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RESTORATIVE JUSTICE DIALOGUE: *Evidence-Based Practice*

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As a means of providing an in-depth examination of restorative justice in practice, we have elected to turn our close-up lens on restorative justice dialogue. In so doing, we do not mean to imply that it is the best practice or the only practice worth examining. We selected it because it is the oldest, most widely practiced, and most thoroughly researched of the various processes that fall under the broad umbrella of restorative justice.

DESCRIPTION

Four general types of restorative justice dialogue are examined in this review. These include victim-offender mediation, group conferencing, circles, and “other.” All have in common the inclusion of victims and offenders in direct dialogue, nearly always face-to-face, about a specific offense or infraction; the presence of at least one third person who serves as mediator, facilitator, convener, or circle keeper; and usually, advance preparation of the parties so they will know what to expect. The focus of the encounter nearly always involves naming what happened, identifying its impact, and coming to some common understanding, often including reaching agreement as to how any resultant harm will be repaired. Use of these processes can take place at any point in the justice process, including pre-arrest, pre-court referral, pre-sentencing, or post-sentencing and even during incarceration.

Victim-offender mediation (often called “victim-offender conferencing”, “victim-offender reconciliation” or “victim-offender dialogue”) usually involves a victim and an offender in direct mediation facilitated by one or sometime two mediators/facilitators; occasionally the dialogue takes place through a third party who carries information back and forth, a process known as “shuttle” mediation. In face-to-face meetings, support persons (such as parents or friends) for victims and/or offenders are often present; a 1999 survey of victim-offender mediation programs in the U.S. found that support persons, including parents in juvenile cases, were present in nearly nine out of ten cases (Umbreit and Greenwood, 1999).

Group conferencing (usually known as “family group conferencing” or “community group conferencing” or “restorative group conferencing”) routinely involves support persons for both victims and offenders as well as additional participants from the community. Many group

conferencing programs rely on a script, though some are more open-ended. The number of support persons present can often range from 6-10 to only a few, much like victim offender mediation. Some group conferences can be quite large.

Circles are variously called “peacemaking circles,” “restorative justice circles,” “repair of harm circles” and “sentencing circles.” The numbers and types of participants gathered for circles are similar to those gathered for conferences, though sometimes there is even wider community member participation, either as interested persons or as additional circle-keepers or facilitators. The process involves the use of a “talking piece” that is passed around the circle to designate who may speak.

“Other” refers to programs such as reparative boards and other community-based programs that invite victims and offenders to participate together in crafting an appropriate response to the offense.

Increasingly over time, distinctions across these categories have begun to blur, in particular between “mediation” and “group conferencing.” Thus there are programs that refer to their process as “family group conferencing” or “restorative group conferencing” but in fact convene only offenders and victims with few if any support persons and no outside community representatives. Similarly, many “victim offender mediation” or “victim offender conferencing” programs have moved towards more routinely including support persons and occasional additional affected community members. The present review attempts to maintain the distinction between victim offender mediation (or victim offender conferencing) and group conferencing (family group conferencing), but it seems likely that knowledge-building may be better served in the future by collapsing the categories. So doing would allow for participant responses and outcomes to be analyzed across actual variations in structure and format, rather than according to what the intervention is called.

The present review examines participation rates and reasons, participant satisfaction, participant perception of fairness, restitution and repair of harm, diversion, recidivism and cost. A total of 85 studies were reviewed for the present report, including 53 mediation studies, 22 group conferencing studies, 5 circle studies, 2 studies of other dialogue programs, and 3 meta-analyses.

Participation Rates And Reasons

Inviting victims to meet with the offender that harmed them was first conceived of as a means to help young offenders understand the impact of their crime and possibly decrease the likelihood of their re-offending. In those early days of the restorative justice dialogue movement, no one knew how likely it would be that victims would even want to participate in such a meeting, or whether they would find it helpful. In fact, large numbers of victims who are approached about the possibility of such a meeting elect to participate.

