

# VOMA Quarterly

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## FAMILY GROUP CONFERENCING

by Ruth Zimmerman

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Family group Conferencing (FGC) was first introduced in 1989 in New Zealand. Since then it has received considerable attention and has been implemented in parts of Australia, England, Canada and the United States. It is expected that FGCs will continue to grow rapidly because of the growing emphasis on the rights of children, families, and communities to participate in making decisions affecting them. This article follows the implementation and evaluation of the FGC effort in Wagga Wagga, Australia in 1992, under the auspices of the New South Wales Police Service.

The Australian FGC programs developed due to a concern and interest in the public and media over the escalation in offending behavior of young people. It was felt that the juvenile justice system was not providing adequate structures to deal effectively with the problems. There was a strong interest in the innovative New Zealand programs. Groups from various perspectives were able to support the idea of FGC.

***FAMILY GROUP CONFERENCING Internationally, the movement toward use of Family Group Conferencing (FGC) in juvenile justice has been a refreshing addition to the restorative justice movement. It's impact has been greatest in Australia***

***and New Zealand, but is growing in the U.S. and Canada as well.***

***The***

***Publications Committee has chosen to focus this issue on FGC by presenting articles that give both the benefits and concerns of several models of FGC.***

The FGC is a relatively informal, loosely-structured meeting in which the offender, her/his family, and a legal advocate, are brought together with the victim and the victim's supporters or family, and any other relevant party, in one setting. The key identifying feature is that it includes the victim and offender and their families.

A primary objective of FGCs, no matter where they have been instituted, is to keep offenders accountable for the offense by encouraging them to take responsibility for their actions (p.7, 1994, Alder & Wundersitz).

The victim's direct involvement in this process is part of the idea to encourage responsibility in the offender. The victim's voice is heard and he or she participates in the decision to require restitution. Extended families of both the offender and the victim are integral participants in the process. In addition the FGC keeps the offender's family involved and more accountable for actions of the offender.

FGCs are positioned in various bureaucratic settings in the dif-

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*The Victim-Offender Mediation Association is an association of individuals, organizations, governmental entities, educational institutions, and students with an interest in mediation, restorative justice, or the criminal justice system.*

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ferent areas in which they have been implemented. They are found in social welfare departments, youth courts, and in police departments. FGC in Wagga Wagga, Australia has received a lot of attention and scrutiny, primarily because of its placement in a police program.

Objectives developed for the pilot program in Wagga Wagga were as follows: 1. To ensure that the young offender understands the seriousness of his/her offending behavior. 2. To minimize the likelihood of the young person re-offending. 3. To provide the juvenile offender with an opportunity to accept responsibility for his/her offending behavior. 4. To address the issue of family and community accountability. 5. To provide the victim(s) with an opportunity to contribute to the cautioning process.

***“Extended families of both the offender and the victim are integral participants in the process.”***

6. To increase the likelihood of achieving reparation compensation for the victim. 7. To enable police to offer a more meaningful response to the harm caused by young offenders.

The process design was then developed to meet these seven objectives: 1. The sergeant calling for the conference contacts the victim of the offense and explains the process and invites him/her and the family to attend the conference (Non-police programs would not have the police mediator involvement). If they are willing then: 2. The offender is then contacted and his/her family is invited to be involved. It is important to have the family or supporters of both victim and offender present. Not only do they contribute to the process but they provide the subsequent guarantees of any agreement reached at the conference. 3. A meeting time and place is arranged and agreed upon. The convening sergeant/police officer is present to guide the process. 4. The offender gives his/her version of events. 5. The offender's family/supporters give their perceived version of events. 6. The victim/victims provide their version (usually startlingly different). 7. The victim's family/supporters then add their details. 8. From here the conference attempts to bring a resolution with restitution. (p.55-57, 1994, Alder & Wundersitz)

The inclusion of a broader scope of participants in FGC, compared to Victim Offender Reconciliation Programs (VORPs), makes the possibility of reintegration into society more likely for the offender. Therefore FGCs provide a better impetus for community reintegration for the offender than a traditional VORP model. Community reintegration may be provided for in the VORP plan but no family or community representatives are part of the process design. The difference for the victim would be less apparent but the inclusion of the family and supporters in the conference would provide more possibilities for understanding, social recognition and social reintegration.

