follow-up.

The first program contact was Denver Victim Offender Reconciliation Program, a non-profit organization that works specifically with juveniles. The Denver Victim Offender Reconciliation Program offers multiple forms of restorative justice through programs called

Restore Program and Face2Face Conferencing. The Restore Program is used for youth who have received tickets for shoplifting, petty theft, and drug and alcohol tickets. The Restore Program consists of orientation, a victim-impact panel, and a restorative justice conference, and a final meeting. Throughout the Restore Program the youth is accompanied by an adult during all sessions. The program does not involve the victim and implements a Community Restorative Board. The Face2Face Conferencing follows the standard mediation protocol with some additions. For example, the process involves not just the victim and offender, but also includes 2 community members.

Both methods of mediation begin with the intake process. Cases are referred to the organization through the juvenile probation department or juvenile court in Denver. A staff member then reviews the case and contacts the offender first. If the offender is willing to participate in the mediation sessions then the victim is contacted. In the restore process the offender participates in orientation first. Then they participate in a victim impact panel, a restorative justice conference and then a final meeting. The victim impact panel involves volunteer community members who discuss their victimization with the offender. The restorative justice conference involves the victim, offender, mediator, and community members. The offender provides proof of the entire Restore process takes approximately 8 hours.

The Denver Victim Offender Reconciliation Program resembles the ideal victim offender mediation program because of its versatility and multiple programs. In comparison to the standard victim offender mediation program, the Denver program fulfills the major obligations required during the intake process, pre-mediation, mediation, and follow up. The Denver program offers not only one form of restorative justice during the Restore Program, but also includes community reparative boards and victim impact panels. Therefore, if the victim is not

willing to participate in mediation, the offender can still participate in the restorative process. The Face2Face conferencing that deals with more serious juvenile crimes does not possess as many of the standard victim offender mediation stages. The most notable stages missing in the Face2Face program is the lack of pre-mediation and follow up. In addition the Face2Face mediation only allows for one mediation session.

The California victim offender mediation program in Los Angeles County follows closely to the standard victim offender mediation program. Cases are referred to this mediation program based upon a criteria determined by a collaboration team. The qualifications are that the victim and offender must have a phone, be between the ages of 7 and 17, the crime is only their first or second offense, and there is a clear victim in the crime (Evje & Cushman, 2000). Once the case is accepted, letters are sent to the victim, the offender, and the referring agency (Evje & Cushman, 2000). If the offender accepts to mediate, the victim is then contacted. If the victim agrees to mediate, a volunteer mediator is selected and mediation location and time is scheduled (Evje & Cushman, 2000). Two mediators then facilitate the session, and a contract is sent to the referring agency. Follow up is completed by the participants completing a survey, and the agency sends a letter informing the referral agency when the contract made during the mediation is completed (Evje & Cushman, 2000).

The Los Angeles victim offender mediation program does an excellent job of completing the intake process, mediation, and follow up. However, the program fails to complete a pre-mediation session prior to the meditation as outlined by the standard mediation program. In addition the Los Angeles meditation program falls short of providing alternatives to victims and offenders who are involved in the meditation process. If the victim, or offender do not choose to participate in the mediation process, the restorative justice process discontinues. The Los

Angeles program only works with juveniles, whereas the standard victim offender mediation program is applicable to both juveniles and adults. Screening of this program was conducted by the sole owner (Evje & Cushman, 2000). His screening criteria for cases required that the crime had to have an identifiable victim and the offender had to be willing to accept some level of responsibility. After the case was accepted by the founder of the program, a mediation time and location was selected. Contracts were completed and sent to the probation department who conducted follow up.

Due to this programs relatively small size and lack of funding it strayed the farthest from the standard victim offender meditation program. The intake process was evident and screening took place of cases before acceptance. No pre-mediation was scheduled with the victim or offender prior to the meditation session. (Evje & Cushman, 2000) did not state whether or not the program conducted more than one mediation session, therefore it can be inferred that only one meditation session likely takes place. Follow up was conducted by the referral agency and not by the victim offender mediation program.