Participation rates for crime victims are addressed in several VOM studies and typically range from 40% to 60%, though rates as high as 90% have been reported. Several studies noted that victim willingness to participate was driven by a desire to receive restitution, to hold the offender accountable, to learn more about the why of the crime and to share their pain with the offender,

to avoid court processing, to help the offender change behavior, or to see the offender adequately punished. Coates, Burns and Umbreit (2004) found that victim reasons for choosing to participate were rank ordered as follows: to possibly help the offender, to hear why the offender did the crime, to communicate to the offender the impact of the crime, and to be sure the offender would not return to commit a repeat offense. Interestingly, victims frequently report that while restitution was the primary motivator for them to participate in VOM what they appreciated most about the program was the opportunity to talk with the offender (Coates and Gehm, 1985; Umbreit and Coates, 1992).

Offenders choosing to participate often wanted to pay back the victim, to get the whole experience behind them, to impress the court, or to apologize to the victim (Coates and Gehm, 1985; Perry, Lajeunesse, and Woods, 1987; Umbreit, 1989; Roberts, 1995; Umbreit, 1995; Niemeyer and Shichor, 1996; Strode, 1997; Umbreit, Coates and Vos, 2001; Abrams and Umbreit, 2002).

Among victims who elected not to participate in VOM, reasons included feeling the crime was too trivial to be worth the time, feeling fearful of meeting the offender, and wanting the offender to have a harsher punishment (Coates and Gehm, 1985; Umbreit, 1995; Niemeyer & Shichor, 1996). The rank order found by Coates, Burns and Umbreit (2004) was as follows: not worth the time and trouble involved, the matter had already been resolved, too much time had passed since the crime, just wanted the money, and complaint that the system just wanted "to slap the wrist of the offenders."

Gehm (1990) studied 555 eligible VOM cases and found 47% of the victims willing to participate. Victims were more likely to participate if the offender was white (as were the victims), if the offense was a misdemeanor, and if the victim was representing an institution. Wyrick and Costanzo (1999) similarly found that property case were more likely to reach mediation than personal offense. They further noted an interaction between type of crime and the passage of time: the longer the time lapse between the offense and the mediation opportunity, the less likely property crimes were to come to mediation, but the more likely personal crimes were to meet.

Offender reasons for not participating are less frequently explored. Some offenders have reported being advised by lawyers not to participate (Schneider, 1986), and some simply didn't want to be bothered (Coates and Gehm, 1985).

As regards mediated dialogue in severely violent crimes, victim reasons for wishing to meet are chiefly to seek information (58%), to show offender the impact of their actions (43%), and to have some form of human contact with the person responsible for the crime (40%). Offenders who agreed to meet offered the following victim-related reasons: to apologize (38%), to help victims heal (38%), and to do whatever would benefit victims (26%). Offenders also hoped the experience would benefit themselves (74%), including that it would contribute to their own rehabilitation (33%), that it could change how their victims viewed them (21%), and that they had spiritual reasons for wanting to meet with their victim (18%). (Umbreit, Vos, Coates and Brown, 2003).

Participant Satisfaction

Victim Offender Mediation. The vast majority of studies reviewed reported in some way on satisfaction of victims and offenders with victim offender mediation and its outcomes. Expression of satisfaction with VOM is consistently high for both victims and offenders across sites, cultures, and seriousness of offenses. Typically, eight or nine out of ten participants report being satisfied with the process and with the resulting agreement (Davis, 1980; Coates and Gehm, 1985; Perry, Lajeunesse, and Woods, 1987; Marshall, 1990; Umbreit, 1991; Umbreit and Coates, 1992; Warner, 1992; Roberts, 1995; Carr, 1998; Roberts, 1998; Evje and Cushman, 2000; Umbreit, Coates and Vos, 2001). Two studies that utilized shuttle mediation yielded slightly lower satisfaction rates for those participants than for participants who met face to face (Dignan, 1990; Umbreit and Roberts, 1996).

