

MOVING FORWARD: TWO APPROACHES TO REPAIRING THE HARM  
THROUGH RESTORATIVE JUSTICE

By

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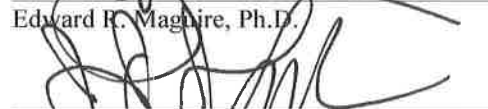
In


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ABSTRACT

The concept of restorative justice is increasingly being used to design programs that bring together those affected by a crime, including the offender and victim, to discuss its impact on their lives and how to make amends. These programs vary, in part, by the participants they involve and whether they are diversionary in nature or operate post-adjudication. Many programs focus on particular types of offenders or crimes and therefore may have differing objectives. Despite this, these programs have the common goal of improving the justice experience of both victims and offenders whose lives have been impacted by a crime or conflict.

This study evaluates the effectiveness of two restorative justice programs: the juvenile-focused Community Conferencing program in Baltimore, Maryland, and the Victim Offender Dialogue program that operates in the Ohio prison system that is focused on victims and offenders of severe violence. Outcomes are measured differently in each site in order to reflect the programs' differing goals. In Baltimore, through the use of propensity score matching, Community Conferencing participants' recidivism rates are compared to youth who did not participate in the program. Recidivism is measured after 3, 6, and 12 months. In Ohio, semi-structured interviews with participants assess their level of satisfaction with the dialogue program. Offenders who began the lengthy dialogue preparation process but did not meet with victims are compared to those who completed the process and participated in a face-to-face dialogue meeting.

Contrary to my hypothesis, this study's findings indicate participation in the Community Conferencing program is not associated with a decrease in recidivism. On three recidivism measures, participation in the program is associated with an increase in recidivism. As hypothesized, victim and offender participants in the Victim Offender Dialogue program report high levels of satisfaction with the program. Offenders who completed the program and participated in a dialogue reported receiving greater benefits from their participation as compared to offenders whose process did not end in a dialogue. Implications for policy and future research are discussed.

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## CHAPTER 1

### INTRODUCTION

There are many definitions of justice and pathways through which it may be achieved within the criminal justice system. Justice, as defined by many in the restorative justice field, is achieved through repairing the harm that began at the commission of a crime and can continue for a lifetime, for all those who were impacted. This study evaluates two programs that are grounded in the movement of restorative justice—a movement that shows promise in terms of acting as a cost-effective alternative to prison and a way to improve the lives of both victims and offenders. One program serves juveniles who have largely committed minor, nonviolent offenses, and the other program serves victims whose offenders are incarcerated for committing serious and violent crimes. Although these two programs are different in terms of the populations they serve, they both fall under the umbrella of restorative justice and have the goal of improving the experience of those impacted by crime.

Restorative justice is part of a growing social movement that advocates for the criminal justice system to attend to victims' needs and redirect itself away from a purely retributive orientation. Restorative justice is generally defined as a process that brings together crime victims, offenders, and other relevant stakeholders such as community or family members to discuss the crime, its impact, and what can be done to make things right for the victim and the community. Howard Zehr is widely regarded as the “grandfather of restorative justice” and describes the practice as “a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address the harms, needs, and obligations, in order to heal and put things as right as possible” (2002, p. 37). Restorative justice distinguishes itself from the conventional justice system by viewing crime primarily as a harm committed

against people and communities, rather than simply a violation of the state that can be routinely handled by traditional criminal sanctions (Zehr, 1990; Zehr, 1997).

Maori, Celtic, and Native American cultures have practiced restorative justice for centuries (Rossner, 2008). In the 1970s, interest in incorporating restorative justice into the Western criminal justice system began out of growing discontent over the system's ineffectiveness (Menkel-Meadow, 2007). The formal restorative justice movement in North America began in the Mennonite community of Kitchener, Ontario, Canada in 1974, and consisted of a meeting between two youths and the victims of their vandalism crimes (Bonta, Wallace-Capretta, Rooney, & McAnoy, 2002). The parties' satisfaction with the process and outcome led to the creation of a small-scale restorative justice program in the town.

Restorative justice gives victims the unique ability to participate and have their voices heard in the justice process, something that is largely impossible in our conventional justice system. Research strongly supports the idea that crime victims want to be involved. Wemmers and Cyr (2004) surveyed victims about their needs and found that a majority wanted recognition, input, and their voices to be heard throughout the criminal justice process. Restorative justice is a natural way to achieve this outcome, as it provides victims with recognition, influence, and the means to give their opinion on what the offender can do to make amends.

Restorative justice has not been reserved solely for use in the criminal justice system—in fact, many organizations have adapted restorative justice for use in schools and communities as an informal way of dealing with conflict. Although there are many incarnations and definitions of restorative justice, they tend to share several commonalities: a victim-centered process focused on repairing the harm that resulted from the crime rather than simply punishing the offender; an open dialogue guided by a trained facilitator; a collaborative decision regarding

what the offender will do to repair the harm, which may involve restitution or an apology; and consequences if the offender does not follow through with the agreement that was reached (Hurley, 2009). Historically, in the criminal justice system, restorative justice has been used most often in cases of minor, nonviolent crimes, but there is increasing support for its use for more serious crimes (Menkel-Meadow, 2007).

### **Models of Practice**

Models of restorative justice vary in popularity by country and region, but the most popular models include victim-offender mediation (VOM), family group conferencing, sentencing circles, and community reparative boards (Rossner, 2008). The primary differences between these models include who participates (e.g., community members, family and friends, or only the victim and offender) and the process's desired outcome. VOM and its related variations have the most support and widest implementation in the United States and is the subject of this study (Choi & Gilbert, 2010). VOM programs are sometimes labeled "victim-offender reconciliation programs" (VORP), "conferencing programs," or "dialogue programs" and tend to be less settlement-driven than other types of restorative justice programs (Umbreit, Coates, & Vos, 2004). The specific terminology used by restorative justice programs varies depending on the program's goals, who participates in the process, and any unique variations in the practice implemented by a particular program.

Early VOM programs were grounded in religious traditions, focused on offender rehabilitation, and involved juvenile offenders who committed minor crimes (Umbreit, Armour, Vos, & Coates, 2010). In the beginning, victim satisfaction was not of primary importance. The rise of the victims' movement in the 1980s brought more attention to the potential benefits for victims and the importance of considering their needs in the process (Umbreit, Coates, & Vos,

2007). One of the catalysts for changing the orientation of VOM toward one more balanced with victims' concerns was the initial reluctance victim advocates expressed about being involved in VOM—advocates were concerned that victims were being used as a tool to meet offenders' needs (Umbreit et al., 2007).

The first VOM program in the United States was established in 1978 in Elkhart County, Indiana (Miller, 2011). Today, VOM programs rely heavily on volunteers and are run by a variety of agencies, including governmental, private nonprofit, and religious organizations (Miller, 2011; Souza & Dhami, 2008). As of 2001, there were over 1,400 VOM programs operating in 17 countries across the world (Abrams, Umbreit, & Gordon, 2006). Bazemore and Schiff (2005) found that 773 restorative justice-oriented programs operated in the US, and over 300 of those were VOM programs. A national survey found that 45% of US VOM programs serve juveniles exclusively, while 9% only serve adults (Umbreit et al., 2004). Survey results also indicated that two-thirds of all cases referred to VOM are misdemeanors.

Lightfoot and Umbreit (2004) found that 29 states give some type of statutory authority for VOM in criminal cases. Although explicit provisions in state codes are not essential for programs to function, it does provide programs with the legal authority to operate and affords grounding and protections for those involved. Such programs may also be more likely to receive state funding. The majority of these statutes have been enacted recently, many since the year 2000 (Lightfoot & Umbreit, 2004).

Some programs that may be viewed by outside observers as VOM can be more accurately termed “conferencing programs.” This term tends to be used by programs that are less concerned with mediating a conflict or a crime and more concerned with facilitating a dialogue between the concerned parties (Abramson & Moore, 2001). Community conferencing is a restorative justice

practice that has its roots in family group conferencing. Family group conferencing originated in New Zealand in the late 1980s, when it was adopted as the primary method by which juvenile offenses would be handled, primarily as a means to be culturally sensitive to the country's large Maori and Pacific Island Polynesian population (Moore, 1993). In family group conferences, the offender and victim are brought together with supportive family and community members into a conference convened by an official of the justice system (e.g., a representative of the welfare office, justice department, or juvenile court), often held at the offender's home (Moore, 1993). One variation of this model began in the New South Wales city of Wagga Wagga in 1991, and has since been known simply as the "Wagga model." In this model, the conference is convened by a police officer and is held at the police department. The focus of the conference is less on the offender and more centered on the harm experienced by the victim and community as a result of the offense (Moore, 1993). Although most Australian jurisdictions have come to prefer the New Zealand model of administering conferences, countries such as the United States have largely favored the Wagga model (Daly & Hayes, 2001).

Community conferencing builds on the foundation of the Wagga model and expands the boundaries of the model's applicability to include instances of general conflict, as opposed to only crimes (Langdon, 2011). The goal for community conferencing is to identify a conflict among a group of people and "transform" their emotional state of conflict to one of cooperation (Abramson & Moore, 2001). The cases in which conferencing is most helpful are those where the participants do not dispute the facts of a particular occurrence, but instead have an overarching relationship built on conflict (Abramson & Moore, 2001). Although community conferencing can be effectively used in cases of criminal offenses, the orientation of this model

is around conflict—something that may arise out of crime, but not necessarily. Therefore, this model has general applicability for justice systems, schools, and neighborhoods alike.

### **Restorative Justice in Cases of Serious, Violent Crime**

Restorative justice programs can be implemented at various stages of the criminal justice process (e.g., before charges are filed, before sentencing, or post-conviction) (Dhami, Mantle, & Fox, 2009). Miller (2011) separates restorative justice programs into two types: diversionary and therapeutic. Diversionary programs are more offender-focused and are designed to operate in lieu of the formal adjudicatory process, while therapeutic programs are more victim-centered and operate post-conviction. Therapeutic programs are generally not concerned with reconciliation or restitution agreements; instead, they are primarily focused on meeting the victims' needs to enable their healing and empowerment. Restorative justice programs that focus on serious and violent crimes tend to have a therapeutic orientation.

Although all restorative justice models share the same grounding philosophy, the practice can vary in its implementation across settings and communities. One of the biggest differences among programs is the audience and crimes to which the program is tailored. A recent advance in restorative justice has been the inclusion of serious and violent crimes in programs' eligibility criteria. Although other countries have worked with these types of cases for many years, US-based programs have only recently begun to embrace this change (Umbreit, Vos, Coates, & Armour, 2006). The inclusion of such crimes necessitates a different focus for these restorative justice programs—there is generally no material reparation that an offender can make to help heal the victim or surviving family members of serious and violent crimes. Instead, such programs' goals are focused more on emotional reparation and victim healing, and operate as supplements to the criminal justice process rather than as a substitute for formal adjudication



(Menkel-Meadow, 2007). That is, they are therapeutic rather than diversionary. Intended benefits for victims include gaining a sense of empowerment, closure, and the feeling of security and control over their lives; for offenders, they can more fully understand the consequences of their actions and apologize (Lovell, Helfgott, & Lawrence, 2002).

The catalyst that resulted in the expansion of restorative justice services to include serious crimes came from victims who requested meetings with their offenders and were often turned down by service providers (Umbreit et al., 2006). Restorative justice programs have been created or altered to serve victims and offenders of serious and violent crimes and respond to the unique needs of this population. These programs must employ facilitators who are especially sensitive to the needs of victims and offenders in such situations and must invest more time in preparing the involved parties for the mediation/dialogue session (Umbreit et al., 2010).

Currently, only 25 states offer VOM-type programs for victims of severe violence (Miller, 2011).

### **Importance of Restorative Justice**

Restorative justice has been lauded as a victim-sensitive alternative to the traditional criminal justice system, and research has supported the theory that victims are more satisfied with restorative justice processes than traditional court processes (Umbreit et al., 2004). Findings indicate that across various types of victims, programs, settings, and offenses, the vast majority of participants report satisfaction and believe the process and outcome was fair to all parties (Umbreit et al., 2004). In addition to reporting high levels of satisfaction, offenders who participated in VOM also have high restitution completion rates (Umbreit & Vos, 2000). Another key outcome of restorative justice programs is the effect on future offending. A reanalysis of recidivism data reported in four studies demonstrated that youth who participated in VOM

recidivated at a statistically significant lower level than non-participating youth, and committed less serious crimes when they did reoffend (Nugent, Umbreit, Wiinamaki, & Paddock, 2001).

In addition to dealing with crimes in a way that is more satisfying to both victims and offenders, one of the most appealing aspects of restorative justice programs for policymakers and politicians is its low cost in comparison to the traditional criminal justice system. The cost of running and maintaining a prison system is very expensive for states, and restorative justice programs that operate as diversionary programs have the potential to keep many offenders out of prison and reduce the correctional population (Gromet & Darley, 2006; Sherman & Strang, 2007). Evaluations of VOM programs have concluded that the cost per restorative justice case is cheaper, the time required to process restorative justice cases is a fraction of the time required for non-restorative justice cases, and there is potential for local jurisdictions to significantly reduce the number of trials in their court systems, all of which would ultimately reduce costs (Umbreit et al., 2004). An additional benefit of both diversionary and therapeutic restorative justice programs is the increase in social capital generated as a result of conversations among communities, family members, and victims and offenders (Abramson & Moore, 2001).

This dissertation evaluates the effectiveness of two restorative justice programs: one diversionary program run by the Community Conferencing Center that is focused on juveniles in Baltimore, Maryland, and one therapeutic program that operates in the Ohio prison system and is focused on victims and offenders of severe violence, called the Victim Offender Dialogue program. Outcomes are measured differently in each site in order to accurately reflect the programs' differing goals. In Baltimore, offenders' post-conference recidivism rates are compared to youth who were processed through the juvenile justice system but did not participate in the restorative justice program. In Ohio, outcomes are assessed through interviews

with participants and are defined in terms of satisfaction and healing. Victims and offenders in Ohio who began the lengthy dialogue preparation process but did not meet are compared to those who completed the process and participated in a face-to-face dialogue meeting.

## CHAPTER 2

### THEORETICAL BACKGROUND

Restorative justice's theoretical backing comes mainly from two prominent criminological theories: reintegrative shaming (Braithwaite, 1989) and procedural justice (Tyler, 1990). Both theories tend to emphasize the crucial role that emotion plays in affecting behavior change (Rossner, 2008). Recently, researchers have also begun to draw from other disciplines such as psychology, sociology, and biology to more fully explain how restorative justice can benefit both victims and offenders. One of the most recent theories that has emerged in the literature involves the role of empathy (Miller, 2011; Sherman et al., 2005; Strang et al., 2006). In addition, affect theory has been used by researchers to explain how restorative justice conferences transform negative emotions into positive ones that lead to progressive change in attitudes, beliefs, and perceptions (Langdon, 2011; Moore, 1993).