The victim offender mediation program in Orange County, California received referrals from the local courts and probation department (Evje & Cushman, 2000). The Orange County victim offender mediation program only took juvenile cases and required that both the victim and offender have a telephone and willing to participate in mediation (Evje & Cushman, 2000). Offenders are contacted first, if the offender agrees, then the victim is contacted (Evje & Cushman, 2000). If the victim agrees then the mediator schedules a meeting with the victim and offender. Once the agreement is reached, the agency monitors the completion of the contract. Once the contract is completed, the contract and confirmation of completion is sent to the referring agency (Evje & Cushman, 2000).

The Orange County victim offender mediation program has a thorough intake process similar to that of the standard mediation program. Cases are screened and accepted upon the agencies established criteria. However, the agency does not complete a pre-mediation session prior to the mediation session as outlined in the standard victim offender mediation program. The mediation session is conducted by one mediator, and there is no reference as to whether or not more individuals are involved. The program monitors the completion of the contract between the victim and offender but does not clarify whether or not a follow up meeting is completed.

The review of victim offender mediation programs illustrates the discrepancies between various victim offender mediation programs in comparison to the standard victim offender mediation program. The comparison suggests that many victim offender mediation programs do not follow a standard procedure. Most of the victim offender mediation programs have an established screening and intake process to review cases as outlined by the standard mediation model. All but one of the programs compared had a form of pre-mediation, however that program did not have a pre-mediation method other than orientation, which is an informal process, whereas mediation is formal and individualized. All the mediation programs completed a mediation process, however many of the programs appeared to conduct only one mediation session. Almost of the programs appear to conduct their own follow up and monitoring of the completion of the mediated contracts and referring the completion of contracts to the referral agencies. The review of the victim offender mediation programs suggest that programs are missing comprehensive pre-mediation and mediation practices in comparison to the standard victim offender mediation program. The comparison of the standard victim offender mediation program also illustrates the various forms of victim offender mediation and the ability to implement other restorative practices in order to develop a comprehensive program.

Defining a Standard Community Reparative Board

Can the victim offender conferencing process continue if the offender chooses not to engage in the mediation process? Programs such as community reparative boards can continue the mediation process if an offender chooses not to participate in victim offender mediation. Community reparative boards have been used in the United States since the 1990's (Bazemore & Umbreit, 2001). Community reparative boards can be used as a supplement to victim offender mediation programs because they provide an alternative form of mediation that does not directly involve the victim when the offender chooses not to be involved in direct mediation with the victim. Implementing community reparative boards is supported by research that has indicated that most offenders believe that it is less difficult to spend jail time than to meet the victim of their crime (Umbreit, 2001). If offenders are still unwilling to meet their victims, they are still capable of participating in the restorative process.

Community reparative boards still encompass the same principles of victim offender mediation and restorative justice. Those principles include promoting community involvement in the criminal justice system, providing opportunities for victims in the community to have their voices heard in the criminal justice process, provide offenders with a chance to take accountability for their actions, and reducing costs associated with criminal justice processing (Bazemore & Umbreit, 2001).

The community reparative boards are made up of citizens trained in conducting public hearings with offenders in which they, "develop sanction agreements with offenders, monitor compliance, and submit compliance reports to the court" (Bazemore & Umbreit, 2001). In this type of program, the citizen board takes the place of the victim, in order to discuss the impact of

the crime on the community, victim, and nature of the crime. After discussing the nature of the crime the citizen board and offender discuss sanctions for the crime, in much the same process as victim offender mediation, until an agreement is reached between the citizen board and the offender regarding reparation for the crime and time frame to complete the task(s). Once the offender completes the reparation, the offender provides proof of completion; the board sends a report to the court detailing the offender's involvement in the process and whether or not they successfully completed the reparative task (Bazemore & Umbreit, 2001).