Secondary analysis of satisfaction data from a US study and a Canadian study yielded similar high rates of satisfaction (Bradshaw and Umbreit, 1998; Umbreit and Bradshaw, 1999). Using step-wise multiple regression procedures to determine those variables most associated with victim satisfaction, the authors discovered that three variables emerged to explaining over 40% of the variance. The key variables associated with victim satisfaction were 1) the victim felt good about the mediator, 2) the victim perceived the resulting restitution agreement as fair, and 3) the victim, for whatever reason, had a strong initial desire to meet the offender.

When asked, typically nine out of ten participants would recommend a VOM program to others (Coates and Gehm, 1985; Umbreit, 1991; Evje and Cushman, 2000; Umbreit, Coates, and Vos, 2001).

These high levels of satisfaction with Victim Offender Mediation also translated into relatively high levels of satisfaction with the criminal justice system. Where comparison groups were studied, those victims and offenders going through mediation indicated being more satisfied with the criminal justice system than those going through traditional court prosecution (Davis, 1980; Umbreit and Coates, 1992; Umbreit, 1995).

In a meta-analysis covering both VOM and group conferencing programs, Latimer, Dowden and Muise (2001) found that in twelve of the thirteen VOM and group conferencing programs that reported satisfaction rates, victims were more satisfied than those in traditional approaches. Satisfaction rates were somewhat higher in VOM than in group conferencing; the authors felt one reason might be that conferences typically have more participants, making it more difficult to find as much satisfaction with an agreement. The meta-analysis found a “moderate to weak positive impact” on offender satisfaction as compared to offenders in non-restorative programs.

Group Conferencing. Group conferencing also yields fairly high satisfaction responses from participants. Apart from an early New Zealand study, in which only 53% of victims reported being satisfied (Maxwell and Morris, 1993), more recent group conferencing studies have yielded satisfaction rates ranging from 73% into the high 90% range (Daly, 2001; McGarrel et al., 2000; McCold and Wachtel, 1998; Fercello and Umbreit, 1998). Two recent studies reported participant agreement rates from 90% to 100% across a range of items tapping dimensions of satisfaction (Ierley and Ivkor, 2003; Hayes and Daly, 2004).

Victims in a Minnesota group conferencing study of listed the most helpful component of their experience as the opportunity to "talk to the offender and explain effect of crime on them and to hear the offender's explanation." The least helpful aspect of group conferencing was the "negative attitude of some parents." (Fercello and Umbreit, 1998).

Three studies found that over 90% of victims and offenders would recommend the group conferencing program to others (McCold and Wachtel, 1998; Fercello and Umbreit, 1998; McGarrel, et al, 2001). One of these further compared recommendation rates to the control sample, in which only 25% of the victims would so recommend (McGarrel, et al, 2001). For the juvenile offenders in this study, 85% would recommend the program compared with 38% of the control group.

Circles. Fewer studies regarding participant response to restorative justice or peacemaking circles are available to us. Circles are most often imbedded in a broader community response to conflict.

Preliminary research efforts suggest that talking circles, healing circles, and sentencing circles have positively impacted the lives of those have participated in them. In an early evaluation of the Hollow Water First Nation Community Holistic Circle Healing approach to sex victimizers, their victims, families and the community pointed to positive outcomes as well as lingering concerns (Lajenunesse, T. and Associates Ltd. 1996). Having a voice and a stake in justice outcomes, mutual respect, and renewed community/cultural pride were cited as benefits of participation. On the other hand, lack of privacy, difficulty of working with family and close friends, embarrassment, unprofessionalism and religious conflict were cited by others as negative aspects of the circle process.

