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This Issue in Brief

Estimates of Drug Use in Intensive Supervision Probationers: Results from a Pilot Study.—Authors Eric D. Wish, Mary Cuadrado, and John A. Martorana present findings from a pilot study of drug use in probationers in the New York City Intensive Supervision Probation (ISP) Program, a study prompted by ISP staff need for on-site urine testing of ISP probationers. Confidential research interviews were conducted with 106 probationers in the Brooklyn ISP program, 71 percent of whom provided a urine specimen for analysis. The urine tests indicated a level of drug use strikingly higher than the level estimated by probation officers, who depended upon the probationers to tell them about their drug use. The authors contend that the costs of reincarcerating drug abusers who fail probation are substantial when compared with the costs of a urine testing program. They conclude that ISP programs, with their

small caseloads and emphasis on community supervision, provide a special opportunity for adopting systematic urine testing and for learning how best to intervene with drug abusing offenders.

Felony Probation and Recidivism: Replication and Response.—As a result of the Rand report on felony probation in California, probation supervision is attracting close attention. In the present study, author Gennaro F. Vito examines the recidivism rates of 317 felony probationers from three judicial districts in Kentucky and makes some direct comparisons to the Rand report. The general conclusion that felony probation supervision appears to be relatively effective in controlling recidivism rates is tempered by the limitations of both studies. The author stresses the need to closely examine the purpose and goals of probation supervision.

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Victim/Offender Mediation: A National Survey

BY MARK S. UMBREIT

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National Survey

AS A reflection of the growing nationwide concern both to provide greater attention to meeting the needs of victims of crime and to develop effective alternative sanctions for criminal offenders, programs providing victim/offender mediation and reconciliation services have developed in a number of different communities throughout the United States. Many of these are called Victim Offender Reconciliation Programs (VORPs). Representing one of the few recent justice reforms that allow victims to be personally involved in the sanctioning process of the offender, each of these local mediation programs facilitates a face-to-face meeting between the victim and offender in the presence of a trained mediator. This meeting provides an opportunity for questions about the offenses to be addressed, for feelings to be expressed, and for an acceptable restitution agreement to be worked out.

Since the initial development of VORP in Kitchener, Ontario in 1974, and later replication by the PACT (Prisoner and Community Together) organization and the Mennonite Church in northern Indiana (Elkhart) in 1978 many hundreds of criminal justice professionals, citizen volunteers, and community-based organizations have expressed interest in the victim/offender reconciliation concept. The program has received exposure on several television talk shows and documentaries, as well as in a number of national publications, including *The Wall Street Journal* and *Newsweek*. Because of this interest in the VORP concept, the PACT organization established the National VORP Resource Center as part of its PACT Institute of Justice (the research and training division of PACT, Inc.) in order to serve as a nationwide clearinghouse for information, training, and technical assistance related to VORP. Since the development of this National VORP Resource Center, thousands of pieces of information about VORP have been distributed throughout the United States and abroad, hundreds of information packets have been distributed, audiovisual resource material has been made available, hundreds of criminal justice professionals and volunteers have been trained, and on-site technical assistance in setting up local programs has been provided in more than 25 five different states.

In 1985, the National VORP Resource Center of the PACT Institute of Justice completed the first nationwide survey of programs providing victim/offender mediation and reconciliation services. Questionnaires were sent out to a large network of hundreds of private and public correctional programs throughout the country, including correctional departments in every state. Followup phone interviews were conducted with those respondents who indicated local development of a VORP program. This survey resulted in publication of the first edition of the National VORP Directory. It includes descriptive information about each local program, profiling such things as: number and source of referrals, use of volunteer mediators, case referrals resulting in victim/offender meetings, and budget size (available from the National VORP Resource Center, P.O. Box 177, Michigan City, Indiana 46360, \$4 per copy).

The data generated by this survey indicate a significant amount of diversity among various programs as the initial VORP concept is further replicated. It should be noted that many programs based upon the concept of victim/offender mediation and reconciliation do not always call themselves VORP. While programs incorporating the victim/offender reconciliation concept continue to be developed primarily by private organizations, two public sector/system-based programs are enriching the VORP concept by applying mediation techniques to more violent offenses. In such cases, the need for clarification of the facts, expression of feelings, and closure would seem to be even greater for some victims. Both the Genesee County Sheriff's Department in upstate New York and the Oklahoma Department of Corrections have used the victim/offender mediation process in a select number of violent felony cases such as negligent homicide, armed robbery, and rape. More recently, victim/offender reconciliation programs have been developed and are at various stages of implementation in several larger urban, multicultural jurisdictions, including St. Louis, Missouri, Milwaukee, Wisconsin, and Minneapolis, Minnesota, necessitating further adaptation of the initial concept.