The early reports coming from Wagga Wagga were very positive. It was declared that the experience was actually much better than anyone expected. Often a degree of respect was restored and full restitution to the victim was provided. Victims, for the most part, only wanted to have their say and were not interested in retributive punishment for the offenders. However, the concerns found in a literature review cover four broad arenas:

1. Concerns for due process for the offender. 2. The danger of greater police involvement in juvenile justice (for police run programs). 3. Are participants adequately prepared prior to the conference? 4. Is it offender driven?

These criticisms of the FGC pinpoint some of the most troublesome aspects. There seems to be a rapidly growing interest in many places and an acceptance of FGC methods without checking the transferability of the method chosen to be emulated in the new locale. The Wagga Wagga method and other more recent implementations of police run programs have received a more rigorous scrutiny than some other kinds of FGC programs.

The police component is often recognized as the problematic element of an otherwise well-regarded attempt at a more restorative justice application.

The most recently published book which analyzes research of these programs, Family Group Conferences: Perspectives on Policy and Practice, (1996) gives a favorable report on FGC as a whole. It was found to provide a more effective voice to those traditionally disadvantaged (the offender and the victim). It found family involvement remained high throughout the process and the reparations arrangements were rather consistently honored.

As more long-term research is completed, theories tested, and evaluations published, Family Group Conferencing programs should be strengthened and

**Thank you, Jeanne Safford for your great assistance by typing many of the articles**

## CONFERCING IN NEW ZEALAND AND AUSTRALIA

by Gerard Palk

**Gerard Palk is currently the State Project Coordinator, Community Conferencing, Department of Justice, Queensland. Queensland incorporated conferencing into juvenile justice legislation in 1996**

Family group conferencing originally developed in New Zealand. The process finds its roots in the traditional ways of the indigenous people, the Maoris. Family Group Conferencing was incorporated into the New Zealand juvenile justice and child protection legislation in 1989. Australian juvenile justice workers, police and policy-makers looked across the Tasman Sea and considered the application, in the Australian situation, of this new approach to dealing with offending behavior. Various conferencing programs were soon established in Australia; a number of states introduced legislation and in other states pilot programs were established.

Conferencing has also spread beyond Australia. The group Real Justice is promoting conferencing in the United States. There has also been interest shown in conferencing in Canada, the United Kingdom and South Africa. Programs have already started in some of those countries.

Like any new process ( especially in the area of juvenile justice) conferencing has not been without its share of passionate advocates, wary skeptics and strong critics. The introduction of conferencing schemes across Australia has met with a mixed response from youth advocacy groups, academics and bureaucrats (both welfare and justice). However, much of this comment has failed to distinguish between the different models of conferencing which exist in Australia. In the following article I will attempt to describe the different approaches to conferencing and something of the historical context from which they have emerged.

**The New Zealand Family Group Conference.**

According to many commentators, the 1989 New Zealand legislation "revolutionized" the way juvenile justice and child protection issues were handled. At the core of this legislation is a process known as the Family Group Conference. A stated principle of the New Zealand legislation is that: "Wherever possible, a child or young person's family and family group should participate in the making of decisions affecting that child or young person, and, accordingly that regard should be had to the views of that family or group."