#### **Reintegrative Shaming Theory**

Reintegrative shaming theory posits that the most proper and effective way to deal with crime is to treat the offender in a humane, supportive, and respectful manner (Braithwaite, 1989). Braithwaite explains that methods of crime control can be either reintegrative or disintegrative, depending upon how the offender is treated. Reintegrative shaming means

the expressions of community disapproval, which may range from mild rebuke to degradation ceremonies, are followed by gestures of reacceptance into the community of law-abiding citizens. These gestures of reacceptance will range from a simple smile expressing forgiveness and love to quite formal ceremonies to decertify the offender as deviant (Braithwaite, 1989, p. 55).

He argues that, in contrast, disintegrative shaming labels the offender as an outcast, giving him or her no opportunity to rejoin the community.

Braithwaite contends that the traditional criminal justice process is one that stigmatizes offenders, making it difficult for them to shed their negative labels and lead productive lives after their journey through the justice system is complete. In contrast, restorative justice's design is more likely to embody the principles of reintegrative shaming—that is, restorative interventions provide an opportunity for members of the community (including or sometimes limited to the victim) to shame the offender through expressions of disapproval and allow the offender to realize the consequences of their actions and make amends (Sherman, Strang, & Woods, 2000). Offenders participating in restorative justice programs are typically allowed to involve supportive community or family members in the process, therefore helping to make the conference calmer and less confrontational. In an analysis of data on drunk driving offenders who either participated in a restorative justice program or were processed through the traditional court system, Harris (2006) tested the relationship between shaming that occurred during court and conference cases and the emotions of shame experienced by the participants. Although conferences were not perceived as less stigmatizing, they involved higher levels of both reintegration and shaming than court processes.

Reintegrative shaming theory is explicitly outlined as a method of preventing recidivism (Robinson & Shapland, 2008). Braithwaite argues that reintegrative shaming maintains the social bonds that exert informal social control over an offender's behavior, making reoffense less likely (Rossner, 2008). Empirical work exists to support the idea that restorative justice programs, through their ability to embody the concept of reintegrative shaming, lead to reductions in recidivism. In their study of the conference-specific variables related to reconviction with juvenile offenders in New Zealand, Maxwell and Morris (2001) found that feelings of remorse, not being made to feel like a bad person, feeling involved in decision-making, agreeing with the

outcome, and meeting and apologizing to the victim were related to reductions in recidivism. Murphy and Harris (2007) analyzed survey data from a group of tax offenders and found that perceptions of reintegration and stigmatization were related to recidivism. Offenders who received an enforcement letter and felt the enforcement process was reintegrative were less likely to report evading their taxes two years later.

Two other studies conducted outside of a criminal justice context offer support for reintegrative shaming theory. The first, conducted by Makkai and Braithwaite (1994), studied the inspectors of regulatory standards in nursing homes. Interviews with inspectors were conducted to measure their attitudes toward the inspection process, and the researchers analyzed how their attitudes corresponded to the outcomes of their subsequent nursing home inspections. Results showed that inspectors who possessed a disapproving yet reintegrative attitude received greater compliance than inspectors who were disapproving but not reintegrative. The second study, conducted by Ahmed (2001), analyzed the relationship between parents' discipline style and their children's acts of bullying against other children. Parents who reported having a more stigmatizing style of discipline were more likely to have children who reported that they initiated bullying behavior with other children. In contrast, parents who reported having a non-stigmatizing style of discipline were less likely to have children who reported they bullied other children. A replication of this study found similar results (Ahmed & Braithwaite, 2005).

### **Procedural Justice Theory**

Another theory widely used to underpin the process of restorative justice is procedural justice (Tyler, 1990). Procedural justice theory emphasizes the importance of legitimacy in the justice system, suggesting that individuals who view the justice system, its processes, and/or its actors as legitimate are more likely to voluntarily obey the law. Conversely, individuals are more

likely to disregard the law if they view the justice system as unfair or illegitimate. Tyler and Huo (2002) contend that the legitimacy of the *process* is more important than the legitimacy of the *outcome*. Therefore, if individuals view the justice system and its processes as legitimate, they are more likely to obey the law and less likely to commit crime, even if the outcome's fairness is disputed.

There is a great deal of empirical research indicating that restorative justice is perceived as more legitimate than the traditional justice process (Hayes & Daly, 2003; Kuo, Longmire, & Cuvelier, 2010; Latimer, Dowden, & Muise, 2005; McCold, 2003; McGarrell, Olivares, Crawford, & Kroovand, 2000; Sherman et al., 2000; Umbreit & Coates, 1993). Some research has directly examined the relationship between perceived procedural justice and reoffense. Hayes and Daly (2003) found that youth who were remorseful and who participated in restorative justice conferences where outcomes were achieved by consensus were less likely to recidivate. Tyler, Sherman, Strang, Barnes, and Woods (2007) analyzed data from restorative justice programs and found that the key factor predicting recidivism was the degree to which individuals perceived the law as legitimate.

### **Empathy**

In addition to the theories of reintegrative shaming and procedural justice, some researchers have started to posit that empathy plays a powerful role in reducing recidivism (Abrams et al., 2006; Gromet & Darley, 2006; Miller, 2011; Strang, 2002; Strang et al., 2006; Umbreit & Bradshaw, 1997). In a case study of a victim-offender mediation (VOM) program in Delaware, Miller (2011) found that offenders' formation of empathy for their victims was a primary outcome of the program. Although not measuring recidivism, she found that the offenders she interviewed were all pleased to hear that the dialogue program helped the victims

and that the process, despite how emotionally difficult it was, was instrumental in helping to repair some of the damage they caused by their offense. In an analysis of “intermediate” outcomes of a restorative justice program in Canada, Calhoun and Pelech (2010) found that youth who participated in the program were more likely to report experiencing empathy for their victims than youth who participated in a conventional justice process. The researchers suggest that intermediate outcomes such as empathy may provide the link between program participation and positive long-term outcomes (e.g., reduced recidivism).

Empathy for offenders on the part of victims may also play an important role in their healing process and provide a basis through which restorative justice can be posited to help victims. Through face-to-face dialogue/mediation meetings, victims are able to see the offenders as human, with weaknesses and flaws. This can help reduce their fear of the offender and change the image they may have of them as being a monster (Strang et al., 2006). Miller (2011) found that many victims reported the dialogue meeting was an opportunity to show the offender that they were strong and had persevered in spite of the offense. Other victims found they began to empathize with the offender and the difficult life circumstances they had experienced prior to offending.

Closely related to the power of empathy in shaping behavior is affect theory, developed by psychologist Silvan Tomkins. Affect theory connects affects (i.e., emotions or feelings) to their corresponding behavior in an effort to understand human motivation (Demos, 1995). Tomkins identifies nine affects that are characterized as being positive, negative, or neutral, depending on if they motivate us to continue or stop experiencing the affect (Kelly, 2009). According to the theory, the free expression of negative affects such as anger, disgust, distress, fear, and shame will allow them to diminish in intensity and be replaced by positive affects of



enjoyment and interest as the cause of the affects is addressed (O'Connell, 1998). This is precisely what is accomplished in restorative justice programs, particularly conferencing programs. In conferences, a facilitator guides the participants through an emotional transformation with the objective of turning their conflict into cooperation (Moore, 2004). Affect theory offers an explanation for how conferencing produces positive outcomes for participants that is based on the power of emotion, particularly shame and empathy.

These theories offer important insight into how restorative justice can be an effective tool for reducing recidivism and improving victim satisfaction. All of the theories recognize the importance of emotion in changing behavior. According to reintegrative shaming theory, offenders who are shamed by the community and those affected by their actions and subsequently welcomed back into society are less likely to commit crime in the future. Procedural justice theory also recognizes the importance of offenders' perceptions, contending that individuals who feel that they were treated fairly throughout the justice process are less likely to reoffend. Finally, feelings of empathy on the part of both victims and offenders may help reduce recidivism and contribute positively to their healing processes.

## CHAPTER 3

### EVALUATIONS OF RESTORATIVE JUSTICE STRATEGIES

Much of the previous research on restorative justice programs has measured outcomes related to participant satisfaction and offender recidivism. Moreover, most of the research has been focused on juvenile perpetrators of minor, nonviolent crimes. This chapter will provide an overview of previous evaluations of restorative justice strategies, as well as detail the limitations and gaps in the literature that the present study aims to fill. It begins by describing satisfaction and recidivism outcomes for programs that are largely focused on juvenile perpetrators of minor offenses. Violent offenses may be eligible for inclusion in some of the programs outlined in this section, however, when this is the case, they are included in combination with nonviolent offenses. The chapter then describes the results of evaluation studies that focused on restorative justice programs that exclusively operate with serious and violent crimes, and concludes with a discussion of studies that used random assignment to examine programs that deal with a mix of minor and serious offenses.

#### **Satisfaction Outcomes**

One of the most frequently measured outcomes of restorative justice programs is satisfaction of victims and offenders. This section will outline the literature on satisfaction outcomes for programs that mainly focus on juveniles who committed minor offenses. Some of the programs may include violent offenses, however they tend to be relatively low in severity and constitute a minority of the offenses that the programs manage. Outcomes for restorative justice programs that focus solely on serious and violent offenses such as rape and murder will be described in a later section.

Previous studies have found consistently high levels of victim satisfaction with restorative justice processes and higher levels of satisfaction when compared to victims who

went through the traditional court process. McGarrell et al. (2000) found that victims who participated in restorative justice conferences were more satisfied with how their case was handled than were victims in the control group (over 90% compared to 68%). Victims who participated in restorative justice conferences were more involved in the process (97%) and felt that they had an opportunity to express their views (95%), compared to 38% and 56% of victims in the control group. They were also more likely to report that they would recommend the approach to a friend in a similar situation (98% compared to 25%). The subset of victims who were interviewed is much smaller than the total sample of victims in the study, and therefore the researchers did not assess the statistical significance of the interview findings.

Umbreit and Coates (1993) conducted the first large-scale, multi-site analysis of US victim-offender mediation (VOM) programs for juvenile offenders. Victims across the four sites reported very high levels of satisfaction with the mediation process and indicated that the process “humanized” the justice system response to the crime, and also reported that they experienced a large reduction in their anger levels. It is worthwhile to note that the researchers conducted the pre-mediation interviews very close to the time of the mediation session (up to one week before), so it is likely that the participants’ responses were more tempered than they might have been several months prior. Therefore, the researchers likely discovered less change between the pre- and post-mediation surveys than might typically be expected. Angel (2005) compared post-traumatic stress symptoms of British crime victims who participated in a restorative justice conference to victims in a control group, and found much lower stress levels among the restorative justice victims. This difference between the groups persisted six months after the conference occurred.

Many studies have also reported on the satisfaction of offenders who participate in restorative justice programs. Offenders consistently report higher levels of satisfaction and perceptions of fairness with restorative justice processes than do offenders who participated in the traditional court system (McGarrell et al., 2000; Umbreit & Coates, 1993). Calhoun and Pelech (2010) researched the largely ignored intermediate outcomes of restorative justice (e.g., increased empathy for victims) that theoretically predict long-term benefits such as reduced recidivism. They used a pre-post design and measured intermediate outcomes as eight variables that spanned domains of accountability, relationship repair, and closure. Although they found more positive outcomes for the restorative justice group, significant pre-conference differences between the groups led the authors to conclude that selection bias likely played a large role in their study. The results are also constrained by their small sample size of 73, of which only 19 were participants in the restorative justice program.

Relying on a small sample of families who were involved in a Minnesota VOM program, Abrams et al. (2006) reported that participating young offenders viewed their crime victims in a more humanizing manner after the program and more fully understood the consequences of their actions. The researchers posited that the connection between recidivism and VOM programs lies in the establishment of empathy for victims and the possibility of being seen in a new, positive light by others. Although many offenders articulated that their change process had begun around the time of their arrest, they also viewed the conference as a pivotal aspect of their journey to desistance. This is relevant to some researchers that question the ability of restorative justice programs to effect significant change in offenders. In this sense, perhaps a restorative justice program did not directly put the offenders on the path of desistance, but the offenders may not have stopped reoffending as quickly or at all if they had not participated.

Increased satisfaction with the restorative justice process for both victims and offenders is a consistent result found in the literature. Some researchers have measured satisfaction through surveys, while others have used qualitative interviews to elicit such information. Regardless, victims and offenders consistently indicate that they would recommend restorative justice programs to others and feel that the process was a fair and positive one. Although satisfaction is regarded as a goal for most programs, many policymakers and researchers are also interested in how restorative justice programs impact recidivism.

### **Recidivism Outcomes**

In recent years, a growing number of studies have analyzed the potential effects restorative justice programs may have on offenders' recidivism. Most research has focused on juveniles and has found that participation in a restorative justice program reduces recidivism compared to offenders in a comparison group (de Beus & Rodriguez, 2007; McGarrell et al., 2000; McGarrell & Hipple, 2007; Rodriguez, 2007). The length of time during which researchers track recidivism generally varies from six months to two years after their participation. In addition to reduced recidivism, Nugent and Paddock (1995) found that restorative justice youth who did reoffend committed less serious offenses than youth in the control group.

One methodological limitation associated with evaluating restorative justice programs is that the dosage of the intervention tends to be small. In other words, most programs tend to operate in the form of a single session, and it may be difficult to infer that a significant change has occurred for the participants. This issue is particularly salient when evaluating effectiveness through participants' recidivism—an outcome variable believed to be influenced by several deep-seated factors in a person's life. How can an approximately two-hour restorative justice session enact such change in an individual that they become less likely to commit new crimes?

McCold (2008) looked at a day treatment school which provided a “restorative social milieu” and the effect program dosage played in future offending. Young people who attended this school participated for differing lengths of time, ranging from less than one day to over two years. He tested the hypothesis that youth who stayed longer in the restorative treatment center would have lower recidivism rates, and found that the program’s dosage was negatively related to recidivism. However, regardless of the dosage, he still found that youth who participated in the treatment center were less likely to recidivate than youth who did not participate at all. Therefore, while the dosage effect is likely an important factor for researchers to consider, it is promising that the author found an effect regardless of the length of participation at the center.

Studies conducted outside the US have also found restorative justice programs to be effective at reducing recidivism (Hayes & Daly, 2003; Luke & Lind, 2002). Rather than comparing conferencing effects with those of other, more traditional, justice processes, Hayes and Daly (2003) analyzed the effect that conference-specific factors have on recidivism outcomes. The authors found that youth who appeared remorseful and whose conference outcomes were achieved by consensus were less likely to reoffend. These results support previous findings that offender remorse and participation in the decision-making process are negatively related to recidivism (Maxwell & Morris, 2001). The researchers also found that offenders with a prior criminal history were more likely to reoffend than offenders without one, and type of offense (i.e., violent or property) did not have a significant impact on recidivism.