With the even larger growth of community dispute resolution programs and neighborhood justice centers throughout the country, it became very important during the course of this survey to identify those programs which more clearly utilized the victim/offender reconciliation process. These specific criteria were used to distinguish VORP type of programs from the much larger number of community dispute resolution programs that work with minor disputes or civil court related issues. These criteria included:

- A) The program involves a face-to-face meeting, in the presence of a trained mediator, between an individual who has been victimized by crime and the perpetrator of that crime.
- B) The program operates in the context of the juvenile and/or criminal justice systems rather than the civil court.
- C) In addition to the likelihood of a restitution obligation, the program focuses at some level of intensity upon the need for reconciliation of the conflict (i.e., expression of feelings; greater understanding of the event and each other; closure).

A brief summary of some of the information received from this survey is illustrative of the diversity within the network of programs providing victim/offender mediation and reconciliation services throughout the United States. A total of 32 programs were identified (representing 42 different jurisdictions with a program office), including 21 currently in operation and 11 in development with plans for full implementation in 1985. A number of other projects were also located but were excluded from this survey since they were at such early stages of development, and a full commitment to implementation during 1985 was unclear. Of the 32 programs in the survey, 78 percent were developed by private sector organizations and 22 percent were system-based/public sector projects. The annual referral caseload for all of these programs totaled just over 2,400, with 1,000 of these referrals from the Oklahoma statewide Post-Conviction Victim Offender Mediation Program.

Cases referred that actually resulted in a face-to-face meeting between the victim and offender ranged from 50 percent to 100 percent, depending on the program. The most common figure for cases resulting in a meeting was near 60 percent. While VORP began primarily with juvenile offenders during its early development (1978) in Elkhart, Indiana, the survey found that of those programs which clearly identified the target population for referrals, 54 percent represent primarily juvenile referrals, and 46 percent represent primarily adults. Many programs work with both. The most common offenses referred were

theft and burglary, with 75 percent of all programs where such information was provided working with predominately felony offenses. Community volunteer mediators were used by 77 percent of the programs providing data, representing a total of nearly 275 volunteers.

Finally, in reference to the point in the criminal justice system at which the actual VORP meeting occurs, 49 percent of the programs reported victim/offender meetings at a pretrial diversion stage, 66 percent reported meetings held between conviction/adjudication and sentencing/disposition, and 76 percent reported that VORP meetings occurred after sentencing/disposition. Many programs had VORP meetings occurring at more than one intervention point. Some involved all three within the same program.

In order to further highlight the manner in which this justice reform has taken hold during the past 7 years in the United States, four specific programs will be briefly highlighted. Two of these programs represent private sector initiatives and the other two represent system-based programs in the public sector. Together, these programs which are operating in Indiana, Minnesota, Massachusetts, and New York display much of the diversity found within the growing network of programs providing victim/offender reconciliation services throughout the United States.

Valparaiso, Indiana

The Victim Offender Reconciliation Program in Valparaiso, Indiana, 50 miles east of Chicago, was developed in January 1983 by Porter County PACT. With Valparaiso being part of the broader Chicago metropolitan area, the VORP there serves a county of 120,000 characterized by the extremes of both heavy industry (steel mills) and agriculture. Referrals to the program come from probation officers, judges, and defense attorneys. A close and supportive working relationship is maintained between the courts and probation department in Porter County and Porter County PACT, a private sector organization. During fiscal year 1985 (July 1, 1984 through June 30, 1985), 123 cases (victim/offender combinations) were accepted into the VORP program in Valparaiso, with 55 percent of these cases resulting in a face-to-face victim/offender meeting, most often mediated by a trained community volunteer. Seventy-two offenders and 84 victims were accepted into the program. Nearly 80 percent of cases (victim/offender combinations) involved juvenile offenders, with burglary, theft, and criminal mischief representing the most common offenses. Nine out of 10 restitution contracts negotiated by victims and offenders were completed.

While initial development of this VORP focused upon post-adjudication/conviction referrals, more recently program referral criteria and procedures have been revised in order to secure referrals at a much earlier point in the justice process, including the preference for the face-to-face victim/offender meeting to occur following adjudication/conviction and prior to disposition/sentencing. These recent program revisions have also resulted in a significant increase in case referrals, including increases in adult offenders and felony type offenses. Contrary to nearly all other VORP projects, direct payment of financial restitution by the offender to the victim is allowed by the court in this program. Additionally, the Victim Offender Reconciliation Program in Valparaiso, Indiana appears to be the first VORP project in the country to systematically experiment with the use of followup victim/offender meetings in order to strengthen the process of reconciliation.

Minneapolis, Minnesota

The effort to develop a Victim Offender Reconciliation Program in the Minneapolis/St. Paul area represented one of the first major efforts to replicate VORP in a large urban and multicultural setting. VORP began accepting cases in February 1985. The program was developed by the Minnesota Citizens Council on Crime and Justice, a well-established private organization operating Crime Victim Centers, a program for families of inmates, an educational program, and a research division. Referrals come from probation officers, and the program works closely with the probation and court services staff in both Hennepin and Ramsey counties.