The New Zealand legislation provides the

*"the question remains as to whether it is realistic to expect police, who are steeped in the adversarial and punitive system, to take a key role in what is supposed to be a restorative process."*

Family Group Conference as the primary mechanism for achieving this goal. In the case of criminal matters the young person, his or her family and sometimes extended family, will meet in a conference convened by a Youth Justice Coordinator. The Youth Justice Coordinator is usually a social worker employed by the New Zealand family welfare department. The victim and victim supporters may also participate. A police officer and sometimes a legal advocate for the young person attend. The meeting discusses the offending behavior and seeks a response from the family of the young person as to how that behavior should be dealt with. This response might include components of restitution, apology and appropriate punishment. When a victim attends, he/she has the right to veto the proposals put forward by the family.

**Australian Developments.** A number of

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jurisdictions in Australia recognized the potential value of the New Zealand developments. Both South Australia and Western Australia incorporated Family Conferencing into revisions of their juvenile justice legislation. Following the New Zealand model the legislation in each jurisdiction recognized the principle of family involvement in decision-making, encouraging families to develop their own means of dealing with offending by their young persons. Western Australia recognized the value of victim participation and South Australia recognized the right of victims to receive compensation and restitution. In a significant departure from the New Zealand approach, these states chose to locate responsibility for conferencing within their justice departments. In New Zealand there were some criticisms that the welfare system tended to take over the process. Despite the principles of family empowerment and victim involvement, the decisions were often still being made by welfare professionals and many conferences proceeded without victim participation. Locating responsibility for the process within the justice system identified conferencing as primarily a justice response to the crime (involving both victim and offender), rather than a welfare response to the young person (with the potential of neglecting the victim).

The police in Wagga Wagga, a rural town in New South Wales, also took the New Zealand process of Family Group Conferencing and adopted it as a tool for administering formal cautions to young people. The number of conferences completed at Wagga was relatively small (compared to South Australia and Western Australia where well over 1000 conferences are held each year). However, a number of factors make the "Wagga model" unique in the evolution of conferencing in this country.

One significant development in the Wagga trial was the explicit application of John Braithwaite's theory of "reintegrative shaming" and the psychological theory developed by Silvan Tomkins and Donald Nathanson known as "affect theory". The Wagga team related these theories to the identifiable cycle of emotions the observed in early conferences. Using insights from these theories they subsequently refined the conference process to enhance the "reintegrative shaming" dynamic. The Wagga program was also unique in that police administered the program. Police selected cases for conferencing and police convened conferences. Conferencing was seen not only as a juvenile justice response but also a mechanism for police reform and a shift of police culture to that of "community peacekeeping". Through their role in organizing and convening conferences, police became agents of restoring communities which had been disrupted by criminal acts. In view of the frustration police experienced as agents of a criminal justice system which seemed to punish offenders lightly and provide little justice for victims, they now had the satisfaction of a mechanism which seemed to satisfy both the needs of victims and the need for justice.

The Wagga program's twin foci on shaming (albeit reintegrative) and the role of police in running conferences attracted significant protest from community advocacy and legal organizations: young people were already marginalized and shamed; this was yet another opportunity for police to further stigmatize and shame them; police became "judge, jury and executioner"; there were no safeguards to ensure due process and fair penalties; police did not understand the needs of young people; police did not have the training or skills to facilitate conferences and manage the power imbalance between a young disadvantaged person and a group of adults; police were not neutral; and finally, the program would contribute to net-widening. For those who accept the theoretical framework, many of these criticisms are without foundation. (The theory, for example, makes a very clear distinction between stigmatizing and reintegrating shame.) However, the question remains as to whether it is realistic to expect police, who are steeped in the adversarial and punitive system, to take a key role in what is supposed to be a restorative process.

Conferencing and Restorative Justice Conferencing has all the hallmarks of the more traditional restorative justice programs, in terms of bringing victims and offenders together to negotiate reparation

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## CRIMINAL JUSTICE CONFERCING CALLS FOR CAUTION

by Tony F. Marshall

Tony F. Marshall is a Principal Research Officer with the Home Office[central government] and has been active in Victim Offender Mediation and Restorative Justice for over a decade as both a practitioner and a researcher. Currently he represents the UK on the Council of Europe's Committee of Experts on Mediation. He has written extensively in the field including "Crime and Accountability" (1990).