Several other studies have looked at the possible interactive effects on recidivism. Hayes and Daly (2004) examined the factors related to recidivism in their study of youth restorative justice conferences in Australia. The researchers found that males, youth between the ages of 13 and 16, youth who began offending at an early age, and youth with a prior criminal history were

most likely to reoffend. In her study of a restorative justice program for youth in Arizona, Rodriguez (2007) found that girls and participants with zero or one prior offense had lower rates of recidivism. Bergseth and Bouffard (2007) found that among youth referred to a restorative justice program in a small, rural US city, number of prior contacts with the justice system was significantly related to an increased likelihood of reoffending, while race, seriousness of the current offense, age, and gender were not. Using self-report data from a New Zealand family group conferencing program, Morris and Maxwell (1998) found that Maori youth, youth who committed more serious offenses, and youth with extensive prior records were more likely to recidivate. These sometimes-conflicting results contribute to the debate over the extent to which such variables affect recidivism.

Other research has found that restorative justice programs have been less successful at reducing recidivism (Jeong, McGarrell, & Hipple, 2012; Latimer, Dowden, & Muise, 2001; Niemeyer & Shichor, 1996; Sherman et al., 2000; Umbreit & Coates, 1993). Roy (1993) analyzed the effectiveness of two juvenile restitution programs on the completion of offender restitution payments and offender recidivism. Only one of the programs arranged for victims and offenders to meet with each other. There was no statistically significant difference in outcomes between the programs, and for offenders who had prior records, program participation did not reduce recidivism. Luke and Lind's (2002) initial findings showed that restorative justice conferencing in New South Wales, Australia, produced a small reduction in reoffending among youth. However, a reanalysis of their data using a follow-up period that was one year shorter failed to produce a difference in recidivism. In addition, their reanalysis using half of the sample did not show any differences between the participants and nonparticipants. The authors concluded that it is important to have long follow-up periods and large samples to detect what

may be small changes in recidivism, something that has not been frequently practiced in the current restorative justice literature. When measuring program effectiveness in terms of recidivism, some researchers also argue that how recidivism is defined and over what time period it is measured plays a large role in the findings (Bergseth & Bouffard, 2007).

However, another study conducted by Jeong et al. (2012) showed that a family group conference program's impacts on recidivism manifested in the short-term but disappeared after a long follow-up period. The authors found that at the 24-month follow-up period of a randomized experiment, participants in the program were less likely to be re-arrested than nonparticipants. However, when the follow-up period was extended to 12 years, there were no significant differences between the groups. This is arguably a logical finding for this program given that the intervention typically lasted less than one hour.

Only one prior study is known to have used propensity score matching when evaluating a restorative justice program. Smith and Weatherburn (2012) studied a Youth Justice Conference program in New South Wales, Australia, and used propensity score matching to compare recidivism of program participants to a matched group of offenders processed through the traditional Children's Court. The researchers found no difference in reoffending<sup>1</sup> between the groups after 24 months, or when considering the seriousness of the reoffense, time to reoffense, or number of reoffenses. The results were similar when the researchers analyzed youth assigned to a conference and youth who actually received a conference.

Bradshaw, Roseborough, and Umbreit (2006) conducted the most recent meta-analysis on the effectiveness of restorative justice programs. The authors included 15 studies that tested the effects of VOM on juvenile recidivism, and concluded that VOM participation resulted in a 34%

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<sup>1</sup> Recidivism was defined as any proven offense that resulted in a finalized court appearance, a completed conference outcome plan, or a police caution, and was measured 24 months after the conference date (or the sentence date for the comparison group).



reduction in recidivism. They also found differences in effect sizes based on the methodological rigor of the study and the length of follow-up. The more rigorous studies (i.e., those with comparison groups and those who used proper controls to ensure the groups' equivalence) and those with longer follow-ups tended to have lower effect sizes. They found no significant differences in effect sizes between studies based on the makeup of the comparison group, type of offenses committed by program participants (i.e., property versus person-related), or definition of reoffense. Previous meta-analyses found reductions in recidivism of 30% (Nugent, Williams, & Umbreit, 2004) and 26% (Bradshaw & Roseborough, 2005). Latimer et al. (2005) found that, in all but one of the 13 programs examined, restorative justice participation resulted in higher victim satisfaction. The effect on participating offenders' satisfaction was weaker. Offenders did have significantly higher compliance rates and, on average, experienced reductions in recidivism compared to nonparticipating offenders. However, the authors attribute the recidivism finding to the large role that selection bias played in the studies they synthesized.

The most salient methodological issue for restorative justice evaluations is selection bias, in particular, self-selection bias. By their nature, restorative justice programs tend to be voluntary for both victims and offenders. Therefore, the treatment group has selected itself and may be more motivated than the comparison group (Latimer et al., 2005). Moreover, the reason why a person elected to participate in a restorative justice program may be theoretically related to their likelihood of recidivating. If so, it is impossible to truly separate the effect that the program had on recidivism. In the case of restorative justice programs, offenders generally have to admit responsibility for the crime before they are allowed to participate. It is very plausible that a person who is willing to admit their fault in a crime is more likely to try and "move past" the offense and stay out of trouble in the future. Self-selection bias is inherent in research on

voluntary programs. It can be argued that, by randomly assigning participants into restorative justice or non-restorative justice programs, the spirit of restorative justice would be violated.

Overall, previous research demonstrates that restorative justice programs can be effective at reducing recidivism. Although a small group of studies have shown that programs may not be effective in some circumstances, results of meta-analyses have demonstrated consistently favorable results for restorative justice programs. However, these results may be tempered by the methodological weaknesses in the studies they reviewed. There is also some debate in the literature on the effect that legal and extralegal variables have on recidivism, particularly offense type (i.e., violent or property), but there is a general consensus that males with a prior history of offending are more likely to recidivate than females and offenders without criminal histories.

### **Serious and Violent Crimes—Satisfaction and Recidivism Outcomes**

Although most studies have focused on nonviolent, first-time offenders, there is a small body of work that has analyzed the impact of restorative justice programs that deal exclusively with violent offenders. The outcomes measured by these studies tend to be less focused on recidivism and more focused on variables such as satisfaction with the program's process and outcome. Studies that do analyze recidivism outcomes for this population are in the minority within the literature and may only obtain a sample of more serious offenders by chance, not because the program only handles serious offenders. Some of these studied programs may have only slightly more inclusive criteria for participation than most other programs. For example, Bergseth and Bouffard (2007) examined recidivism rates for youth who were referred to a restorative justice program, using a population of youth deemed to be "more serious" offenders since some youth had prior records and had committed violent offenses (e.g., minor assault).

Referral to the restorative justice program was significantly related to lower recidivism, as measured up to three years after referral.

Five studies have examined VOM programs that work exclusively with victims and offenders of violent crimes in the US. Umbreit (1989) studied the satisfaction outcomes of four dialogue sessions that took place in New York and found that the process was very beneficial to all of the participants involved in the sessions. Flaten (1996) examined outcomes in four cases of violent crime committed by juveniles in Alaska. Findings also showed high levels of satisfaction with the process for both victims and offenders.

Mark Umbreit and his colleagues examined the impact of programs in Texas and Ohio—the first two states to develop government-sponsored dialogue services for cases of serious and violent crimes (Umbreit et al., 2006; Umbreit et al., 2010; Umbreit, Coates, Vos, & Brown, 2002; Umbreit, Vos, Coates, & Brown, 2003). The researchers conducted interviews with victims, offenders, and program staff to measure the programs' effects. Victims and offenders both reported high levels of satisfaction with both the meeting and the meeting preparation. A vast majority of participants stated they would recommend the process to others, and most reported their preparation had a profound impact on their lives. Victims reported their view of the offender became more positive, and many offenders reported a significant life change as a result of the dialogue.

Umbreit and Vos (2000) reported on two case studies that examined the use of VOM in capital murder cases. In both cases, the dialogue occurred between a surviving family member and the offender who faced execution shortly after the dialogue session. All five participants reported that the sessions had a profound impact on their lives and that they were grateful for the opportunity. Miller (2011) studied a program in Delaware for victims of severe violence, and

presented case studies of people who went through the program. She reported largely positive outcomes for both victims and offenders. Victims reported benefits including less anxiety about their offender's release date, the resolution of longstanding fears, and the newfound ability to move on with their lives. Although some victims continued to think negatively of their offenders and did not support their early prison release, they all reported being more able to put the crime behind them and progress with their lives. Offenders were generally enthusiastic about the opportunity to apologize to their victims and show them how they have changed for the better.

Outside the US, two studies have been conducted on the effectiveness of restorative justice programs in cases of serious and violent offenses. Roberts (1995) found that almost all of the offenders and victims who participated in a VOM program in British Columbia, Canada indicated they supported and found value in the program. The second study involved a restorative justice program in Manitoba, Canada that dealt with adult offenders, the majority of whom were classified as medium- to high-risk (Bonta et al., 2002). The researchers examined participants' recidivism rates at one, two, and three years post-mediation and found that, regardless of the follow-up period, participants' recidivism rates were significantly lower than nonparticipants'. Although only 12% of victims actually met with their offender, the occurrence of a victim-offender meeting was not significantly related to recidivism. Therefore, it is possible that exposure to restorative processes and the meeting preparation is enough to effect change in offenders, and the actual face-to-face meeting with the victim is not crucial to recidivism outcomes.

These studies represent the limited amount of literature that exists on restorative justice programs that focus solely on serious and violent crimes. Most of the evaluations enlist a case-study approach to focus on outcomes such as satisfaction rather than recidivism, and results

indicate that both victims and offenders express satisfaction and report benefits from participation. The few recidivism evaluations that have been conducted indicate success for participating offenders.

### **Randomized Controlled Trials (RCTs)**

Some researchers claim that a large amount of the current literature is fraught with problems of selection bias, nonexistent or nonequivalent comparison groups, small sample sizes, and nonresponse bias, making much of the existing findings regarding program effectiveness questionable (Bergseth & Bouffard, 2007; Bonta et al., 2002; Hayes & Daly, 2003; McCold, 2008; Rodriguez, 2007). Several studies have attempted to lessen the effects of selection bias that plague many prior studies of restorative justice programs through some use of random assignment. McCold and Wachtel (1998) studied a police-run restorative justice program for youth in Bethlehem, Pennsylvania and randomly assigned offenders to court or a family group conference. After random assignment, the treatment group had to consent to participate in the conference. Therefore, the study did not benefit from all the advantages of using a true randomized design. Another flaw is that a large number of participants assigned to restorative justice conferences did not actually participate. Of the 292 offenders who comprised the experiment, 189 were randomly assigned to conferences. Of those, 109 declined to participate in a conference and therefore were adjudicated through the court. The researchers compared recidivism rates between property and violent offenders and found that violent offenders assigned to conferences were rearrested less than the control group. However, they found no significant differences among property offenders. In a reanalysis of the Bethlehem program data, Hayes (2005) studied the effect of *received* treatment on reoffending rather than *assigned* treatment, as the original researchers used. He combined the control group with the group who

refused to participate in the conference program for his analysis and found that violent offenders who went to court or refused to participate in a conference were more likely to reoffend than those who participated in conferences. He concluded that violent offenders might be more responsive to restorative programs than typical court adjudication. However, these results are questionable due to the inclusion of conference refusers in the control group. Results also showed that females were less likely to reoffend than were males.

In addition to recidivism measures, McCold and Wachtel (1998) examined qualitative outcomes of restorative justice conferences. They found that the vast majority of participants were satisfied with how their cases were handled, would choose to participate in a conference again, and would recommend the process to others. Conference offenders were more likely than the control group to report feeling their case was fair to them. Conference victims were more satisfied with the handling of their cases and were more likely to report experiencing fairness than the control group. These findings confirm those of most of the previous literature that used less rigorous methodologies.

Schneider (1986) conducted another US study that employed random assignment. She reported results from four experiments that analyzed the effect of restitution programs on recidivism. One of the sites, Washington DC, compared reoffense rates for participants of a youth VOM program to a group of young offenders on probation. The youth that were randomly assigned to the VOM program—who may or may not have actually participated in the program—reoffended at a lower rate than the control group. The author also found no statistically significant difference in recidivism among youth who were assigned to participate in the VOM program but refused and those who did participate. Although these findings are

interesting, this study was also plagued by a high refusal rate for offenders selected for the VOM program—approximately 40%.

The largest scale RCT conducted in the area of restorative justice was the Reintegrative Shaming Experiments (RISE) that took place in Australia in the late 1990s. For the RISE project, researchers randomly assigned violent and property offenders to either participate in a police-run restorative justice conference, therefore being diverted from prosecution, or to be processed through the court system. Researchers collected data on offenders under the age of 30 who committed a violent crime, property crime offenses committed by youth under the age of 18, shoplifting offenses committed by youth under the age of 18, and offenders of any age arrested for drinking and driving. Measured outcomes included recidivism, participant satisfaction, and other qualitative measures of the restorative justice program's success.

Reoffense rates varied by offense type. Violent offenders who were assigned to a restorative justice conference reoffended 38% less than offenders in the control group. Drunk-driving offenders who were assigned the restorative justice conference recidivated at a level 6% higher than the control group. There was no statistically significant difference in recidivism among shoplifting offenders or property offenders. One methodological flaw of the experiment is that the researchers measured reoffense 12 months after the offender was *referred* to court or a conference (Sherman et al., 2000). Therefore, an individual's behavior *before* they participated in the intervention is counted in the reoffense measure. Using this method, if an individual reoffends after they were referred to a restorative justice conference but stops offending after participating in the conference, he or she is still classified as a failure in terms of reoffense.

Qualitative outcomes point to success for victims. Almost half of the victims assigned to court said they would harm their offenders if given the chance, compared to 9% of the

conference-assigned victims. Conference-assigned victims were also more likely to report feeling they had received “restitution,” less likely to fear re-victimization, and more likely to report that their experience had a positive impact on their dignity, self-respect, and self-confidence (Strang, 2002). In general, more victims assigned to restorative justice reported being satisfied with how their case was handled (60% compared to 46% for court-assigned victims) and were more likely to receive an apology (72% compared to 19%) (Sherman & Strang, 2007). The percentage of victims who received an apology increased to 86% when including only those victims who actually experienced a restorative justice conference.

Several sites in the United Kingdom have used random assignment to evaluate their restorative justice efforts. In those sites, instead of using restorative justice as a diversion to prosecution, individuals were randomly assigned to have their case dealt with in the traditional manner or to have restorative justice *added* to their case’s prosecution (Strang et al., 2006). Sherman et al. (2005) combined the results from the UK sites with those from the RISE project and found consistently positive results for victims. This is noteworthy given that the sites were all very different from each other in terms of cultural diversity, victim and offender demographics, and the stage of the criminal justice process at which restorative justice was offered (Strang et al., 2006). The researchers noted that their results showed no evidence of harm being inflicted on victims through their face-to-face meetings with offenders. This finding gives credence to the burgeoning idea that restorative justice can be effectively used in cases of serious crimes without having adverse consequences for victims.