By the end of 1985, the program in Hennepin County (Minneapolis) had received referral of 52 juveniles; of these, 41 (79 percent) participated in the program. There were also 41 victims of these offenders, although this does not imply a one-to-one match. Some offenders had more than one victim, and, in some cases, more than one offender victimized a single victim. Of these 41 victims, 68 percent (28) agreed to participate in the VORP program. The 28 victims who agreed to participate had a total of 34 offenders. This resulted in 13 offenders not participating because of the victims' decision against participation. As a result of face-to-face victim-offender meetings, a total of 45 agreements were negotiated, involving 32 offenders and 27 victims; only two meetings (one victim and two offenders) did not result in an agreement. Nearly \$2,000 in monetary restitution was agreed to, along with 178 hours of service to the victim and 307 hours of free community service. Plans are currently under way to receive juvenile and adult referrals in Ramsey County (St. Paul).

This VORP project is focusing upon offenders adjudicated/convicted of burglary. Victim/offender meetings occur between the point of adjudication/conviction and disposition/sentencing whenever this is possible. Oftentimes meetings occur following the disposition/sentencing hearing. It is currently projected that as the program becomes fully operational, 120 cases will be referred to VORP annually. Use of co-mediators, neighborhood volunteers, and followup victim/offender meetings is being considered.

Quincy, Massachusetts

Having already pioneered the nationally recognized "EARN-IT" Program involving a very extensive use of community service and restitution, Judge Albert Kramer initiated the development of a program to provide victim/offender mediation and reconciliation services out of the Probation Department of the Quincy District Court. While Quincy itself has a population of about 100,000, it is actually part of the larger Boston metropolitan area. During a recent year, 60 cases (offenders) were referred to the program, involving 60 victims as well. Eighty percent of the cases referred resulted in actual victim/offender meetings. These sessions occurred either between adjudication/conviction and disposition/sentencing or after disposition/sentencing. Eighty percent of referrals represented adult offenders, and 60 percent of referrals represented felony offenses.

The victim/offender mediation program in Quincy, Massachusetts functions as part of the larger EARN-IT Program. A separate staff person was hired to direct the program, and this individual has no probation caseload responsibilities. The VORP concept is used as a technique for collection of restitution. Eighty-five percent of contracts worked out by victims and offenders were completed.

Batavia, New York

The Genesee County Sheriff's Department in upstate New York (Batavia) is the only known law enforcement agency in the country to be sponsoring a program incorporating the victim/offender reconciliation concept. In 1983, Sheriff Doug Call initiated the Community Service/Victim Assistance Program in this small rural county of 60,000. The manner in which the victim/offender reconciliation concept has been used in this jurisdiction is rather unique in that it is part of a larger and more intense victim assistance program. VORP is part of a larger victim assistance and victim directed sentencing program operated by the Genesee County Sheriff's Department. While only 17 cases had been processed as of early 1985, the quality of these cases has been rather

exceptional. Whereas nearly all victim/offender reconciliation type of programs work primarily with non-violent felony offenses, nearly all of these cases in Genesee County have represented violent offenses such as criminal negligent homicide, rape, armed robbery, assault, and sodomy. Referrals to this program come from the courts and the District Attorney. Actual VORP meetings usually occur either between conviction and sentencing or after sentencing.

The sheriff and his assistant, Dennis Wittman, have chosen to use victim/offender reconciliation conferences only in more serious cases involving harm to people, including loss of life, since it is their belief that there is often a far greater need for expression of feelings to the offender, understanding of the event, and working toward closure among selected victims of such traumatic crimes. Only those victims who have already received an extensive amount of service from the Sheriff's Department and who express willingness to confront the offender are considered for the victim/offender reconciliation conferences. Participation by the offender is usually part of a larger package of sanctions, often including limited incarceration in the jail. The actual victim/offender conferences focus entirely upon reconciliation of the conflict. Discussion of restitution does not usually occur, although the Sheriff's Department does make sentencing recommendations to the court which may include restitution or a reparation payment. All cases are mediated by the staff director of the program, although other staff or volunteer co-mediators are sometimes used.

Conclusion

The victim/offender mediation and reconciliation process has clearly grown from an experimental concept to an increasingly accepted program within the criminal justice system, in numerous and diverse jurisdictions. At the time this article was prepared, more than 50 different program sites providing victim/offender mediation and reconciliation services were known to be in operation or development. Based upon the continuing requests received by the National Victim Offender Reconciliation Resource Center for either general information or on-site technical assistance, it would seem likely that additional programs applying victim/offender mediation

and reconciliation techniques will be developed in the future. The constituency advocating this concept remains rather modest in size, and the actual process is certainly no panacea to be applied indiscriminately to all victims and offenders. In no cases are victims to be forced or coerced into participating in mediation. To the contrary, extreme sensitivity and patience must be exercised in encouraging victim involvement.

Victim/offender mediation appears to offer a helpful sentencing alternative to the courts for appropriate cases. It certainly has the potential for strengthening offenders' accountability to their specific victims and to offer victims a unique opportunity to be directly involved in the process of justice. Yet mediation of victim/offender conflict can perhaps also increasingly offer a creative, though small, contribution to both the larger victim advocacy movement, as exemplified by NOVA (National Organization for Victim Assistance), as well as the broader dispute resolution movement, as seen by the leadership of the American Bar Association, the National Institute for Dispute Resolution, and other related organizations.

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