Victim satisfaction is cited as "very high" in the Healing/Sentencing Circles Program in Whitehorse, Yukon Territory (Matthews and Larkin, 1999). Participant satisfaction with restorative justice circles for misdemeanors and low level assaults in South St. Paul, Minnesota was also high (Coates, Umbreit, and Vos, 2000b). Each of the thirty victim and offender participants who were interviewed indicated that they would recommend the circle process to others who were in similar circumstances. Offenders indicated that what they liked most about circles was "connecting with people in the circle," "changed attitude/behavior; "opportunity to payback victim and community," and "avoid court." Victims liked "being able to tell their story," "listening to others," and "connecting with people in the circle." Community representatives liked feeling that "they were giving something back to the community" and that "they were helping people."

Three Minnesota school districts used a three-year prevention grant to train staff in the circle process and implement the use of circles in the schools as an alternative response to discipline problems. Satisfaction was mixed and was related to levels of success in implementing the program. South St. Paul had the highest satisfaction. In surveys collected at the conclusion of "circles to repair harm," a majority of participants (students, staff, parents, applicants and victims) indicated satisfaction with the process, with higher reports of feeling hopeful, grateful, confident and supported after the process" (Riestenberg, 2001, p. 11). School staff felt circles

had a positive impact and felt the process was fair to teachers and students.

Satisfaction data was less complete for the other two districts. In one, the training received a positive evaluation, and by the end of the third year, 70% of teachers were using the circle process in community-building activities in the classroom. Return rate on staff surveys in the other district was only 27%; of these, 70% were positive, 19% neutral and 11% negative (Riestenberg, 2001).

Other Programs Karp et al. (2002) evaluated the Vermont Reparative Probation program and found that although victim participation rates were low, of those victims who did participate, 82% were satisfied.

Fairness

Victim Offender Mediation. Many studies of victim offender mediation asked participants about the fairness of the mediation process and of the resulting agreement (Davis, 1980; Collins, 1984; Coates and Gehm, 1985; Strode, 1997 Umbreit, 1988, 1989, 1991, 1995; Coates and Umbreit, 1992; Umbreit and Roberts, 1996; Evje and Cushman, 2000; Umbreit, Coates, and Vos 2001).

Not surprisingly, given the high levels of satisfaction, the vast majority of VOM participants (typically over 80%) across setting, cultures, and types of offenses reported believing that the process was fair to both sides and that the resulting agreement was fair. Again, these experiences led to feelings that the overall criminal justice system was fair. Where comparison groups were employed, those individuals exposed to mediation came away more likely feeling that they had been treated fairly than those going through the traditional court proceedings. In a study of burglary victims in Minneapolis, Umbreit found that eighty percent who went through VOM indicated that they experienced the criminal justice system as fair compared with only thirty-seven percent of burglary victims who did not participate in VOM (Umbreit, 1989).

Group Conferencing. Fairness is also an issue of concern for participants in group conferencing and is often a focus of research. In an Australian study (Daly, 2001), eighty to ninety-five percent of victims and offenders reported that they were treated fairly and had a say in the agreement. Similarly, preliminary data from the Australian Reintegrative Shaming Experiments (RISE) found that 72% of the offenders felt the outcome of group conferencing to be fair, compared with 54% of comparison offenders prosecuted in the traditional courts (Sherman and Strang, 1997). Interestingly, the conference offenders were also more likely to feel that they would be caught if they reoffended.

In three US studies (Fercello and Umbreit, 1998; McCold and Wachtel, 1998; and McGarrel et. al. 2001), about 95% of victims indicated the process/outcome was fair. Regarding offenders, 89% of the juvenile offenders in a Minnesota based study also indicated that the resulting conference agreement was fair (Fercello and Umbreit, 1998). All seven offenders in a small survey of another Minnesota group conferencing program felt the process was fair (Abrams and Umbreit, 2002). Hayes (2004) reanalyzed the data from McCold and Wachtel (1998) and found that conferenced youth were more likely to experience fairness in the justice system than court-referred youth (97% vs. 87%).