These RCTs offer a more rigorous assessment of restorative justice programs than most of the literature. However, true random assignment is never achieved since there is still the necessary element of consent after an individual is randomly selected for a restorative justice



program. This requirement can result in a large number of individuals being assigned to the restorative justice (treatment) group but not actually receiving the treatment, therefore biasing the results. This also means that RCTs may still suffer from selection bias, since offenders need to agree to participate in the program. In spite of this, the group of studies presented here represents the most methodologically rigorous evaluations in the field to date. Their results largely confirm those of less rigorous studies, finding that recidivism is usually reduced for program participants and that participants report high levels of satisfaction with the restorative justice process. However, it is noteworthy that their findings, along with the single previous evaluation that used propensity score analysis, appear to be attenuated as compared to other evaluations, and offer a more nuanced perspective on the kinds of offenders to whom restorative justice programs may be best suited.

### **Present Study**

Although there has been a gradual increase in the number of restorative justice program evaluations conducted in recent years, there are still areas that necessitate further research. Previous research has focused on a limited number and type of VOM programs and has frequently used improper or inexact methodologies, which limit the conclusions that can be drawn from the research (Bergseth & Bouffard, 2007; Bonta et al., 2002; Hayes & Daly, 2003; McCold, 2008; Rodriguez, 2007). This study contributes to the sparse literature that exists on restorative justice programs that exclusively operate for cases of serious and violent crime. In particular, this project evaluates any differences in outcomes or satisfaction that exist between victims and offenders who begin the Ohio program's preparation process and do not ultimately participate in a face-to-face meeting and those who do. The results can yield important

information regarding the program's effectiveness for both groups and the value of the preparation process.

This study also contributes to the restorative justice literature by using propensity score analysis to evaluate the Baltimore program. This technique has only been applied once with a program based outside the US. This process will reduce the self-selection bias that has plagued most previous studies of restorative justice programs (Latimer et al., 2005). Propensity score analysis is both a more rigorous methodology than that used by most other restorative justice studies and a method that is more feasible for researchers to employ than random assignment, which can be costly and time-consuming and still suffer from selection bias. Since some researchers believe that the definition of recidivism can alter a study's findings (Bergseth & Bouffard, 2007), I use multiple measures to determine if the outcomes change depending upon the definition.

## CHAPTER 4

### RESEARCH DESIGN AND METHODOLOGY

This chapter describes the research design, data, and methodology used in this study. This research was conducted at two different sites and programs: the Community Conferencing Center in Baltimore, Maryland, and the Ohio Victim Offender Dialogue program that operates within the Office of Victim Services in the Ohio Department of Rehabilitation and Correction. Although the overall research question concerning the programs' effectiveness is the same across the two sites, specific research questions and methodology vary by site. This chapter begins with a description of the Community Conferencing Center and the research design, hypothesis, and sample for that site. The chapter concludes with a look at the same topics with respect to the Ohio Victim Offender Dialogue program.

#### **Community Conferencing Center - Baltimore**

The Community Conferencing Center (CCC) is a nonprofit organization that operates in the city of Baltimore. It provides resources and training, and administers a variety of community programs. Their Community Conferencing (CC) program is the focus of this study. The CCC began offering conferences in 1996; from FY2006 to FY2011, approximately 6,900 youth have been referred to the program and approximately 1,100 conferences have occurred. The CCC employs nine staff members who facilitate conferences as part of their duties and maintains a roster of 10 to 15 volunteer facilitators. All facilitators complete the 22-hour training course, led by the Executive Director, that covers the principles of the CC process, instruction on how to facilitate conferences, and role-playing exercises. Facilitators also attend two continuing education workshops annually and are periodically observed and evaluated during their conferences. Referral sources to the CCC include the Baltimore Police Department, Maryland Department of Juvenile Services (DJS), Baltimore City school

administration, school police, Office of Suspension Services, the courts,<sup>2</sup> and community members.<sup>3</sup> CC is commonly used as a diversionary program by its referral sources. Schools, school police, and city police can refer youth to CC in lieu of referring them to formal DJS intake processing. At intake, DJS staff can refer the youth to CC as the case's resolution or in combination with placing the youth on informal, pre-court supervision. Cases that are forwarded for prosecution can be diverted and referred to CC by the Office of the State's Attorney at arraignment or shortly afterward. The assigned CC facilitator informs the referral agency of the case's outcome, and the source agency may take further action if the conference did not occur or if it was unsuccessfully resolved.

Although the CCC does not exclude any youth from participating in a conference, their referral sources generally have their own eligibility criteria. For example, the Baltimore Police Department only refers Baltimore City residents between the ages of 7 and 17 who have been arrested for a nonviolent misdemeanor offense, and excludes youth if they meet certain criteria (i.e., previous arrest for a violent crime, more than three prior arrests, if they were referred to a diversion service provider for two previous arrests, or if their current arrest stemmed from certain charges, such as a sex offense). In cases referred by DJS or the courts, complainants or alleged victims must agree to the case's diversion to CC. All youth, regardless of referral source, must acknowledge their involvement in the incident for the case to be referred to CC.

The CCC defines a Community Conference as a meeting of the community of people affected by a conflict or crime. The goal of the conference is for the participants to find ways to repair the damage caused by the incident and to minimize the chances of its reoccurrence. Offenders are given the chance to more fully understand the impact of their actions and victims

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<sup>2</sup> Typically originating in the Office of the State's Attorney.

<sup>3</sup> Incidents need not be criminal in nature to be referred to the program.

are able to express the impact of the offender's behavior on their lives and work to find a way through which the harm can be repaired. Offenders are given an opportunity to take responsibility for their actions and be accepted back into the community. Conference participants typically include the individual(s) who have been harmed, the individual(s) who caused the harm, their supporters, the conference facilitator, and anyone involved in investigating the incident.

Once referred to the CCC, cases are assigned to facilitators within 24 hours. As part of the preparation process leading up to the conference, facilitators speak with those involved in the incident, identify the individuals who should take part in the conference, and communicate the goals and outcomes of the CC. Conferences occur at a community location such as a church or a school, tend to last approximately 1.5 hours, and are typically resolved in one session. At the end of the conference, all parties contribute to the drafting of a Community Conference Agreement. This agreement could include a formal apology, a commitment to behavior change, restitution, community service, or an intention to seek support such as counseling. It includes the person responsible for completing the behaviors or actions and the date by which they should be completed. The facilitator uses this agreement to follow up on the case and classify it as having been successfully or unsuccessfully resolved. The resolution of the case is then reported to the referral agency. The CCC purports that the CC program is highly cost-effective in comparison to the traditional criminal justice system; a typical conference costs between \$800 and \$1,200, which is approximately one-tenth the cost of traditional court processing (Community Conferencing Center, 2008). At the request of the CCC, DJS staff have previously provided data on the recidivism outcomes of a cohort of CC participants, which showed reduced recidivism compared to other DJS-involved youth.

## Research Question and Hypothesis

This study posed the following research question for the Baltimore site:

*R1: Is there a difference in recidivism between youth who participate in a CC and youth who do not?*

The vast majority of the literature has found that, across different settings and various populations, restorative justice programs reduce recidivism compared to offenders who did not participate (Bradshaw et al., 2006; de Beus & Rodriguez, 2007; Hayes & Daly, 2003; Luke & Lind, 2002; McCold, 2008; McGarrell et al., 2000; McGarrell & Hipple, 2007; Nugent & Paddock, 1995; Nugent et al., 2001; Rodriguez, 2007). Therefore, I hypothesized that:

*H1: CC youth will be less likely to recidivate than non-CC youth.*

For the Maryland site, my dependent variable and measure of the CC program's effectiveness is recidivism. Some researchers and practitioners have argued that restorative justice programs' effectiveness should not be based on their ability to affect recidivism (Hayes, 2005). They argue that it is more important that programs produce benefits for victims and offenders, such as decreases in anxiety and positive impacts on their healing processes, which cannot be fully measured quantitatively. However, from a policy perspective, recidivism is a crucial measure of success about which many practitioners and granting agencies want to know, particularly when making funding decisions (Hayes, 2005). Moreover, the CCC explicitly lists "preventing crime" as a goal for the CC program. A study by Robinson and Shapland (2008) found that the majority of victims participating in a restorative justice program regarded the reduction of recidivism as a legitimate goal for their conferences and did not think that the goal was incompatible with their needs. This offers some critical justification for using recidivism as

a measure of effectiveness, particularly in light of criticisms that restorative justice focuses on the offender's needs to the detriment of the victim's.

### **Sample and Analysis Plan**

In order to test recidivism of the CC group, I needed to establish which youth in the dataset had participated (the treatment group) and which youth were involved in the juvenile justice system during this time period but did not participate in CC (the comparison group). I also needed to develop a mechanism to identify which incident in the treatment group juveniles' referral<sup>4</sup> history prompted their referral to CC. Identifying this incident, termed here the "CC-triggering referral," allowed me to examine each juvenile's delinquency history (i.e., any incidents occurring prior to their CC-triggering referral) and recidivism (i.e., any incidents occurring after their CC-triggering referral). Since the comparison group juveniles were not referred to the CC program, and therefore did not have a CC-triggering referral, I had to systematically choose which referral would be labeled their equivalent of a CC-triggering referral (termed here the "base referral"), allowing me to measure delinquency history prior to and recidivism after this base referral. In the sections that follow, I describe in more detail the strategy used to create and analyze the treatment and comparison groups. Additionally, I discuss my methodology for identifying and labeling the base referral for the comparison group.

### **Treatment Group**

The treatment group is comprised of Baltimore City youth who were referred to the CCC from either the Maryland DJS or the courts *and* participated in a CC from January 2002 to April 2011. The start date of 2002 was chosen since, by that time, several years had passed since the

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<sup>4</sup> It is important to point out the different meanings that the term "referral" has throughout this study. An arrest in the adult criminal justice system is the equivalent of a referral in the juvenile justice system. Instead of being "arrested," a juvenile is "referred" to the Department of Juvenile Services (DJS). This is distinguished from a CCC referral, which occurs *after* a juvenile is referred to DJS. In the treatment group, juveniles were referred to DJS, and then subsequently referred to the CCC.

CCC began offering conferences and implementation of the program was likely consistent. Program data on the treatment group were obtained from the CCC, and information on CC participants' involvement in the state juvenile justice system was obtained from official records maintained and provided by DJS. The CCC's data system included a "case type" field that reflected the source of the referral to the program. Juveniles referred to the program from the formal juvenile justice system were the particular focus of this study and included youth referred from DJS (13.7% of all referrals) and court sources (8.7%). Other referral sources excluded from this study include schools and police.

Data provided from DJS list the names, dates of birth, and demographic information of juveniles who entered the DJS intake process, along with the offenses for which they were referred across their criminal career. To test the impacts of CC on recidivism, I implemented a matching process to link each juvenile's CC referral to their intake offense in the DJS system. More specifically, I needed to identify which referral in the DJS system was the referral for which the treatment group juveniles were referred to the CCC (the "CC-triggering referral"). CC referrals from DJS can occur at or around the time of DJS intake, or in the case of a court referral, weeks or even months after a case has been forwarded for prosecution and adjudication. Based on consultation with staff at DJS intake, state and defense attorneys, and CCC administrators, and examination of the date matches, I created matching criteria<sup>5</sup> to determine which offense constituted a juvenile's CC-triggering referral. A total of 384<sup>6</sup> DJS- and court-referred youth met these criteria and were labeled as having participated in a conference. These

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<sup>5</sup> For each individual, the CC referral date recorded in the CC data system had to meet one of the following criteria in order to count that referral as the CC-triggering referral: (1) the CC referral date fell within a period of 90 days after the DJS intake decision date or 3 days before the intake decision date, or (2) the CC referral date fell outside of that time frame but the complaint or arrest date fell between 0 and 30 days before either the CC referral date or CC conference date.

<sup>6</sup> This represents a subset of the youth referred from DJS and the courts, since not all CC youth could be matched in the DJS dataset.



cases were designated as the treatment group. In identifying the matching CC and DJS referral for the treatment group of 384, I was able to distinguish the youth's pre-CC referral delinquency history from post-CC referral recidivism. See Table 4.1 for a breakdown of the treatment group's total referrals to DJS, and which referral in their criminal career served as their CC-triggering referral. Most youth were referred to CC on their first DJS referral (62.5%). Almost all youth (91.6%) were referred on or before their third DJS referral. This indicates that for DJS- and court-referred youth, the CC program is being used primarily for those with little to no delinquency history.

Table 4.1. Composition of the Treatment Group on Number of DJS Referrals

Total # of referrals	CC-triggering referral										Total
	1	2	3	4	5	6	7	9	10	12	
1	35.9%										35.9%
2	12.8%	10.4%									23.2%
3	4.7%	4.4%	2.3%								11.4%
4	4.2%	0.5%	1.0%	1.8%							7.5%
5	1.3%	1.6%	0.7%	1.3%	0.5%						5.4%
6	0.8%	1.0%	0.7%		0.5%						3.0%
7	0.5%	1.3%	1.0%	0.5%		0.3%					3.6%
8	0.5%	0.3%	0.3%		0.5%	0.3%					1.9%
9		0.8%		0.3%	0.3%			0.5%			1.9%
10	0.3%	1.0%					0.3%				1.6%
11			0.3%	0.3%				0.3%			0.9%
12	0.3%	0.3%	0.3%						0.3%	0.3%	1.5%
13		0.3%	0.3%								0.6%
14	0.3%		0.3%								0.6%
15	0.3%										0.3%
17	0.3%				0.3%						0.6%
18					0.3%						0.3%
20	0.3%										0.3%
<b>Total</b>	<b>62.5%</b>	<b>21.9%</b>	<b>7.2%</b>	<b>4.2%</b>	<b>2.4%</b>	<b>0.6%</b>	<b>0.3%</b>	<b>0.8%</b>	<b>0.3%</b>	<b>0.3%</b>	

*Note.* Totals sum to 100.5% due to rounding.

## Comparison Group

The comparison group consists of all youth who were referred to DJS intake during a time period similar to the one covered by the CC data – September 2002 through April 2012 – where Baltimore City was the jurisdiction. Youth who were linked by name and date of birth to records found in the CC data system were excluded from the comparison group. As mentioned above, the DJS data were structured in a manner that listed each juvenile’s referral to the Maryland juvenile justice system and the outcome of each referral. To create the comparison group, I needed to identify which referral would be comparable to the CC-triggering referral designated in the treatment group.<sup>7</sup> It was necessary to identify such a base referral for the comparison group in order to have a point in time by which delinquency history and recidivism could be measured. Any referrals occurring prior to the referral would be identified as delinquency history and any referrals occurring afterward would be designated as recidivism. The data on the juveniles’ recidivism could then be compared to the treatment group’s recidivism to determine if the CC program is reducing the recidivism of its participants.