Victim-offender mediation in Britain and America combines two perspectives - a way of making an impact on offenders and a service to victims, which can help heal their emotional wounds and provide material preparation.

Many victims, while free to follow their own bent in the meeting with the offender, nevertheless choose to involve themselves in "offense resolution," exploring the causes of the offender's misbehavior and how it might be prevented, even on occasion offering personal help (Marshall & Merry, 1990). This natural tendency to regard offending as a problem to be solved with the help of community support goes beyond what can be offered through the court, for which offending is merely a trigger for blame and punishment. It re-introduces the concept of community-based justice that initially inspired the development of the North American VORPs, the British victim-offender mediation programs, and the New Zealand Family Group Conferencings (which relate to traditional Maori justice).

The experience of victim-offender mediation has led naturally to the idea of "a more integrated, active" process "that tries to involve both

the offender and his/her community" (Marshall & Merry, 1990, p. 209), including family members and other trusted contacts. Thus the FGC can be a natural development from the victim-offender mediation experience. A proposal for such a program was developed several years ago by MEDIATION UK in association with two leading victim-offender mediation services, but did not succeed in being funded.

Conferencing is an exciting idea which could become a central practice in a system of "restorative justice" complementary to the courts system. As defined in Marshall (1996) "Restorative justice is a process whereby all the parties with a stake in a particular offense come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future." It teaches beyond what traditional criminal justice can attempt, both tackling the roots of offending in the community, with the help of that community, and providing a meaningful personal context for reparation and atonement. Conferencing therefore has a huge potential, and experimentation should be encouraged, but caution is needed to safeguard those involved and even justice itself. There are dangers as well as benefits in FGCs, and we must take care not to lose the latter by ignoring the former.

What are the pitfalls that lie in wait for those developing FGCs?

First, facilitation of meetings is a highly skilled task that requires specific training. A balance has to be struck between the needs and agendas of different, sometimes opposed, parties. It is a sensitive mediation process requiring impartiality and the ability to handle multiple overlapping perspectives. This is a job for the

"professional" mediator (i.e. a person trained and empowered to act in a neutral and non-directive capacity).

In New Zealand, FGC's were imposed by the legislation on youth justice workers unprepared for the new practice. With little professional mediation experience in the country to fill the gap, practice often failed to match expectations, particularly with regard to victims' needs (see below). The New Zealand program is not necessarily to be regarded as a perfect model, even with the improvements made in response to the research by Maxwell and Morris (1993).

Second, the representative of any criminal justice agency at the meeting is better suited to participation as one of the parties than as the facilitator (who has a full-time job managing the process without also contributing to the content). The current assumption that the facilitator should be a social worker or police officer is therefore one that needs to be re-examined. The problem of a police officer being the selector of cases, the planner of meetings, and their leader, led to criticisms of the Wagga Wagga project and its eventual demise. This project is now continued under the auspices of a well-established independent community-based mediation facility (Community Justice Centers) with trained lay mediators as facilitators.

Third, complex mediations such as FGCs require careful preparation (just as has been found for victim-offender

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mediation). Parties need clear explanation of the nature and aims of the process, so that they enter in the right state of mind and with awareness of what they might gain from it. But careful consideration must also be given to who should be invited to participate in the first place. Who are the significant figures in an offender's life in addition to family members? Who within the family, apart from the parents, should be there? In cases of a relationship breakdown between the offender and his or her parents, another relative may be much more influential. Who has not only the motivation but also the resources to help the offender?