Restitution And Repayment Of Harm

The form of restitution or what is called reparation in some jurisdictions is quite varied and can include direct compensation to the victim, community service, work for the victim, and sometimes unusual paybacks devised between victim and offender. Apologies are also often included in program reports as a component of repairing the harm. In some settings, restitution amounts are established before cases are referred for mediation; in others, deciding whether the victim should receive restitution and how much is seen as an important domain for the mediation session.

Victim Offender Mediation About half the studies under review addressed the issue of restitution or repair of harm. Of those cases that reached a meeting, typically 90% or more generated agreements. Restitution of some sort was part of the vast majority of these agreements. Looking across the studies reviewed here, it appears that approximately 80-90% of the contracts are reported as completed. (Collins, 1984; Coates and Gehm, 1985; Perry, Lajeunesse and Woods, 1987; Umbreit, 1988; Galaway 1989; Umbreit, 1991; Umbreit and Coates, 1992; Warner, 1992; Roy, 1993; Evje and Cushman, 2000; Dissel, 2000; Katz, 2000; Umbreit, Coates and Vos, 2001).

Results from comparative studies have been somewhat mixed, with some studies reporting higher amounts of restitution and/or greater completion rates for VOM participants than comparison groups (Umbreit and Coates, 1992; Evje and Cushman, 2000) while another reported no difference (Roy, 1993). The meta-analysis covering both mediation and group conferencing found that offenders participating in these programs had substantially higher completion rates than offenders processed in other ways (Latimer, Dowden and Muise, 2001).

Group Conferencing Restitution or reparation is often a major focus of conferences and high agreement rates are reported, usually reaching the high 90% range (Maxwell and Morris 1993; Moore and Forsythe, 1995; Strang et al., 1997; Fercello and Umbreit, 1998) and in one instance achieving 100% (Walker, 2002). Apologies play a central role in group conferencing outcomes with well over half of the victims receiving apologies across studies that report this distinction (McGarrel et al., 2000; Maxwell and Morris, 1993). Other frequently reported agreement components included monetary restitution and work for the victim and/or the community.

When victims were present for the conference, any work performed by offenders was more likely to be done for the victim than when they were not present, although this still happened in only two fifths of the cases. In addition, reparation occurred 42% of the time when victims were present compared to 29% across all cases that harmed victims (Maxwell and Morris, 1993).

Group conferencing studies using comparison groups have found much higher rates of receiving repair for victims who participated in group conferencing than victims whose cases were processed through other channels (Strang and Sherman, 1997; Mcgarrell et al., 2000). In one instance the overall rate of receiving repair (including apology) was ten times that of traditionally processed cases (Strang and Sherman, 1997).

Completion rates for agreements developed during conferences are quite high, ranging from the

middle 80% range to the middle 90% range (Moore and Forsythe, 1995; Wundersitz and Hetzel, 1996; Walker, 2002; Ierley and Ivkor, 2003).

Other Programs. The Vermont Reparative Board program reported that restitution was ordered in 69% of those cases where material harm was identified. Of the victims surveyed who had sustained such losses, 66% indicated that their losses were addressed. Overall, 18% of cases resulted in apologies to victims; in cases where victims attended, that percentage rose to 67% (Karp, Sprayregen and Drakulich, 2002).

Diversions

Among other reasons, many restorative programs are nominally established to divert offenders from the traditional justice system processes. While such diversion was a goal lauded by many, others expressed concern about the unintended consequence of widening the net – that is, sanctioning offenders who otherwise would not have received sanctions through traditional procedures. Only a handful of the studies reviewed here address this question.

Victim Offender Mediation. Two mediation studies, both in the UK, have reported a net-widening impact for the intervention. One concluded that at least 60% of the offenders participating in mediation were true diversion from court prosecution, and that overall there was a 13% net-widening effect, much less than expected (Dignan, 1990). In the other, fully 43% of the comparison group cases were not prosecuted and received no sanction, a fairly broad net-widening result (Warner, 1992).