To identify the base referral for individuals in the comparison group, I used the data presented in Table 4.1 on the treatment group’s total referrals and which referral in their criminal career served as their referral to the CCC as the guide. In the comparison group, I sought to create the same referral groups<sup>8</sup> and replicate the proportion of youth in each referral group as observed in the treatment group. First, I removed 109 cases in the comparison group that had more than 20 total referrals since that is the maximum number of referrals for youth in the treatment group. Second, I sorted the comparison group into subgroups based on each juvenile’s

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<sup>7</sup> For the treatment group, the DJS referral that resulted in their referral to the CCC is a natural baseline from which recidivism can be measured. However, there is no such analogous baseline for the comparison group.

<sup>8</sup> A referral group is defined as a collection of youth whose total number of DJS referrals is equivalent. For example, youth in referral group 2 would have 2 total DJS referrals.

number of total referrals. Third, I used a random number generator to assign each person a number. Fourth, I sorted the dataset within each subgroup based on the randomly assigned number. For each referral group, I selected the number of individuals needed to ensure that the proportion in the resulting comparison group would be equivalent to the proportion observed in the treatment group.

For example, 23.2% of the treatment group had two total referrals. Therefore, I selected the number of comparison cases with two referrals that was necessary to match that proportion in the comparison group. Within the group of selected comparison cases with two total referrals, I randomly set the base referral to either referral one or referral two, again matching the proportions observed in the treatment group. I repeated that process across all groups. I also wanted to ensure that the treatment and comparison groups included youth whose base referral occurred across the same time period. To achieve this, comparison group cases whose base referral did not occur over the same years (2004—2011) as the treatment group's CC-triggering referrals were removed. This amounted to 1,434 cases being removed from the dataset. The final comparison group sample was comprised of 12,344 cases.

### **Recidivism Measures**

Several definitions of recidivism were used in the analysis. These include any re-referral to Maryland DJS, a re-referral for a felony offense, a referral that resulted in a re-adjudication hearing, or re-adjudication for a felony offense. I tracked whether the youth recidivated on these indicators at three follow-up points—within 3, 6, and 12 months of the CC conference date, or DJS intake decision date (for comparison youth who did not get referred to the CCC). I chose these follow-up points in an attempt to capture both short- and long-term recidivism. Due to the

time span of the data, I could not extend the follow-up period past 12 months and measure recidivism for each youth.

### **Propensity Score Analysis**

For this portion of the study, I used propensity score (PS) analysis to estimate the treatment effect and assess the CC program's effectiveness in reducing recidivism. The use of PS methods is one technique by which researchers can minimize the impact of sample selection bias, which arises in situations where a nonrandom sample is used (Berk, 1983; Heckman, 1979). The objective is to obtain balance on the covariates between the treatment and comparison group; under the assumption of strong ignorability, treatment assignment is independent of the potential outcomes, given the observed covariates (Stuart, 2010). To satisfy this assumption, all variables that are related to both treatment assignment and the outcome should be included in the PS model. Unobserved covariates are effectively adjusted for in the PS analysis as long as they are correlated with the observed covariates (Stuart, 2010). The propensity score,  $\hat{p}(x)$ , is the conditional probability of each individual receiving the treatment based on observed covariates (Rosenbaum & Rubin, 1983). The propensity score is typically obtained through the estimation of a logit or probit model.<sup>9</sup>

Once the propensity scores are obtained, the next step is deciding which matching method to use. Options include exact matching, nearest neighbor matching, and optimal matching. Each technique involves a different method for selecting matches of treated and comparison cases. A common method to evaluate the matched sample, and therefore the effectiveness of the matching technique, is to compare the mean values of the observed covariates across the treatment and comparison groups. This evaluation will yield information on

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<sup>9</sup> The statistical software package used in this analysis estimates the propensity scores with a probit model.

how well the matching method reduced bias between the groups. Multiple matching methods are typically employed in order to select the technique that reduces bias the most.

I used 1:1 nearest neighbor matching with the `psmatch2` program for Stata (Leuven & Sianesi, 2003).<sup>10</sup> With this matching method, after randomly ordering the observations, each treated case is matched with the one control case with the smallest distance from the treated case, as measured by the value of the propensity score.<sup>11</sup> Matching without replacement was used in this analysis, meaning that once a comparison case was matched, it was removed from the pool of potential matches and could not be matched to other treatment cases. Cases from the treatment and comparison groups with values on the matching variables that did not overlap with the other group were discarded.<sup>12</sup> Of the 12,728 observations, none were discarded from the comparison group and 45 were discarded from the treatment group,<sup>13</sup> leaving a sample size of 12,683. After 1:1 matching, the final sample contained 337 treatment cases and 337 comparison cases.

I combined propensity score estimation with regression to produce outcome estimates that are doubly robust and consistent—as long as either the PS model or the regression model is correctly specified (Golinelli et al., 2012). The risk of bias arising from residual differences between the treatment and comparison groups can be further reduced through the use of double robust estimation, which reduces the outcome model’s residual variance (Golinelli et al., 2012). To accomplish this, I estimated a logit model<sup>14</sup> using the matched sample with a subset of the matching variables as controls. The results of this analysis are presented in Chapter 5.

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<sup>10</sup> I used the total percent reduction in bias to assess the improvement in balance obtained through matching. After trying multiple matching techniques, I found that 1:1 nearest neighbor matching produced the largest reduction in total bias.

<sup>11</sup> All unselected comparison cases are excluded from analysis.

<sup>12</sup> This is also referred to as outside the region of common support, and has been noted to improve the efficiency of the estimates (Ho, Imai, King, & Stuart, 2007).

<sup>13</sup> Two additional treatment cases were discarded due to missing data.

<sup>14</sup> Diagnostics regarding model specification revealed no difference between the fit of a logit and probit model.

### **Victim Offender Dialogue Program (VOD) – Ohio**

The Ohio Victim Offender Dialogue program (VOD) operates within the Office of Victim Services (OVS) of the Ohio Department of Rehabilitation and Correction (ODRC). VOD is a victim-initiated program that exists to facilitate a safe meeting for willing victims of serious and violent crimes and their offenders. Offenders are not coerced into participating in the dialogue and are viewed as equal partners throughout the process. Karin Ho, the Administrator of OVS, is adamant that the program staff let the victims and offenders define their own needs in terms of what they want to get out of a dialogue meeting, and insists that the forgiveness of offenders is not a goal of the program.

Ohio modeled its program after Texas and became the second state to develop government-sponsored facilitated dialogue services for victims of serious and violent crime (Umbreit et al., 2010). After months of preparation, the first dialogue was conducted in May 1996. In the beginning, the program only utilized paid staff, and in 1999 trained its first group of volunteer facilitators from outside the ODRC. Each case has two co-facilitators whose job it is to prepare the victim and offender for the dialogue and to be present during the meeting to ensure a safe environment and facilitate conversation, if necessary. Most of the time, one facilitator is employed by the ODRC and the other is from the community (Umbreit et al., 2002). Due to the sensitive nature of the crimes, the time spent preparing the participants is longer than that of other programs that focus on nonviolent crimes. The length of preparation varies depending on the participants' needs, but averages 4.5 months. During the preparation process, the facilitators meet with both the victim and offender multiple times to gauge their motivation to participate, inquire about their goals for the process, and discuss the format of the dialogue meeting. Dialogue meetings typically last between two and four hours, and both the offender and victim

are permitted to have a support person accompany them in the dialogue. Facilitators follow up with participants approximately one month after the meeting. Feedback provided by victims and offenders in the past has been very positive (Umbreit et al., 2002).

### **Research Questions and Hypotheses**

This study posed the following research questions for the Ohio site:

- R1: Do victims who started the dialogue program but did not participate in dialogue meetings report more or less positive benefits than victims who did participate in dialogue meetings?*
- R2: Do offenders who started the dialogue program but did not participate in dialogue meetings report more or less positive benefits than offenders who did participate in dialogue meetings?*
- R3: Is there any variation in terms of perceived benefits of participation in the dialogue program between offenders who committed different types of offenses?*
- R4: What impact does participation in the dialogue program have on victims?*
- R5: What impact does participation in the dialogue program have on offenders?*
- R6: How can the dialogue program be a more positive experience for victims?*

Previous research conducted on restorative justice programs that focus exclusively on serious and violent crimes has found that both victims and offenders report high levels of satisfaction and positive benefits (Miller, 2011; Roberts, 1995; Umbreit et al., 2002; Umbreit et al., 2003; Umbreit et al., 2006; Umbreit et al., 2010; Umbreit & Vos, 2000). Although no previous study has examined the differences in perceived benefits between participants who completed a restorative justice program and those who dropped out, I believe the pivotal component of the VOD program's process is the face-to-face dialogue meeting. I also believe



that the offender's crime may play a role in the amount and type of benefits that participants report, since different crimes may have varying impacts. Therefore, I hypothesized that:

*H1: Victims who participated in a dialogue meeting will incur more of what they perceive to be positive benefits than victims who participated in the dialogue program but did not have a dialogue meeting.*

*H2: Offenders who participated in a dialogue meeting will incur more of what they perceive to be positive benefits than offenders who participated in the dialogue program but did not have a dialogue meeting.*

*H3: There will be differences in terms of perceived benefits of participation in the dialogue program between offenders who committed different types of offenses.*

Given the consistent finding in previous studies that both victims and offenders report high levels of satisfaction and positive benefits, including previous work on the VOD program (Miller, 2011; Roberts, 1995; Umbreit et al., 2002; Umbreit et al., 2003; Umbreit et al., 2006; Umbreit et al., 2010; Umbreit & Vos, 2000), I hypothesized that:

*H4: Victims who participated in the dialogue program will incur what they perceive to be positive benefits from participation.*

*H5: Offenders who participated in the dialogue program will incur what they perceive to be positive benefits from participation.*

### **Sample and Analysis Plan**

I conducted semi-structured interviews with VOD participants to provide the data to test these hypotheses. I planned to conduct interviews with both victims and offenders who participated in a dialogue meeting and those who began the process but did not meet. The goal for these interviews was to determine if there are any differences in the experiences of program

participants who did and did not meet. For example, does a dialogue meeting result in more healing for victims? Are offenders more likely to be satisfied if they participated in a meeting? Questions were centered on the offender and victim's experiences in the dialogue program and how their experience impacted their lives, positively and/or negatively. Their satisfaction with the process was gauged and suggestions for improvement were gathered (See the attached interview protocols, Appendices A and B).

I also manually reviewed hard-copy files from all cases that have been processed through the dialogue program and gathered participants' demographic information and information about the offender's crime, case history, and participation in the dialogue program. Each case file contains a "Facilitator time sheet" which tracks the facilitator's contacts with the participants. Also enclosed is a referral form that includes basic information about the case, victim, and offender. Additional information contained in some files includes court files, pre-sentence investigation files, and newspaper articles relevant to the case or participants. Case files in which a dialogue meeting took place had the most information, while files for cases that never progressed past the beginnings of the preparation process generally contained very little and sometimes-incomplete data.

I traveled to Ohio to collect data in the summer of 2012. Offenders were recruited from institutions that house multiple former participants in the VOD program and were in close proximity to Columbus. Victim Coordinators at each institution personally approached the selected inmates to determine if they were interested in participating in the study. If so, they were signed up for an interview. There was an overwhelming response from inmates who wanted to participate, and I had to decline some interviews due to the limited time I could spend in each institution. Each interview took approximately one hour. Interviews were conducted in private

rooms with glass windows; prison staff would occasionally walk by to monitor my safety and attempt to judge the progress of the interview in order to know whether they should call for the next interviewee. Interviews were scheduled around count and meal times. See Appendix C for the consent form read and signed by every inmate who participated in an interview.

In total, I spoke with 21 offenders about the study. All but one agreed to participate after I met with them and explained the study and the purpose of the interview. Of the 20 offenders I ultimately interviewed, 10 had participated in a dialogue meeting and 10 had not. The range in the number of years the offenders had been incarcerated at the time of the interview was between 5 and 28, with an average of 14.4. The age range of interviewees was 25 to 63 years old, with an average of 44. Twelve were Caucasian and eight were African American; all were male. Fourteen were incarcerated on a murder-related charge, i.e., murder, voluntary manslaughter, involuntary manslaughter, or attempted murder, and six were incarcerated on a sex offense. Their sentences ranged from a low of 8 years to a high of life imprisonment.

Possible victim participants were selected and recruited according to their general proximity to the Columbus area. Participants were contacted through the mail by OVS staff to gauge their willingness to participate in the study (See Appendix D for the recruitment letter). If they were interested, they were instructed to call a contact person at OVS who signed them up for an interview to be conducted at the OVS Headquarters in Columbus or at another ODRC facility. Each interview took approximately one hour. I interviewed three victims for this study. Each victim I interviewed had participated in a dialogue meeting. The respondents were all female and Caucasian. One was the direct victim in her case, and the other two were indirect victims. See Appendix E for the consent form read and signed by each victim who participated in an interview.

The small sample of victims was due to a low response to the mailed letters. 82 victims were mailed letters, 22 were returned to OVS from the post office due to an incorrect address, and three contacted OVS to schedule interviews. This is a 5% response rate when considering the number of letters successfully mailed. The low response rate is likely due to the letter's instruction that interviews would take place in Columbus, a location potentially hours away from the respondents. Without compensation, this was probably too substantial of a burden for most people. Since I conducted so few interviews with victims, and the victims had all participated in a dialogue meeting, I cannot compare and contrast respondents' experiences with and without such a meeting as originally intended. Therefore, I am unable to address research question 1 for the Ohio site: "Do victims who started the dialogue program but did not participate in dialogue meetings report more or less positive benefits than victims who did participate in dialogue meetings?"

I audiotaped the interviews, with the participants' permission, and also took notes. Soon afterwards, I transcribed the audiotapes verbatim. I used the software program ATLAS.ti to analyze the interview data and used grounded theory to identify themes that were either discussed at length or attributed importance by the participants (Strauss & Corbin, 1998). I used an open coding strategy whereby I discovered themes through the data rather than having a predetermined set of themes for which I looked to support through the data. After coding was completed, the data were analyzed for commonalities, differences, and overall themes related to the study's hypotheses. Results of this analysis are presented in Chapter 6.

### **Access to Research Participants**

This study underwent full Institutional Review Board review at American University prior to the commencement of the research. Approval was granted in January 2012 (See attached

Appendix F). In November 2011, approval was granted from the ODRC's Human Subjects Research Review Committee before commencing research activities at that site (See attached Appendix G). Karin Ho, Administrator for OVS, also granted me permission to access the program's data and to interview participants. In Baltimore, Lauren Abramson, Founder and Executive Director of the Community Conferencing Center, granted me permission to study and use data from the program in November 2011 (See attached Appendix H).