Fourth, the participation of victims must be a major aim of the Family Group Conference. In the original legislation in New Zealand the victim's participation was mentioned but not elaborated (the word "victim" not appearing in the title of the Act). Because youth justice workers were charged with implementing the program, having no experience of working with victims and primarily oriented towards offenders and their families, it was not surprising that early evaluations (Maxwell & Morris, 1993) found that FGCs often went ahead without victims' involvement, and even without offering them a chance to participate. When victims were present, they were often critical of the fact that their participation seemed to be peripheral and their voices failed to be heard. The program was seen by the majority of its operators, in other words, as a means of working with offenders and not as a means of serving victims' needs. Practice has since been amended in response to the criticisms. Similar problems were presented by some of the early victim-offender mediation projects in Britain (Marshall & Merry, 1990). If FGCs are to contribute to restorative justice, then reparation to the victim and consideration of the victim's needs have to play a full part in them, which can only be achieved completely if the victim is present and playing a full and equal part in the proceedings. Indeed, victims' involvement will only be obtained if the meetings are clearly seen to be dedicated as much to their interests as to any other party's. Therefore: the aims of the family Group Conference must give as much weight to settling reparation as to the resolution of the offender's problems; victims must be happy with what is proposed for it to be regarded as an acceptable plan; victims should be allowed, or indeed encouraged, to be accompanied by family, friends or other supporters (e.g., a Victim Support volunteer), in order to correct the daunting imbalance which occurs if a single victim is faced with the whole of the offender's extended family; the role of the "private meeting" in the New Zealand FGCs needs to be re-examined. In that country the family and the offender withdraw in their own at a certain stage in order to come up with suggestions for a plan of action to take back to the full conference. This has been interpreted as disempowering the victim and against the spirit of open collaboration. The Australian FGCs do not use such a private session, but involve all parties in the planning. I think that a private meeting could serve a valuable function, although it might be better to see it as a possible option, (such as the similar "caucus" in mediation practice) rather than as a necessary step in the process, and the role of the facilitator in relation to such meetings needs to be explored.

Fifth, it is equally important to consider the offenders' rights and safeguard against them being abused by the process. This particularly applies to juvenile offenders. While the victim may fear that they will be relatively powerless with the whole family ranged against them, just as likely is the possibility that the family will deal with the implied shame of a delinquent member by taking the victim's side and scape-goating the offender, coming down harder than any criminal justice agency, or even victim, might do, and using shaming processes that have little that is "reintegrative" about them. This is another reason why the skill of facilitation and the impartiality of the facilitator are so very important.

Lastly, one of the greatest innovations of the FGC is its involvement of the family in sharing the offender's predicament and supporting an individual who alone is powerless to resist those social pressures that lead to misbehavior. But not all families are able to be such a reliable resource. Many are burdened by their own problems, material and relational. Families may sign up to more than they can deliver. The FGC needs to have regard for this fact, which is why it is important to look for resources outside the family as well. Support for the family may be even more important than support for the offender. It is likely, as a result, that FGCs will bring more clients to, and therefore put more pressure on, community agencies and facilities. One must consider whether the community infrastructure can bear the responsibility being put upon it. If communities are to be involved in the resolution of crime, they will need the necessary resources, or the FGC experiment will collapse in a mess of unmet expectations.

The Family Group Conference (or Community Group Conference as some prefer to call it, to signify the presence of the victim and other community members) is a big idea. It is full of practical potential and also at the leading edge of a new conception of justice. But like all big ideas, it will take sensitive handling if it is not to become a Frankenstein monster. With new plans being mooted for FGCs every day, it is time that thought was given nationally to the

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## SMALL GROUP CONFERENCING IN MINNESOTA - A VOMA Interview with Carolyn McLeod by Beverly Moore

Carolyn McLeod is Coordinator of the Washington County, Minnesota Community Justice Program. She is also a Board member of VOMA.