Combined Victim Offender Mediation and Community Reparative Board and Victim Services

Can community reparative boards and victim services be used in addition the victim offender mediation process with violent crimes? The criminal justice community has been reluctant to explore and implement restorative justice practices for offenders and victims of violent crimes. This does not mean that restorative justice should be abandoned for those victims and offenders involved in violent crimes. If violent crimes are offered the opportunity to be evaluated by the intake process, viable cases can be exposed to the mediation process and undergo restorative justice. A central component of the proposed comprehensive victim offender mediation programs are the checks and balances that allow the restorative process to continue. Throughout the victim offender mediation program both victims and offenders are given opportunity to participate willingly, and the process does not stop is one party chooses not stay involved. Even if the offender chooses not to be involved in the process whatsoever, the victim is provided support and restorative practices to heal the damage caused by the crime which is a central component that is missing from current criminal justice reform. Therefore a victim

offender mediation program should encompass both victim services and community restorative board in order to provide comprehensive restorative justice, and not just mediation services.

Section VI: Procedures for Comprehensive Victim Offender Mediation Program

Intake

During the intake process, each case should be assessed upon the same standard regardless of whether the crime is violent or non-violent. First, the mediator should meet with the victim and offender individually, preferably the offender first. The mediator should be able to ascertain if the offender accepts responsibility for the crime, and if the person is willing to participate in the restorative justice processes (meet with the victim or community restorative board, complete restitution/community service, and/or participate in counseling). Then the victim should be contacted. Once the victim is contacted via phone, they should be informed of the offender's acceptance/decline of responsibility for the crime and willingness to participate in restorative justice either through victim offender mediation or community reparative board. The mediator should then ask the victim if knowing this knowledge, if they would like to participate in victim offender mediation. Three scenarios can occur at the intake process; the victim and offender both choose to participate in victim offender mediation, the offender chooses to participate in victim offender mediation but the victim decline, and the victim chooses to participate in victim offender mediation but the offender declines.

In the case of scenario were the victim and offender both accept, the offender and victim continue the victim offender mediation process, they are individually assessed by the mediator during pre-mediation for, "needs for mediation, feelings, attitudes, and capacity for expressing oneself in mediation, available support systems and safety/risk factors"(Umbreit, 2001, p.261). If

the mediator can determine that the offenders and victims individual assessments are compatible and genuine, then the victim offender mediation process can continue to the mediation.

In the case of scenario where the victim decline and the offender accepts, the offender will be scheduled to meet with a community reparative board in order to discuss the nature of the crime, verbalize the acceptance for the crime, and the impact on the community, and hear the impact from the community stakeholder and community victim. Community reparative boards will consist of a mediator, a civilian with prior victimization experience, and a community stakeholder. After the initial community reparative board meeting with the offender, the community reparative board will convene to discuss possible restorative practices for the offender to complete (Bazemore & Umbreit, 2001). The community reparative board will then reconvene with the offender to discuss their suggested restorative activities and the offender's willingness or suggestions to participate in the activity. Once the community reparative board and offender agree to a restorative activity to fulfill, the contract will be written, and a deadline set for the offender to complete the activity. Once completed, the offender will return proof of the completed project to the community reparative board. The community reparative board will then collect the offenders proof and return it to the court, and discuss with the offender the impact of the activity in restoring community ties and acceptance into the community. Finally, the victim is notified of the offender's task, the completion, and response by the community reparative board.

In scenario where the offender chooses not to participate in the restorative process, the restorative process can continue. One of the most instrumental factors for the victims is for the criminal justice system hears their opinion regarding punishment. Therefore, if the offender chooses not to participate in the community restorative board or victim offender mediation, the

judicial system takes the victims suggestions into consideration, thus empowering the victim and restoring the material and emotional loss (Umbreit, 2001). In addition the victim should be offered victim services to keep them informed throughout the judicial process, provide victim services (counseling, legal, medical referral) advise of them of their rights, and advocate on behalf of the victim. Finally, the victim should play a role in court proceedings and informed of the court's decision.