## CHAPTER 5

### PROPENSITY SCORE ANALYSIS

This chapter presents results from the propensity score (PS) analysis conducted with data from the Community Conferencing Center (CCC). The results presented are for the treatment group that consists of all individuals that participated in a conference and were referred to the CCC from either the Maryland Department of Juvenile Services (DJS) or court system. These results address the single research question for the Baltimore site: “Is there a difference in recidivism between youth who participate in a CC and youth who do not?” This chapter presents descriptive statistics on the matched sample followed by results from the PS analysis.

#### **Descriptive Statistics**

Table 5.1 shows a comparison of the matched and unmatched treatment and comparison groups on the measured covariates,<sup>15</sup> along with the percent bias reduction seen when using the matched data. Table 5.2 displays the overall mean and median bias reduction observed through matching. Bias across each of the covariates was reduced significantly through the matching process, and the mean bias across the covariates as a whole was reduced from 20.4 to 4.8.<sup>16</sup>

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<sup>15</sup> These variables were included in the model to obtain the propensity scores.

<sup>16</sup> Although frequently used as a measure of balance, t-tests can be misleading and problematic. See Imai, King, and Stuart (2008) for a full discussion. T-tests revealed no differences between the matched treatment and comparison samples on the means of the covariates except for sex ( $p=0.01$ ). However, bias is reduced on this variable through matching and is therefore an improvement over the unmatched sample.

Table 5.1. Comparison of Matched and Unmatched Samples

Variable		Mean Treated	Mean Control	Bias reduction (%)
Age	Unmatched	14.8	15.6	77
	Matched	14.6	14.8	
Male	Unmatched	0.60	0.70	9
	Matched	0.58	0.48	
African American	Unmatched	0.92	0.90	29
	Matched	0.92	0.91	
Felony referral	Unmatched	0.16	0.18	6
	Matched	0.05	0.04	
Total felony referrals	Unmatched	0.24	0.26	39
	Matched	0.06	0.04	
Person or violent felony referral	Unmatched	0.07	0.05	49
	Matched	0.03	0.02	
Total person or violent felony referrals	Unmatched	0.08	0.26	51
	Matched	0.03	0.04	
Any adjudication	Unmatched	0.14	0.36	93
	Matched	0.09	0.07	
Total adjudications	Unmatched	0.21	0.67	97
	Matched	0.11	0.10	
Felony adjudication	Unmatched	0.07	0.18	86
	Matched	0.05	0.04	
Total felony adjudications	Unmatched	0.09	0.26	90
	Matched	0.06	0.04	
Person or violent felony adjudication	Unmatched	0.04	0.05	46
	Matched	0.03	0.02	
Total person or violent felony adjudications	Unmatched	0.04	0.06	63
	Matched	0.03	0.02	
Ever adjudicated delinquent	Unmatched	0.09	0.11	60
	Matched	0.04	0.03	
Ever placed on probation or committed to DJS	Unmatched	0.08	0.10	100
	Matched	0.04	0.04	
Most serious base referral charge <sup>a</sup>	Unmatched	5.24	5.87	93
	Matched	5.23	5.27	

<sup>a</sup> This variable was coded as follows: 1= Violent felony, 2= Person felony, 3= Property felony, 4= Other felony, 5= Drug felony, 6= Person misdemeanor, 7= Property misdemeanor, 8= Other misdemeanor, 9= Drug misdemeanor.

Table 5.2. Assessment of Bias Reduction After Matching

Sample	Mean bias	Median bias
Unmatched	20.4	9.5
Matched	4.8	3.6

Table 5.3 displays the matched treatment and comparison groups' values on the recidivism outcomes. On the whole, individuals in both groups recidivated at low numbers, and frequently the difference in recidivism rates between the groups is small. The highest percentage of recidivism is shown in the treatment group on the one-year re-referral outcome (27.9%) and the lowest percentage is shown in the treatment group on the three-month felony re-adjudication outcome (1.8%). After obtaining the matched sample, I estimated a logit model including a subset of the covariates as controls to further adjust for residual differences between the treatment and comparison groups.



Table 5.3. Recidivism Rates for Treatment and Comparison Groups

	Matched treatment group (%)	Matched comparison group (%)
<b>Three-month recidivism outcomes</b>		
Any re-referral	9.2	6.5
Re-referral, felony	2.4	2.1
Any re-adjudication	5.3	5.9
Re-adjudication, felony	1.8	2.1
<b>Six-month recidivism outcomes</b>		
Any re-referral	16.6	10.1
Re-referral, felony	5.9	3.6
Any re-adjudication	8.0	7.7
Re-adjudication, felony	3.9	3.6
<b>One-year recidivism outcomes</b>		
Any re-referral	27.9	12.2
Re-referral, felony	11.9	5.3
Any re-adjudication	13.3	11.3
Re-adjudication, felony	7.7	5.3

### Propensity Score Analysis Results

Table 5.4 shows the effect of participating in a conference on a variety of recidivism outcomes, i.e., re-referral and re-adjudication for any offense or for a felony offense after 3, 6, and 12 months. The majority of the results are not statistically significant, with three notable exceptions: at 6 months, any re-referral; and at 1 year, any re-referral and any felony re-referral. These coefficients show that participation in a conference is associated with an increase in recidivism on these outcomes. Although not significant, the remaining outcomes are approximately split in terms of showing that the treatment group is more or less likely to recidivate than the comparison group.

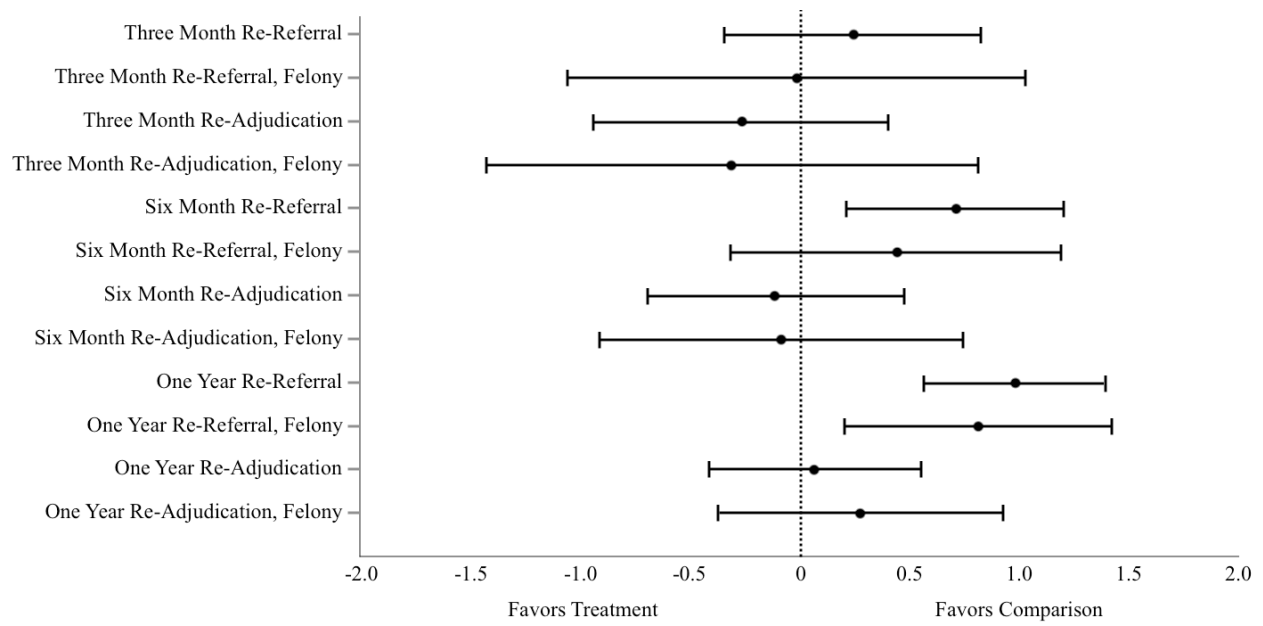
It is important to note that the treatment group appears to be more likely to recidivate as the outcome measures expand in terms of the length of time measured. At 3 months, none of the recidivism outcomes are significant, yet almost all of the odds ratios are below 0, showing that

the treatment group is less likely to recidivate than the comparison group. At 6 months, there are fewer odds ratios below 0 and one measure is significant. At 1 year, two measures are significant and none of the odds ratios are below 0. The forest plot in Figure 5.1 offers a visual representation of the findings.

Table 5.4. Effect of CC Participation on Re-Referral and Re-Adjudication at 3, 6, and 12 Months

	Odds-ratio coefficient	Standard error
<b>Three-month recidivism outcomes</b>		
Any re-referral	1.27	0.30
Re-referral, felony	0.98	0.53
Any re-adjudication	0.76	0.34
Re-adjudication, felony	0.73	0.57
<b>Six-month recidivism outcomes</b>		
Any re-referral	2.02**	0.25
Re-referral, felony	1.54	0.39
Any re-adjudication	0.89	0.30
Re-adjudication, felony	0.92	0.42
<b>One-year recidivism outcomes</b>		
Any re-referral	2.65***	0.21
Re-referral, felony	2.24**	0.31
Any re-adjudication	1.06	0.25
Re-adjudication, felony	1.31	0.33

Notes. \*\*  $p < .01$ ; \*\*\*  $p < .001$ . Standard errors reported for the log-odds coefficients.



*Figure 5.1.* Forest plot of outcome measures (odds ratios presented on natural log scale).

## CHAPTER 6

### INTERVIEW AND CASE FILE DATA

This chapter presents data collected from the case file review and interviews with victim and offender participants of the Ohio Victim Offender Dialogue (VOD) program. Data collected from the program's case files are presented first to provide an overview of the cases processed through the program. Results from victim interviews are discussed next, followed by those from offenders who did not participate in dialogue meetings, and finally, by offenders who did participate in dialogues. This chapter addresses the following research questions: (1) Do victims who started the dialogue program but did not participate in dialogue meetings report more or less positive benefits than victims who did participate in dialogue meetings? (2) Do offenders who started the dialogue program but did not participate in dialogue meetings report more or less positive benefits than offenders who did participate in dialogue meetings? (3) Is there any variation in terms of perceived benefits of participation in the dialogue program between offenders who committed different types of offenses? (4) What impact does participation in the dialogue program have on victims? (5) What impact does participation in the dialogue program have on offenders? and (6) How can the dialogue program be a more positive experience for victims?

#### **Case File Data**

From 1996 to June 2012, 321 cases had been processed through the VOD program. Table 6.1 displays descriptive information on these cases, and includes a breakdown of cases that ended in dialogue meetings and those that did not. The majority of offenders whose cases were processed through the VOD program were male, Caucasian, incarcerated for murder, and sentenced to less than 16 years in prison. Facilitators recorded spending, on average, 11.2 hours on each case. This time includes meetings with the victim and offender, as well as the dialogue

time, if one occurred. Facilitators recorded twice as many contacts with victims than they did with offenders.

Table 6.1. Descriptive Data on Cases Processed Through the VOD Program

	All cases (N=321)	Cases with dialogues (n=94)	Cases without dialogues (n=227)
<i>Offender sex</i>			
Male	303	89	214
Female	18	5	13
<i>Offender race</i>			
Caucasian	235	73	162
African American	86	24	62
<i>Offender age</i>			
Average age at data collection	48	47	48
<i>Offender crime<sup>a</sup></i>			
Murder <sup>b</sup>	159	59	100
Sex offense	88	23	65
Robbery or burglary	38	6	32
Other <sup>c</sup>	61	13	48
<i>Offender maximum sentence length</i>			
Less than 16 years	125	33	92
Between 16 and 26 years	77	21	56
Between 27 and 100 years	20	12	8
Life	99	29	70
<i>Dialogue preparation (Per case)</i>			
Total hours of preparation logged by facilitators	11.2	11.6	10.8
Average number of contacts with victim	5.1	6.1	4.1
Average number of contacts with offender	2.5	3.3	1.7

<sup>a</sup>Cases can be counted multiple times across several categories.

<sup>b</sup>This categorization includes murder, attempted murder, involuntary and voluntary manslaughter, and aggravated murder.

<sup>c</sup>This includes offenses such as felony assault, endangering children, kidnapping, theft, and arson.

Overall, there are not many major differences between the cases that end in a dialogue and those that do not. One difference is observed on the offender crime types. For cases that end in a dialogue, murder cases comprise 63%, followed by sex offenses (24%), other crimes (14%), and robbery or burglary (6%). For cases that do not end in a dialogue, the proportions are slightly different. Here, murder cases comprise 44%, followed by sex offenses (29%), other crimes (21%), and robbery or burglary (14%). Surprisingly, facilitators spend almost the same amount of time preparing cases regardless of whether they end in a dialogue meeting. This implies that facilitators are investing a significant amount of time in a case before they or another party terminates the process.

The majority of cases that begin the dialogue preparation process never end in a dialogue meeting. Of the 321 cases, 94 had completed dialogues and 227 did not proceed to a dialogue. The most common reason, as documented by each case's assigned facilitators, was because the victim declined to proceed or was not responsive (43%). See Table 6.2 for a breakdown of all the reasons why dialogue meetings did not occur.

Table 6.2. Why Cases Did Not Proceed to Dialogue Meetings

Reason	Number of cases	Percent
Victim declined to proceed	49	21.6%
Victim not responsive <sup>a</sup>	49	21.6%
Victim not appropriate for dialogue <sup>b</sup>	9	4.0%
Offender did not want to participate	43	18.9%
Offender not appropriate for dialogue <sup>c</sup>	22	9.7%
Case not appropriate for dialogue <sup>d</sup>	11	4.8%
Other/Reason not listed	44	19.4%
<i>Total</i>	<i>227</i>	<i>100%</i>

<sup>a</sup>In these cases, the victim never responded to the facilitators' initial call to begin the dialogue process, or at some point during the process they stopped communicating with the facilitators.

<sup>b</sup>For example, they were too young to participate or their goals for the dialogue were incompatible with the purpose of the program.

<sup>c</sup>For example, the offender may be going through the appeals process or may not admit responsibility for his or her actions.

<sup>d</sup>For example, the case involved domestic violence, which made it ineligible for the dialogue program, or there were case circumstances that made the facilitators believe dialogue would not be beneficial.

### Victim Interview Data

I interviewed three female victims who had participated in the VOD program. One was the direct victim in her case and the other two were indirect victims. Every respondent had participated in a dialogue meeting, therefore I was unable to test the first hypothesis regarding the difference in positive benefits among those who did and did not have a dialogue. In this section, I report the interview results as they pertain to my remaining hypotheses.