### ***What types of justice programs does your county offer?***

The Community Justice Project of Washington County Court Services is based on restorative justice philosophy. The project includes four distinct conferencing options: a Victim Offender Conferencing Program for both adult and juvenile offenders, Small Group Conferencing attending to criminal matters as well as status offenses and Large Group Conferencing designed to respond to the aftermath of criminal activity or to offer intervention early in a situation so it does not become a criminal matter. The fourth component of this project is Community Forums a process to help build - or rebuild - community and to identify and target actions that will ease problems in the community.

### ***What is Small Group Conferencing (SGC)?***

Small Group Conferencing requires several mediators. Parents, partners, or other support people such as teachers, clergy, coaches, neighbors and others who the victim, offender or their support people identify as important to include do participate. Their participation is less than those directly involved (the offender and victim), but it is important in the process. Having these support people share with the offender how the behavior affected them helps everyone understand that we are all connected and that others care. Participation of support people in the Conference is limited to ensure that the offender and victim have enough time and opportunity to work through their stories and feelings, and to ask questions and get answers.

### ***Are there similarities between Small Group Conferencing (SGC) and the Australian and New Zealand models of Family Group Conferencing (FGC)?***

The Small Group Conferencing model used in Washington County is similar to other FGC models in several ways. They all require the mediator/facilitator/coordinator to be specially trained to conduct the conference. All three models invite victims, offenders, and offender's parents/support people/siblings and any others who have interest and reason to be included as participants to attend the conference. Conference attendance usually ranges from six to thirty participants. Tables are not used in any of the models. Instead participants sit in a circle (or a horseshoe shape with the facilitator at the open end). All three models seek to focus on the event that precipitated the conference and all three attempt to arrange a restitution agreement that covers the victim's losses and is realistic for the offender to complete. In all three models, participants are asked to tell what happened, how they

were affected, what they felt and what they need or want or are willing to do to repair the harm done. Finally, all three models seek to work from restorative justice principals.

### ***What are the differences between SGC and FGC?***

There are quite a few important differences between the SGC and FGC models. In SGC, trained volunteer mediators facilitate the conference. In FGC, law enforcement officers or school officials facilitate the process. In SGC, participation is voluntary for victim and offender, and there are no consequences if the offender is unwilling to participate. In the New Zealand FGC model (which is national policy), victims and offenders are required to participate. In SGC, teams of mediators prepare participants for the Conference by meeting in face-to-face pre-conference interviews. In FGC, preparation is mostly done over the phone. In SGC, mediators are trained to assist the participants by first explaining the format of the process. Mediators only intervene when necessary to assist the participants through the steps of the process. In FGC, facilitators are trained to use printed scripts to move through the process. In SGC, if other issues (historical, for example) emerge during a conference, mediators allow the participants to deal with them during the course of the meeting. In FGC, if other issues emerge during a conference, the facilitators require that the issues be tabled and the conference focuses only on the offense that caused the complaint. In SGC, cases can range from petty misdemeanors through felonies, including death and/or dismemberment. In the Australian FGC model, cases are referred as diversions at the police level or from schools. The New Zealand model receives referrals from any level of the justice system.

### ***What are some of the challenges of managing SGC?***

Most of the challenges of managing a SGC program are logistical. Arranging a time and place for a large number of people to get together can be difficult. Also, coordinating the team of mediators conducting the pre-conference interviews is time consuming, requiring a lot of telephone work in order to get and give feedback from and to all the mediators involved. Mediators must use a great deal of care that offenders and victims are the focus during the conference. Many times they are the ones who have the most difficulty articulating their feelings. The support people who might be present seem to have a relatively easy time saying how they feel about what happened, and also seem to find it easier to decide what the offender needs to do to make things right again. This must not be allowed.