Pre-Mediation

At this stage the offender and victim meet individually with the mediator to discuss the intricacies of the crime from their perspectives, state their suggestions restorative activities, and determine a time and date for mediation (Amstutz, 2009). The mediator also explains the process of victim offender mediation further, answering questions the victim or offender may have, informing the victim and offender what to expect from the process and how the mediation well be handled (Umbreit, 2001). At this point the mediator may determine that the crime, victim, and offender do not suit the purpose of victim offender mediation. Factors that could influence this decision include, the offender and victim are too far apart on a restorative activity (restitution, community service, counseling etc), the risk of re-victimization of the victim is too great, or the offender and/or victim are not mature enough to handle a joint mediation session. Safety should be of the utmost importance for the mediator to ensure (Umbreit, Coates, & Vos, 2007).

If the mediator decides that victim offender mediation is not applicable after further investigation, the case is referred to the community reparative board. The community reparative board is more compatible with difficult cases because there is less emotion, the victim and offender are not directly involved, and the victim can be informed of the progress/completion.

There should be a minimum of two pre-mediation sessions with the offender and victim separately. If the crime is, violent and complex, more pre-mediation that should occur. A limit of 5 pre-mediation sessions should be used in order to ensure the integrity of the victim offender mediation program and respect for the process of mediation. Umbreit, Coates, & Vos (2007) stated, “A subtle danger to preparation, oddly enough, is over-preparation” (p.32). If an offender and victim are unable to come to a conclusion at this point, the case should be referred to the community reparative board.

Support groups such as parents, family, friends, and other peers should participate in the pre-mediation sessions as well in order to be informed of their role in the mediation process and providing support (Amstutz, 2009). Restorative justice emphasizes the importance of involving other community stakeholders such as extended family members, coaches, pastors, friends, neighbors and others who are connected to the situation. In order to provide different perspectives about how the offender’s actions impacted the community. Therefore, it is highly recommended that the victim and offender have at least one individual available for support and perspective. Without added support for the victim and/or offender, then the community is left out of the restorative process, because the community is not represented. If the victim or offender is under the age of 18, it is typical practice to have an adult present during the meditation, and is often a requirement (Umbreit, 2001). In addition if the offender is incarcerated, the correctional facility will need to be contacted in order to arrange pre-mediation and mediation sessions time and location.

Mediation

Once the victim and offender complete the pre-mediation interviews and the mediator is satisfied that both are prepared to begin the mediation process, the next stage in a comprehensive

mediation program is having the first mediation session. The mediation session should be conducted with the victim and offender facing each other and their support groups seated directly behind them with some space in order to have their presence felt but not distracting either the victim or offender. The mediation stage should not be concluded to just one session; after talking with various victim offender mediation programs across the country, many programs were restrained to one mediation session.

The mediation session should follow the restorative justice dialogue developed by (Umbreit, Coates, & Vos, 2007). Umbreit et al (2007) state that there are three conditions that should be present for restorative mediation to occur, “(1) safety of the environment (2) respectful interaction and (3) positive energy” (p.30). If the pre-mediation is successful, the safety of the environment will be preserved because the mediator will have prepared both the victim and offender and determined that both the victim and offender are not a safety risk for harming each other physically or emotionally. Mediation sessions should be conducted with respectful interactions. Therefore, victims and offenders should be reminded and commit to respectful listening, respect each other, and respect the process (Umbreit et al, 2007). In order to have positive energy in the process, all the participants should enter the mediation process with an open-mind, positive out-look, and a willingness to make a positive change in each other’s life.

The goals the mediation process should include are empowering the victim/offender and repairing the harm done. The mediation session(s) should be completed with an agreed upon contract determined by the victim and offender. Options for the restorative contract should not be made at the mediation, but should be brainstormed during pre-mediation. Empowering both the victim and offender is achieved by allowing both ample opportunities to speak, and seeking

solutions that incorporate both the victim and offenders ideas to restore the harm done (Umbreit et al, 2007).