### Reasons for Participation

The respondents reported varying reasons for why they sought out the VOD program. One said that she knew the offender would be getting out of prison and she needed to make

peace with that. She wanted to forgive him and let go of the anger she felt, and thought that she needed to meet with him face-to-face to be able to fully forgive him. She also had a lot of questions she wanted to ask him about the crime because she was young at the time and largely sheltered from the trial. Another woman stated that she had wanted to visit the offender in her case with her therapist but was prevented from doing that, and instead she was referred to the VOD program. She had wanted to tell him how the crime affected her, and thought victims should have a right to meet with the offender if they chose. The last respondent conveyed that when she first found out about the dialogue program, she was not interested in participating. However, she later changed her mind: “When I really knew he was coming out...I just felt like I needed the peace of mind to know that I had done anything I could do to hopefully change him, that he would see that he needed to change his lifestyle and stuff in order to not do this again.”

She went on to explain:

I just never thought I wanted any contact with him at all, and I have felt like I didn’t need to do that for myself because I figured he had taken the most precious thing from me, so I have not let him kill me with anger and hatred...I figured I do have control over that and you’re not going to do it to me. And so I really didn’t have to do it so that I could heal or anything, because you never heal from it...you just learn to cope in a different way.

These women explained they often felt that others perceived them as “strange” for wanting to engage in a dialogue. One woman said that she chose to only tell her family about the dialogue meeting after it was over, and reported they were shocked to find out that she had met with the offender. Another woman said that she told her family about her desire to participate in the program, and although no one else wanted to join her, they supported her decision even though it was difficult for them to understand why she wanted to pursue it. She explained that



while she did not need them to participate with her in the meeting, she did want their support and would have stopped the process if they had not wanted her to participate. Another felt that it was prison administrators, not her friends or family, that did not understand her need for the dialogue meeting, especially since she was the direct victim.

### **Dialogue Preparation**

The preparation process leading up to the dialogue meeting can take, on average, 4.5 months, as the facilitators who are assigned to the case assess the needs and readiness of the victim and the offender. Two respondents remarked that the preparation process seemed to take a very long time. One explained meeting with two facilitators who would ask her what she wanted to get out of the dialogue and about the questions she wanted to ask the offender. They would then speak with the offender and pass on that information, he would indicate what questions he could and could not answer, and the facilitators would then relay that information back to her so she knew what to expect. She felt the facilitators had two different perspectives on the offender, and that they viewed him as either cooperative or manipulative depending on their point of view, and therefore often provided her with contradictory information. Despite that, she said she felt very prepared for the dialogue meeting:

The one thing I think I wish that maybe I would have had at that point was maybe a little bit more emotional maturity myself. So that I could have asked him about his life and maybe that would have given me some clarity about his life and what led him to that action. That might have been helpful for me, if I had had that little bit of emotional maturity. But I mean, I felt comfortable going in, they give you step-by-step what's going to happen, even just walking me through before I went was helpful.

She felt that the slow preparation process was important to ready her for the face-to-face meeting: “Going back and forth and having time to reflect is important, and you have to think, what do I really want from this. And I think if I was rushed along, I don’t know if I would have been able to grasp everything.” She also explained that Office of Victim Services (OVS) was very helpful in finding information for her about the court transcripts and police reports, which she was given access to and read in preparation for the dialogue. Another respondent agreed that she felt well prepared for the dialogue meeting. She explained that at first, she was hesitant about the involvement of the facilitators since she did not know them and felt that private topics would be discussed during the dialogue. She later felt that they were very helpful, and helped her think of things she would have never thought of (e.g., if she wanted the offender to be seated when she came in or the other way around).

All respondents reported ultimately liking the facilitators assigned to their cases. One said that she felt the facilitators “showed a lot of empathy and compassion and care for both [me and the offender].” Another described her thoughts about the facilitators: “I think that the person that you have there, at least one person, should maybe be someone that you already know, like your counselor and not just two random people from the parole board or whatever.” She indicated being happy that one of the facilitators was female.

Although the lack of respondents in the sample who did not participate in a dialogue meeting prevents any conclusions from being drawn about the differences in perceived benefits, one respondent hypothesized about the reason why many victims choose to stop the process before participating in a dialogue: “Those ones that didn’t go through, the process of starting it might have been all they needed...they might not have needed that dialogue but the process they went through might have been what they needed to get along.” Another respondent specifically

stated that the face-to-face dialogue meeting is the only form of dialogue that would have been helpful for her (e.g., as opposed to a mediated letter dialogue). She said that she needed to see the offender's reactions and see if he had any remorse, something that could more easily be manipulated through a letter.

Even though they felt ready, each respondent explained that their emotions were heightened leading up to the dialogue meeting. One discussed her feelings in detail:

I didn't know when I saw him, what feelings would come out, and I was afraid there would just be anger and bitterness, and I would want to slap him. And that's what I was most fearful about how I would react. And I just remember being really nervous and anxious.

### **Dialogue Experience**

The respondents also reported feeling intense emotions during their dialogue meetings—meetings that took place several years after the crimes occurred. One recounted being surprised about her feelings toward the offender:

I think for me, that when he walked in, that I didn't have that immense sense of hatred that I was so fearful of. I just kind of looked across the table and thought, wow, he's a person just like I am. And then when we started the dialogue...I had some pretty hard questions at first and he at that point tried to take control and move me down to another set of questions, and at that point I went right back with it, because I finally felt empowered a little bit, that this is something maybe in this whole system that I finally have a little bit of control over. Just in speaking with him...it was interesting to see him, and that's probably what the whole first part of the meeting was, just shocking to me.

She indicated that although he did not express remorse, he did provide answers to many of her questions and listened attentively as she spoke, which she appreciated.

Forgiveness was an important issue discussed by two of the women in different ways. One indicated that even though she was not able to forgive the offender directly following the dialogue, she has since reached the point where she has forgiven him and it helped her be at peace with his eventual release from prison. She also explained that her ability to forgive is grounded in her religious faith:

I began praying for him that day [of the dialogue]. I had never prayed for him before and I've prayed for him every day since then. I prayed that he would come to know the Lord and that he could come to some type of resolution for his actions and his behavior. And I think forgiveness for me is that I can't keep holding him accountable for one action in his life. I was letting that one action define everything about who he is. And he's more than just someone who murdered someone else. He has a whole being and I needed to let that go and let him be something else. I remember someone asking me, 'So when you get to Heaven and he's there, what are you going to do?' And there was not a moment's hesitation, and I said, 'Well, rejoice.' And that's when I knew that I had reached forgiveness.

Another respondent explained that although she harbors no ill will toward the offender, she does not feel that it is necessary for her to forgive him:

All this forgiveness stuff that people talk about, I've told him, I can't tell you I forgive you...there's someone bigger than me that you've got to deal with for that, I can't sit here and tell you I forgive you. And the way I've lived with that is that God and him have to

take care of that, and I'm ok with that. I don't hate him...I hate everything he did that night, I hate all his actions...but I don't hate him.

The women indicated they were deeply affected by their dialogue meetings and said it was important to have someone to debrief with them afterwards. One respondent said she appreciated having the support person she brought with her into the dialogue meeting to talk to afterward, but suggested there could be better follow-up from the facilitators. Another respondent echoed the suggestion of more comprehensive follow-up:

Maybe you should ride together. I drove myself and drove myself home, and I was like, shaken up, it was weird, I had a lot going through my mind and I think I wished I could have had someone to talk to about it. Like maybe the next day, you should have an appointment with somebody, and maybe they should drive you or something...It is weird to have this thing coming all this time, you prepare for it and think about it, and then you do it and it's so strange—at least it was for me—to go into this prison, which is a weird environment already, and then just to leave and it be over and you're on your own. It was kind of weird and it felt like somebody could have some real major issues after that.

### **Satisfaction with the VOD Program**

Each respondent explained how beneficial the VOD program was for her. One said: I would hate to see this go away, because it really is beneficial. This is an important piece not only for victims, but also for offenders. For offenders to see the face of someone that they've harmed or hurt...Just giving them that opportunity as well to make peace and reflect on that is important.

She went on to explain that the dialogue helped her come to terms with the crime and work through her grief. Two of the respondents reported feeling that the dialogue meeting had no impact on the offender. In spite of that, they are happy they participated. One said:

Like I said, I'd do it again. I think it was a positive thing for me just because now I can live with knowing I did everything I could do to make it different...At the [dialogue], I said to him, I didn't hate him, I hated everything about what he had done, but I did not hate him. And I still don't hate him, because he's a human being, I guess... even with as bad as he's been, there's still hope.

Another respondent said that the reason she wanted to participate in this study was to convey her happiness with having had the opportunity to participate in the dialogue meeting:

I am glad that I got to tell somebody how important it was that I got to do that. I can't convey that enough. Like, if I hadn't been able to do that, I can't even imagine what my life would be like now. I really think it would be this huge thing that affected me until the day I died if I was never able to do that...for me, just doing the whole thing was so significant and important.

She went on to reiterate her happiness that the VOD program exists, and acknowledged that all victims do not have the same opportunity:

I think that when they [OVS] started doing this [the VOD program]...it was like the only way that you could go do something like this, was through these people. I think I remember them maybe saying that and knowing that if I lived in a different state that I couldn't have done this. So I think it's great for people to get the word out about how important it is or something. I mean, people handle things differently, but personally, it kind of made me feel rage and probably would fuel my rage and hatred this day toward

institutions or law enforcement or whatever [if there was no program through which I could have met with the offender]...I think it's ridiculous to not offer dialogue in cases of serious crimes. You should have rights as a victim... I'm very glad that I was able to do this.

These women all saw it as their right as a direct or indirect crime victim to have the opportunity to meet with the offender and express their feelings to them about how their lives have been impacted. However, as the previous respondent suggested, the ability of crime victims to meet with offenders is limited by state and crime type.

Every respondent indicated they would recommend the program to others. One explained the positive impact it had on her life:

Because I know what it did for my life, and how it helped me move on and helped me let a lot of things go, just seeing him. I guess finally getting a voice about what happened. And being able to see, I think, his humanity was probably the most important thing that day. Because he was no longer the monster. And I remember when I was trying to think about the emotions that I felt, and what I felt for him after the dialogue was pity. Because he had no idea what he took. He had no understanding, and I thought, I would hate to live my life without valuing others and other people's lives.

The respondents had very few suggested changes for the VOD program. One said the VOD facilitators should be sure to keep encouraging people throughout the preparation process since it can take a long time and victims can get impatient and feel discouraged. She also explained that watching a tape of someone else's dialogue was helpful to prepare her for what to expect, as well as having more than one facilitator. Another respondent expressed wanting to have the power to

select which facilitators were assigned to her case, and seemed concerned about the possibility of a victim not liking one or both of them but still having to work with them.

## **Summary**

Overall, victims who participated in the VOD program had positive comments regarding the process, outcome, and overall benefit they received from their participation. They felt prepared for the meeting, supported by the facilitators, and do not regret pursuing a dialogue with the offender even though their demeanor or responses did not necessarily satisfy them. Each woman wanted to get something slightly different from their participation and had differing reasons for wanting to have a dialogue meeting. They also had different levels of support from their families and felt that others often did not understand their reasoning or need to participate. This shows how intensely personal the dialogue can be for victims, and though it may not be for everyone, it is very important for those who choose to pursue it. It is noteworthy to mention that the cases in which the respondents were involved, the type of crime, and their relationship to the direct victim were distinctly different from each other, yet they each had positive experiences. Their suggestions for improvement were few, and included ensuring the facilitators are engaged with and encouraging of victims throughout the long preparation process, providing victims with an opportunity to select at least one of their facilitators due to the personal nature of the dialogue process, and improving the facilitators' post-dialogue follow-up.

## **Offender Interview Data**

### **Participants Without a Dialogue Meeting**

I interviewed 10 offenders who had participated in the VOD program but did not have a dialogue meeting. The offenders were all male; eight were incarcerated for murder and two were



incarcerated for a sex offense. Six were African American and four were Caucasian. The range of time they had been incarcerated at the time of the interview varied from 7 years to 21 years.

**Reasons for participation.** Every offender indicated being nervous or surprised when first approached by Ohio Department of Rehabilitation and Correction (ODRC) staff about participating in the VOD program, and some expressed their initial ambivalence about meeting with the victim or victim's family in their case. However, this early reluctance did not prevent them from agreeing to participate. Many reported wanting to help the victim or the victim's family, to "close the grieving process," and others thought the dialogue would be beneficial to them as well as for the victim. One respondent explained his motivation for agreeing to participate:

I think, well I have a debt to them. These people [the victim's surviving family members who requested the dialogue]...I have no knowledge of who they are, I mean the only person I knew was the person I got into the conflict with, and I didn't know any of the people who suffered from the consequences. So I have a debt to them that can't be repaid, so if they want something from me, I owe it to them.

Two of the men would have been meeting with their family members as part of the dialogue, and expressed an interest in using the meeting as an opportunity to visit and reconnect with them, as well as apologize for the crime. One explained that he would likely be interacting with the victim's family when he is released from prison and does not want them to be afraid of him. He thought the dialogue would be a good way for them to have a facilitated, structured conversation so they could be set up to have a positive relationship in the future after his release.

Most of the respondents told other inmates or their families about being approached to participate in the program. Three of the offenders said their families encouraged them to

participate, while the families of two offenders advised them against it because they were worried something they said in the dialogue would be held against them. One respondent said he got “mixed responses” from the offenders with whom he discussed the program. Some that had shorter sentences discouraged his participation, while another told him “You should at least hear what she has to say, just be prepared she might want to cuss your ass out.” Others chose to keep their participation in the program private from others in prison. One explained why:

I told my family I was going through it. They said you should really do it because it’ll help you. I said I don’t know, it might make them [the victim’s family] more bitter. I wanted wounds to heal. I didn’t tell people in here about it, I think it’s none of their business. We keep stuff to ourselves in here, not trying to hide but you just don’t let people know things in here because they can hold it against you. Sometimes the administration can unintentionally leak things in here...everything comes out.

Although what the offender says in the dialogue meeting is meant to remain private and is not formally held against them when it comes to parole hearings, it may be difficult for offenders to trust that it will not happen. As the previous respondent indicated, there may also be a fear that staff will discuss the proceedings with other staff members, therefore violating their privacy.

**Dialogue preparation.** Some respondents were involved in the VOD program for several months, having met with the facilitators for their case, before the process was ultimately terminated. Some remember multiple and detailed meetings, where the facilitators told them what questions the victim wanted to ask them, and in some cases showed them pictures from the victim. Some reported liking the facilitators and feeling comfortable talking with them, while one respondent said that they were biased against him and appeared to be more on the victim’s side throughout the preparation process. This respondent could not provide specifics on why he

felt the facilitators were biased, but explained that it was a feeling he had from how they treated him—he believed that they thought less of him because of his crime.