In contrast, two US-based studies found that the mediation programs successfully diverted offenders from court. One North Carolina program apparently reduced court trials by as much as two-thirds (Clark, Valente and Mace, 1992). An Indiana-Ohio study compared consequences for seventy-three youth and adults going through VOM programs with those for a matched sample of individuals who were processed in the traditional manner (Coates and Gehm, 1985). VOM offenders spent less time incarcerated than did their counterparts, and when incarcerated, they did county jail time rather than state time.

Group Conferencing. Results for group conferencing are likewise mixed across the few studies addressing the issue. The Bethlehem, PA group conferencing program left police and courts largely unaffected (McCold and Wachtel, 1998). On the other hand an Australian program greatly reduced the total number of police interventions involving young people, as well as increasing the proportion of cases handled through cautioning rather than in court (Moore and Forsythe, 1995). A school-based group conferencing program reported that all of its conferenced cases were diversion; 70% were in place of suspension, and 35% (with some overlap) were in place of criminal charges (Ierley and Ivkor, 2003).

The New Zealand experience offers a perspective on system-wide change. New Zealand's Children, Young Persons and Families Act of 1989 established new procedures for state intervention into families and the lives of children and young people, replacing many court processes with family group conferencing. Similar results were found; that is, the changes dramatically reduced the court load from up to 13,000 cases per year to as little as 2,587 in 1990

(Maxwell and Morris, 1993). On the other hand, the authors point out that only three out of five youth who appeared in court previously received any formal penalty, while fully 95% of conferenced youths either receive a penalty or make an apology. Again, this demonstrates a net-widening impact.

Circles. The Hollow Water First Nation Community Holistic Circle Healing Process was designed, in part, as a way of keeping victimizers in the community (Native Counseling Services of Alberta, 2001). Over a ten year period, ninety-four individuals were diverted within the four communities making up Hollow Water. Forty-one of these persons had assault charges and thirty-seven had sexual assault charges. An additional seven adult males came to the program from other reserves, resulting in a total of one hundred and one individuals who were diverted from the provincial or federal justice system.

A school-based circle project in Minnesota succeeded in reducing behavioral referrals by 75% over the three years of its implementation (Riestenberg, 2001). Whether this qualifies as diversion (reduction of referrals) or recidivism (prevention of further infractions) may be subject to debate, but the result is none the less impressive.

Recidivism

Restorative processes have as their goal attempting to meet the needs of all parties affected by crime – victims, offenders and communities. Preventing recidivism is often used as a long-term measure of the “effectiveness” of such programs; clearly, such prevention benefits offenders directly, and more broadly, benefits communities. There has been some concern that the demonstrable outcome of reduction in recidivism should not be the only measure of effectiveness, but rather that it should be placed in a broader context that includes the range of restorative goals.

A large number of the studies reviewed here have addressed recidivism; we will confine our discussion to those studies that provide some type of comparison group. Studies simply reporting overall re-offending rates with no comparison will not be addressed.

Victim Offender Mediation Results from studies examining the impact of mediation on recidivism have been mixed overall. Several studies found lower rates for mediation participants than for offenders processed through traditional means (Schneider, 1986; Umbreit and Coates, 1992; Nugent and Paddock, 1995; Stone, 2000; Katz, 2000). In addition, five of the six programs examined by Evje and Cushman (2000) also found reduced recidivism. Two studies also found that youths who did reoffend tended to incur less serious charges than their counterparts (Umbreit and Coates, 1992; Nugent and Paddock, 1995). Others reported little or no difference (Roy, 1993; Stone, Helms and Edgeworth, 1998), as did one of the six programs studied by Evje and Cushman (2000). A study of a county-wide restorative program that included VOM as one component found virtually equal recidivism rates between the sample and the control group (Bradbury, 2002).