Certain tasks should also be completed during the mediation process. A central component of mediation is story-telling, which allows the victim to express to the offender the impact of the crime on their personal life, share their feelings, and see remorse from the offender while telling their story (Umbreit, 2001). Story telling also allows the offender an opportunity to explain their actions, what their motivations were, their feelings of remorse, and the impact the crime has made on their life. Support groups present should have an opportunity to provide a new perspective from both sides and enrich the mediation process for both victim and offender. Other tasks that should be completed during the mediation process are the ability for victims and offenders to ask each other questions regarding the crime. As stated previously, this gives the victim an answer to questions they have, clear confusion and bring peace of mind. Another important task to be completed during the mediation stage is a written agreement. At the final mediation session, a contract needs to be written and presented to both parties that outline; the apology made by the offender and acceptance of responsibility for the crime, the restorative activity to be completed by the offender, with expected completion date, who will be monitoring compliance of the agreement (probation/parole officer, mediator, program staff), ensuring a copy will be sent to the proper court, probation officer, pre-trial services etc, and the consequence if the offender does not fulfill the contract as agreed upon during mediation (Umbreit, 2001, p. 55-57).

Follow Up

The victim and offender both need to be monitored during the completion of the contract and afterwards. The offender should be contacted first during the completion of the contract in

order to ask the offender if there are any problems or concerns with completing the contract. If the offender has a viable reason for a need to alter the contracts completion time or task, another mediation schedule may need to be arranged in order to restructure the contract (Umbreit, 2001). The mediator needs to contact the victim and offender in order to arrange an appointment after the expected completion date of the contract. The victim will be informed by the mediator of any delays, rescheduling or progress on the contract. Once the contract is completed, a mediation session should be scheduled with the offender and victim in order to review the process, the hard work, the change, and the restored relationship with the victims and offender and their support group/community. Proof of the finalized contract should be sent to the proper court services and copies provided to both the victim and offender.

Victim Services

Restorative Justice is meant to improve the victim's involvement in the criminal justice system. Inevitably there will be situations where offenders and victims choose not to participate in the restorative mediation process. Traditional victim services should continue to be employed at this point to ensure that victims stay involved in the criminal justice process and receive proper services. These proper services would include referral to counseling services, victim advocacy, court orientation, notification of victim rights, and safety.

Section VII: Conclusions

There are roughly 300 victim offender mediation programs operating in the United States providing a healing process for both victims and offenders, allowing offenders to learn the impact of their crimes, take unforced responsibility for their crimes, and complete restorative activities that help them feel more accepted into their community. However, these current victim

offender mediation programs are falling short of their potential because their lack of flexibility when an offender or victim are unwilling to participate in the mediation process. Other mediation programs across the country such as the Denver Victim Offender Reconciliation Program have developed programs that are versatile and offer services beyond standard victim offender mediation programs to offer Victim Impact Panels (CRB). However, such programs are also lacking the fundamentals of victim offender mediation by conducting follow up and offering only one mediation session. Too many victim offender mediation programs leave the restorative process when the victim or offender chooses not to stay involved in the mediation process. In addition current victim offender mediation programs are not designed to involve violent crimes.

Current victim offender mediation programs also lack the fundamentals of victim offender mediation program. Of the programs reviewed, it appears that current victim offender mediation programs are not completing pre-mediation and/or enough mediation sessions to ensure that the mediation is thoroughly completed so the restorative process is completed. The comprehensive program outlined in this paper illustrates the necessary stages that need to be completed in order to achieve a thorough completion of the restorative justice.

While violent crimes are more complicated in their effects on victims and offender intention, if the criminal justice system is able to implement a victim offender mediation program that attempts to resolve violent crimes, it is possible that violent crime sentencing could be reduced which would result in lower incarceration rates while increasing victim and offender satisfaction with the criminal justice system. This comprehensive victim offender mediation program allows violent crimes to be applied to both violent and non-violent crimes for juveniles and adults by making a common standard. In order to judge the effectiveness of victim offender mediation in violent cases, more violent cases need to utilize this comprehensive victim offender

mediation model. The success of victim offender mediation being applied to adult and juvenile cases that are violent and non-violent could result in lower recidivism rates, better community-criminal justice relations, and less expenditure on costly incarceration and probation forms of rehabilitation.

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