### ***What would you say to other communities interested in implementing SGC?***

I encourage all programs to consider offering SGC when it seems appropriate to a particular case. In Washington County, we carefully assess every case to determine what the best process will be to address the harm done. Usually, the traditional victim offender conference (or mediation) is the appropriate process to use. But the Small Group Conferencing might be more effective in some types of cases, i.e. if there are several offenders and/or victims mediation) is the appropriate process to use. But the Small Group Conferencing might be more effective in some types of cases, i.e. if there are several offenders and/or victims involved and some of the offenders don't seem to be taking full responsibility for their actions, or their parents believe they are not as responsible as the other offenders. Actually, I believe many programs are already providing some sort of SGC, when the case warrants parental or other's involvement - they just don't call it SGC. This was certainly true for the Washington County SGC model. I've been using this process for nearly 10 years. It was not named until a couple of years ago - it was just thought of as an expanded version of victim offender mediation. Yet, there are some very different philosophical, technical and administrative aspects in SGC that require additional training. In order to effectively implement SGC, volunteers and staff must be committed to restorative justice principals and be well-trained to insure that participants have a positive experience. I encourage other programs to spend time with their court services personnel to build trust and establish the necessary rapport that is needed if innovative and timely restorative justice processes are to flourish.

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and provide an opportunity for apology, forgiveness and reconciliation. Conferencing, however, stands apart from victim-offender mediation programs in that it recognizes that crime does not just affect individuals but it affects whole communities. A conference is a process by which the community or communities affected by a criminal event can come together to discuss and respond to what has happened. The family of the offender can provide support for the offender, but they can also describe their own "secondary victimization" in a conference. The focus is not on a dispute between victim and offender but on the offense, its consequences, and what those affected can do to repair the damage and minimize further harm.

**Conclusion.** Conferencing offers many potential benefits. It provides an opportunity for a young person to accept responsibility for his/her offending in a real and tangible way, it provides a mechanism for victim involvement in the justice process, and it can empower the young person's family through their involvement in the decision-making about offending behavior. However, the criticisms conferencing has attracted illustrate that there are risks. These risks are compounded by conference programs being placed within the broad framework of a punitive criminal justice system. Ultimately the most important criteria for assessing the value of any particular conferencing model or program are the outcomes for the participants. As conferencing programs develop and evolve it is these outcomes which need to be constantly monitored and evaluated. It is through this process that conferencing programs can be developed which are truly restorative, for the offender and the community.

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## VICTIM-OFFENDER MEDIATION: THE ENGLISH EXPERIENCE

by Annie Roberts and Mark Umbreit

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Questions about the effectiveness of victim offender mediation in Europe and North America have led to research on specific issues such as victim and offender satisfaction with the mediation process and outcomes, perceptions of fairness and victim fear of re-victimization.

Answers to these questions and others are explored in this examination of the development and impact of two victim offender mediation projects in Great Britain. This study was conducted by the Center for Restorative Justice in the School of Social Work, University of Minnesota.

With extremely limited resources available to support the study, only two sites could be included. Coventry and Leeds were selected because they represented two of the most well-developed projects

in England.

Participants in the study were from the Coventry Reparation Scheme and the Leeds Mediation and Reparation Service. A total of 123 interviews were conducted, involving 70 victims and 53 offenders. 34 interviews were made in Coventry and 89 in Leeds. Coventry and Leeds as well as most other victim offender mediation services in England have, over a decade of experience, evolved to a practice where the majority of mediations are indirect. This is in contrast to North America where mediation is predominantly direct or face-to-face. Therefore, this difference was incorporated into the research design. Also, the use of a comparison group was considered critical. Thus, three groups were obtained for a comparative study approach: • Those who went through a direct mediation experience. • Those who went through an indirect mediation experience • Those who were referred to mediation but did not go through mediation.

Phone and in-person interviews with victims and offenders were conducted following either direct or indirect mediation, or the disposal of a case by a prosecutor, court, or related agency. In addition, interviews with key criminal justice officials and organizations were conducted, along with extensive review of program data and materials. Also, case examples from both services of direct and indirect mediation, both usual and unusual types, were included.