One UK study compared recidivism data on the VOM offenders who went through face-to-face mediation with those who were exposed only to "shuttle mediation." The former group did

somewhat better than the latter: 15.4% and 21.6% (Dignan, 1990). As with satisfaction measures reported earlier, face-to-face mediation seems to generate better results both in the short run and in the longer run than the less personal indirect mediation. Another UK study examining seven varying restorative justice schemes found that "the only scheme that routinely involved victims was for the most part both lower cost and more effective than the other schemes" (Miers et al., 2001). The program reduced both the frequency and the seriousness of subsequent offenses.

A few studies have examined participants' offense rates before and after mediation. All of these studies found an overall reduction in offense rates for participating offenders (Wynne and Brown, 1998; Nelson, 2000; Umbreit, Coates and Vos, 2001).

Three meta-analyses have addressed recidivism issues. Nugent, Umbreit, Wiinamaki and Paddock (2001) Williams conducted a rigorous reanalysis of recidivism data reported in four previous studies involving a total sample of 1,298 juvenile offenders, 619 who participated in VOM and 679 who did not. Using ordinal logistical regression procedures the authors determined that VOM youth recidivated at a statistically significant 32% lower rate than non-VOM youth and when they did reoffend, they committed less serious offenses than the non-VOM youth.

In a subsequent report, Nugent, Williams and Umbreit (2003) expanded their data base to include fourteen studies. This analysis relied on a combined sample of 9,037 juveniles and similarly found VOM youth recidivated at a statistically significant 26% lower rate than non-VOM youth and when they did reoffend, they committed less serious offenses than their counterparts.

The third meta-analysis was conducted by the Canadian government and included both mediation and group conferencing, and found that the two types of programs together yielded reductions in recidivism compared to other, non-restorative approaches, and that offenders in the two program types were significantly more successful during the follow-up periods (Latimer, Dowden and Muike, 2001).

Group Conferencing. As with mediation, results have been somewhat mixed. Several studies have reported a positive difference between conferenced offenders and those who were traditionally processed (Moore and Forsythe, 1995; Griffiths, 1999; Hines, 2000; McGarrell et al., 2000; Luke and Lind, 2002; Hoyle, Young and Hill, 2002).

Other studies have found different effects for different groups of participants. A series of reports on the RISE experiments showed a reduction in re-offending for the violent crimes but not for the other three categories of offense (Sherman, Strang and Woods, 2000). McCold and Wachtel (1998) similarly found that group conferencing had a more positive impact on recidivism rates for participants whose offenses were relatively more violent. Walker (2002) found no overall difference in re-offense rates, between conferenced youths and all youths in Honolulu, but noted that non-violent conferenced youths did not tend to escalate to violence in subsequent offenses, while similar youths who did not participate in group conferencing had significantly higher arrest rates for subsequent violent crimes.

A number of recent studies have begun to attempt to sort out factors that make a difference in the

rate of reoffending among conferenced offenders. Maxwell and Morris (2001) in 1996 were able to contact 108 young people (67% of their original sample) and 98 parents who had participated in family group conferencing in 1990-91. Several multivariate analyses were conducted to sort out predictors of reconviction and pathways to reoffending. Critical factors that were correlated with lessened reoffending included the following; having a conference that was memorable, not being made to feel a bad person, feeling involved in the conference decision-making, agreeing with the outcome, completing the tasks agreed to, feeling sorry for what they had done, meeting the victim and apologizing to him/her, and feeling that they had repaired the damage. As the authors point out, "these factors reflect key restorative values, processes and outcomes."

Hayes and Daly (2004) examined factors associated with reoffending in a juvenile group conferencing program and found that there was an interaction effect between age at first offending and whether or not the first offense was conferenced. They concluded that young first-time offenders are less likely to re-offend if the response to that first offense is group conferencing than if it is court referral or cautioning. This finding has relevance for the net-widening concerns, in that early intervention has some potential to be more effective even if it temporarily widens the net.