Conclusions. A number of conclusions and implications emerged from this study. They must, however, be viewed as only suggestive and cannot be generalized to all victim offender mediation projects in England. Because of the limited resources available to conduct the study and, particularly, the quasi-experimental design and small sample sizes, this study was largely descriptive and exploratory in nature. Nonetheless, the following conclusions are offered.

Victims and offenders who participated in mediation at the Coventry and Leeds projects were more likely to have expressed satisfaction and a perception of fairness in the justice system's response to their case than victims and offenders who were referred to the projects but never participated in mediation.

Victims who participated in mediation at the combined sites were less fearful of being re-victimized by the same offender than similar victims who were referred to the project but did not participate in mediation. Victims in direct mediation were even less fearful of re-victimization than those in indirect mediation.

Direct face-to-face mediation is not very frequently practiced at the two projects. During 1993 only 16% of the total cases involved in mediation (direct and indirect) were involved in direct mediation. When compared to the total number of cases referred to both projects in 1993, only 7% participated in direct mediation.

Whether this low participation in direct mediation is related to what some would consider a more reserved and less expressive English culture is not clear. Some in England have suggested it has little to do with the culture and more likely is related to case management and preparation procedures that are probably too passive in terms of encouraging participation in direct mediation, while still honoring the individual's free choice. A number of other factors are also likely to be related to the low rate of direct mediation. These include: adult age of offenders (high rates of direct mediation in the U.S. are based largely upon juvenile programs); many cases involve parties with a prior relationship (most programs in the U.S. involve strangers); and, more serious cases entering the process at a post-sentence level (many of the programs in the U.S. that have been reported on in research accepted case referrals at a diversion level).

*(Continued from page 10)*

Victims of crime who participated in the study of the Coventry and Leeds projects were considerably more likely to benefit from direct face-to-face mediation with the offender, than from indirect mediation. Victims in direct mediation were more likely to feel they participated voluntarily, to express satisfaction with the justice system's response to their case, to be satisfied with the outcome of mediation, to be less fearful, and to indicate they experienced fairness in the justice system's response to their case.

The study found that with certain issues, offenders were more likely to benefit from direct face-to-face mediation with the victim, than from indirect mediation. Offenders in direct mediation were more likely to feel they participated voluntarily and to express satisfaction with the outcome of the mediation. On the other hand, offenders in indirect mediation were more likely to express satisfaction and a perception of fairness in the justice system's response to their case.

Strong consideration should be given to providing more opportunities and encouragement for victims and offenders to participate in direct face-to-face mediation at the Coventry and Leeds projects, particularly since victims were consistently more likely to indicate positive benefits from direct mediation. A more assertive, encouraging and supportive approach to victims and offenders during the pre-mediation phase may be required, while still respecting and honoring the importance of each party making an informed and voluntary choice. This is not, however, recommending a "hard sell" approach which either victim or offender would feel coerced into the mediation process, which would violate the basic principals of the process as a restorative justice intervention.

Participation in the victim offender mediation projects in Coventry and Leeds increased the quality of justice experienced by both victims and offenders.

Consistent with similar studies of victim offender mediation at 4 sites in Canada and 4 sites in the United States, victims and offenders who participated in mediation in Coventry and Leeds indicated very high levels of satisfaction with the process and outcome of mediation and victims also indicated less fear of re-victimization by the same offender. Victims at the two English projects, however, indicated lower levels of satisfaction and perceptions of fairness with the criminal justice's response to their case, when compared to the North American studies.

During the course of conducting this study, it became increasingly clear that the leadership and support provided by MEDIATION UK was vital to the development of victim offender mediation in England. The high quality of the journal published (MEDIATION) and their initiative in developing standards for development of victim offender mediation projects are particularly outstanding contributions to the field.

Noteworthy among the conclusions is the last (but not least) one of highlighting the major contribution that MEDIATION UK has made to the field of victim offender mediation, both nationally and

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