In a related study, Hayes and Daly (2003) found that youths who expressed remorse at conferences had one-third fewer reoffenses than youths who did not, and youths who felt their conference outcome was arrived at by a genuine consensus had one fourth fewer than youths who did not. Both these variables are recognizable restorative concepts. However, as the authors point out, the study could not rule out that these differences may have been pre-existing characteristics of the involved youths, rather than something "caused or encouraged" by the conference process.

Circles. While recidivism is not a primary focus of any the circle studies surveyed here, it was mentioned in two of the reports. Matthews and Larkin (1999) note that an internal self-study was completed for the Healing/Sentencing Circles Program at Whitehorse, Yukon Territory by an outside consultant. Over a two year period the program served sixty-five clients. Follow-up tracking showed that there was an 80% decrease in recidivism.

Also, the Hollow Water study conducted by the Native Counseling Service of Alberta reported that only two clients (approximately 2%) over the ten years had re-offended. They suggest that typical "recidivism rates for sex offenses is approximately 13% and for any form of recidivism the figure rises to approximately 36%." It remains unclear if these latter comparative figures refer to provincial data, federal data or both.

Other Programs. Bonta, Wallace-Capretta and Rooney (1998) evaluated a restorative program designed to divert offenders from incarceration. The reparative board-type program attempted to involve victims and the community in developing a plan for the offender. One-year post program recidivism rates were significantly lower for program participants than for either of two comparison groups.

Costs

Victim Offender Mediation. The relative costs of correctional programs is difficult to assess. Several studies reviewed here addressed the issue of costs.

Cost per unit case is obviously influenced by the number of cases handled and the amount of time devoted to each case. The results of a detailed cost analysis in a Scottish study were mixed (Warner, 1992). In some instances, mediation was less costly than other options and in others more. The author notes that given the "marginal scope" of these programs it remains difficult to evaluate their cost if implemented on a scale large enough to impact overall program administration.

Evaluation of a large scale VOM program in California led the authors to conclude that the cost per case was reduced dramatically as the program went from being a fledgling to being a viable option (Niemeyer and Schichor, 1996). Cost per case was \$250. A Missouri program reported total cost per case that ranged from \$232 to \$338, but did not provide comparison data (Katz, 2000).

As noted earlier, some programs have impacted either total incarceration time (Coates and Gehm, 1985), place/cost of incarceration (Coates and Gehm, 1985) or reduction of trials (Clarke, Valente and Mace, 1992). Additionally, time spent to process a case has implications for overall cost. Stone, Helms, and Edgeworth, (1998) found that the total time required to process mediated cases was only a third of that needed for non-mediated cases.

In an evaluation of a large scale restorative program (of which VOM was one component) for youths who would have been referred to state custody, Bradbury found that the yearly cost per case was less than for the state custody program (\$48,396 versus \$65,866. Since recidivism was virtually the same between the two groups, the restorative program was less costly on the surface. However the author concluded that because the restorative youths spent more days in the community, they posed more risk to community residents, so neither program could be designated as "clearly superior" (Bradbury, 2002).

Circles. A cost-benefit analysis was the cornerstone of the Native Counseling Services of Alberta study of the Hollow Water's Community Holistic Circle Healing Process. Efforts were made to track the cost that would have occurred if the ninety-four victimizers participating in the program had not been diverted but rather would have proceeded on to the provincial or federal justice systems. Estimates of pre-incarceration, incarceration, and parole costs were derived. These were compared to the costs of the CHCH. It is estimated that the total costs to provincial and federal governments without CHCH in place would have ranged from \$6,212,732 to \$15,902,885. The authors conclude that given the "very low recidivism rate...it is appropriate to state that the value of services to both the government and community has been significantly understated"(Native Counseling Services of Alberta, 2001).

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