**Dialogue termination.** Many respondents did not know why the dialogue process was terminated in their case, and one was under the impression that his dialogue is still moving forward even though it has been years since someone from the VOD program has contacted him. One stated that “They met with me the one time and then I never heard from them again.” Three were told that the process stopped because the victim did not want to proceed, one stated he later chose not to participate because he believed whatever he said in the dialogue meeting would be used against him at the parole board, and another said the process was stopped because the people he would be meeting with were minors, and therefore were too young to participate. Several indicated their frustration regarding the lack of information provided about the status of their case in the dialogue program. They reported often being hopeful and looking forward to the dialogue only to never hear back from a staff member about their case.

Despite their abbreviated participation in the VOD program, many indicated they experienced positive benefits from the process. One described what he gained through talking with the facilitators: “I felt it was a burden lifted off my chest that I just kept bottled in, some things I never spoke about and I liked that you could tell them because they couldn’t tell anyone in the joint.” Others echoed this, reporting that it was beneficial to tell the facilitators some of the things they were feeling and to indicate their regret for their actions. Others had positive impressions of the program, particularly regarding the potential benefit for the victim: “I think it has great potential for helping people to get over the trauma they’ve experienced. Whether it’s the loss of a family member, or whatever trauma they’ve experienced...I think there’s great potential in being able to confront the person that’s the cause of that trauma.” One stated that

participating in a dialogue with the victim would give many offenders a “reality check”:

“Hearing from a victim would be helpful. As you do time, sometimes you start to feel like a victim, and get a callous attitude about what happened to you. You forget that you committed a crime and so you get bitter.”

Based on their experience thus far, every respondent but one stated he would recommend the VOD program to other inmates, and one said he already has. The one who would not recommend it explained his reason is that “They claim that it has no potential to do harm to you, but I’m very skeptical of that.” One respondent stated that he believes the program is flawed, but would recommend it to other offenders because of the potential it has for helping victims. Another respondent explained that he would recommend the program because of its potential to help offenders:

Oh I’d definitely recommend it. Because it does a lot for the offender and what it does is, anytime you can get guilt off your chest or mitigate it, that helps, and it also makes you feel better about yourself and how you do your time. A lot of people are full of anger and I think when you understand another person’s position, it’s helpful...[but] you can’t fully participate without establishing trust over a period of time. And when you see the victim in the case putting forth that time...some guys are numb to having a victim...they say, well I was out selling drugs, I don’t have a victim. I think the dialogue can be helpful not just for the victim, but for the offenders. And you have a lot of people have a lot of excuses but, bottom line is, I think a lot of people would like to do it.

One respondent explained that not having the opportunity to see how their actions affected others is a reason why some offenders do not change their behavior once released: “We never see how it affected them because we were snatched up and sent to prison. If we did see, we might not

reoffend.” Offenders sometimes see the effects of their actions on victims or victim families during sentencing via victim impact statements. However, the amount of time that typically transpires between when an offender went to prison and when the victim initiates the VOD program may give offenders the time they need to gain a better perspective on the crime and their role.

**Satisfaction with the VOD program.** These respondents had several suggestions for changes to the VOD program that would improve the experience for offenders. One respondent discussed his desire to exert some control over the dialogue meeting: “I’m concerned about how [prison] staff talk. I wanted to request a certain officer to be in the room during the dialogue instead of some other person I didn’t trust. It might mess things up for my prison image if they talk about what happened in the dialogue outside.” Other respondents also expressed apprehension regarding the involvement of the ODRC staff in the dialogue program and process. There is a level of distrust associated with prison staff and it may be difficult for many offenders to trust the people involved in the program if they are ODRC employees. Having facilitators who exclusively work outside the ODRC may help foster a more trusting relationship with the offenders and encourage their participation in the program. Another respondent expressed that “In the process...I don’t know how to describe this, but you had the definite feeling that the person who was supposed to be the mediator was definitely part of the system, you definitely knew that they had that view of you as a prisoner, that’s endemic to people that are in the system.” He went on to explain he felt that “there was just this sense that you were kind of on trial again.”

One observed that there appeared to be little support in place for the offender in the program. He remarked that such a process can impact an offender, and they have no place or

person they can trust to discuss their feelings, believing that other offenders would not want to talk to the prison's mental health staff. Another suggested that the preparation process be sped up and that there be better continuity of the program when offenders change institutions. He felt that when he moved to a different prison, there was a significant time lapse in the process in terms of hearing from the facilitators. Two suggested having alternatives to an in-person, face-to-face dialogue meeting, including over a webcam or a mediated letter dialogue. Another said even simply being able to have dialogue with the victim through the mediator without an end goal of a face-to-face meeting is a valid option.

Several respondents stated they would like offenders to be able to initiate the dialogue process or have the ability to express their interest in participating. One respondent explained: "I don't like that victims have to initiate the process. When you go before the [parole] board it makes it seem like the offender didn't care to contact the victim, when they [the parole board] don't know that there are a lot of restrictions in place. I'd like it to be recorded that offenders inquired about meeting with the victim." Another respondent said that his ability to participate productively in a dialogue has changed throughout his incarceration. He suggested offenders have the ability to indicate when they are ready to engage in dialogue with the victim:

My overriding concern today would just be about doing anything and everything I could to make the victim, the survivor, feel better about the circumstance and not, I guess...at the time [when I was contacted by the facilitators], a dominant urge was to explain what had let up to it and in the end it really doesn't matter who did what and who instigated what and who started what, and none of that stuff matters really. Somebody's lost somebody and they're not going to get them back and they're having to live with it, and that's the only thing that really matters.

He went on to explain that it would be helpful for offenders to have the opportunity to express themselves to the victim through the VOD program, but not necessarily through a dialogue meeting:

It also would do a lot for rehumanizing people that have been incarcerated, to be able to say you're sorry for something that you've done, definitely could help in dealing with some pretty crippling guilt and in a circumstance like mine, this isn't stealing a tire out of the garage, this is something pretty serious that affects people's lives.

### **Dialogue Meeting Participants**

I interviewed 10 offenders who had participated in the VOD program and had a dialogue meeting. The offenders were all male; six were incarcerated for murder and four were incarcerated for a sex offense. Two were African American and eight were Caucasian. The range of time they had been incarcerated at the time of the interview varied from 5 years to 28 years.

**Reasons for participation.** Similar to those who did not ultimately participate in dialogue meetings, many respondents who did participate stated they had mixed feelings when initially approached to participate in the VOD program. Some said they were surprised and had to think about it, while others immediately agreed to participate. One described his feelings about participating:

Well, of course I had mixed feelings. You kind of learn to be a little bit concerned after you've gone through the process of incarceration, to be concerned how information might be used to harm you. I definitely had conflicting feelings of being harmed by information. And on the other side, I wanted to do the right thing, and I wanted to do whatever I could to help my victim deal with the consequences of my actions.

Most respondents agreed that if the victim or victim's family in their case wanted to talk with them, they needed to participate out of an obligation to them, even if they saw no benefit for themselves. Some specific reasons given for their participation include, "I just thought it was the right thing to do," "I thought it might help them," and "To ask for forgiveness from her and to her family."

Each offender reported consulting with their families, and occasionally other inmates, after they were approached to participate in the program. Most of their families supported their decision to participate, while none of the fellow inmates understood or supported their involvement. One inmate explained, when asked if the other inmates understood why he wanted to participate in the program: "No, not really. Most of them don't understand anything anyway, I mean because a lot of people here are doing short time and they can't wrap their head around doing a whole bunch of time. So, they're pretty much thinking about the streets and everything." Most of the respondents relied on their families for advice and support, and it was their opinion that mattered most when deciding whether to participate. However, many offenders said that regardless of what others thought, the decision to participate was a personal one spurred by their feelings of obligation to the victim or family.

**Dialogue preparation.** Many people recalled the preparation process stretching on for months, and some did not understand why the process took so long. They reported meeting several times with the facilitators, answering questions asked by the victim through the facilitator who then reported back their responses. They expressed appreciation over having a period of preparation before the dialogue meeting, and an opportunity to know what they could expect: "It definitely prepared me, but I don't know if anything could completely prepare you for it [the



dialogue].” One respondent said the meetings seemed to get repetitive in terms of the questions they asked, and another expressed concern over the content of the questions being asked of him:

The two people I met with seemed very different in their approach. They were explaining the program, and did a good job of that. The concern that I developed was the line of questioning. It wasn’t just from my victim, it was also from a family member. So it was really from two people, and the questions they asked me often had nothing to do with my case. They were clearly seeking to try and get me to admit either something incriminating that would be detrimental to me or just something that would be about my character, something that I might have done as a teenager or something like that. Or something from our family life that either wasn’t true or would have been misconstrued or overblown or misremembered or whatever.

One respondent specifically commented on the importance of having the preparation process end with a dialogue meeting: “I think you really need to speak to them [the victim(s)] because the preparation just gets you stressed out. I mean, it brings back all the memories and all the feelings of it, and then if you can’t express it, it would kind of leave you hanging.”

**Dialogue experience.** Respondents generally explained that the dialogue meeting was difficult and emotionally draining for them. Many said they shed tears with the victim or victim’s family, and felt the dialogue benefited the victim. One respondent recounted his dialogue meeting:

I guess it was very emotional. Actually more for me than for my victim, if possible...I didn’t know what to expect completely. I had hoped it might have gone a little bit better than how it did. I had hoped I’d have an opportunity to apologize, and also to explain what I’d done to try and address my behavior and that kind of thing. And so I at least

accomplished part of that, in apologizing. I don't think my victim really wanted to hear that and definitely didn't want to hear what I've tried to do to address that. And I think their mind was already made up coming into it. So that's a little disappointing, but you can't have everything you want.

One respondent remembered feeling "very depressed" afterwards, and another explained he was disappointed with how the dialogue went because the family did not believe his account of the crime and seemed frustrated with his responses. Another described that he was happy to have a support person there during the dialogue and with him during the preparation process. By just having his support person in the room, he felt calmer during the dialogue.

Almost every person stated they liked the facilitators, saying, "They were very kind," "I thought highly of them, they were very helpful and very supportive," and "I thought they did a good job, they helped keep my nervousness down and made the process easier." Some had conflicting feelings regarding any biases held by the facilitators. One said, "Actually, I felt like they were more partial to me. I don't know. Maybe they weren't, but that's kind of the feeling I got" while someone else stated, "I believe they were representing the victim, so I don't believe they were representing me. And that's ok, I mean, I understand you really should be for the victim as far as I'm concerned." One respondent reiterated his doubts about the confidentiality of the information he shared in the preparation process and dialogue:

Whether it was used for the parole board or in some other fashion, I do believe they were trying to find information to harm me. There was a kind of conflict in some ways with them [two facilitators]...one seemed to be a little bit more balanced, the other was clearly more of an advocate for the victim. And I'm not saying that's necessarily good or bad, but you could tell through a little sarcasm or things like that, that there was a bias there.

And I know it would be a difficult job to have anyway, but I think it can cloud the issue or it could possibly not facilitate the dialogue.

Forgiveness did not appear to be a prevailing theme among the dialogues. Most everyone either did not remember if the victim or victim's family indicated they had forgiven them during their dialogue, or said they did not. Four respondents said that the victim or victim's family had forgiven them. One stated that though they said he was forgiven, he did not believe them due to their attitudes during the dialogue.

Even though forgiveness did not play a role in every dialogue, respondents reported many personal benefits from their participation. Two of the participants discussed the idea of closure after their meetings:

First thing [in terms of the process's benefits] came to my mind is closure, but I'm not sure...everyone says closure but I don't really know what that means, but it was sort of freeing to be able to talk to him face-to-face and basically apologize face-to-face, instead of through letters.

It helped me because it gave me some type of closure. The closure for me was that, at least the victim's family... It wasn't easy, I don't know what to say, but hopefully they got something out of it that puts them at ease. But I knew I needed to do that and afterwards I was glad I did it, it was like...hopefully it did some good for both sides, I know it did for me in terms of knowing it gave them some closure. I still think about it every day... There ain't nothing I can do that will bring back the past. What I can do, is do something about who I become. And that's the best thing I can do.

Another respondent said, “I was happy it made her feel better. I mean, it stressed me out for nine months, but I was happy that she got some kind of closure or whatever she needed to get out of it.” Two stated that the process did not benefit them; one commented, “Well I wasn’t doing it for me anyway...I feel it cost me a lot, emotionally.”

Despite differing personal experiences, everyone said that they would recommend the program to other offenders who were considering participating. However, some acknowledged that there may be differences in the program’s effectiveness depending on the case and the people involved, and therefore qualified their recommendation:

I’d tell them go for it. It would have to depend on his situation and his case, I think. You know, everybody’s case is different and everybody’s feelings toward their victims are different. Not everyone is as repentant as I am. I think for the most part I would tell him to go for it.

At different times I’d said yes [I would recommend the program], and other times I would say, well maybe. So I qualify it because it depends on the particular situation and every victim is going to be different, every offender is going to be different. So it might be beneficial for both or for the victim in different ways...I mean, even in my case, at least I can say, you know, I said maybe I didn’t benefit but I probably have benefitted because at least I can say I tried to do my very best.

**Satisfaction with the VOD program.** Although many respondents had no suggestions on how to improve the VOD program and their experiences with it, some did share their recommendations. Four respondents thought the preparation process could be sped up, and commented that it seemed to go on forever before they had a dialogue meeting. Some indicated

their appreciation that the program is victim-initiated, but would like offenders to have more input in the process. One respondent elaborated on this:

I always [recommend the VOD program]. I know it's a process where you can't go to them, you gotta wait for them to come to you. Then once they come to you, you can have say so about if you want to, but if it's any possible way that some people can go to their victims...now in the Victim Awareness Class they allow you to do it, but on the pretend side. Like if you could talk to your victim, what would you say? I've met some guys that are remorseful and repented for what they done, but I know they'll never get the opportunity that I had.

Another agreed that it should be victim-initiated because the process is geared more toward victims getting something out of it, rather than offenders. They reiterated:

I think we [offenders] should be allowed to know about it, but I don't think we should be the ones to instigate it. I think it's right that it should be initiated by the victim. Some people shouldn't be allowed anywhere near their victim, and I don't think the victim would want them around, they could cause more problems that way.

Taken as a whole, offenders spoke positively about their participation. When asked to sum up his experience with the program, one respondent said:

I thought it was a good program, a good process. The mediators were helpful and insightful. I have nothing negative to say about the program, and even the negative stuff wasn't presented in a negative way. It was a process...they ask you what's going on with your life and they wait until you're prepared to meet. It didn't take too long, for me it was about the victim and whenever they were ready. I'm just happy to have had the opportunity.

Although two of the offenders tended to be more matter-of-fact with their answers, explaining that the process did not particularly benefit them and they just did it because the victim requested it, the rest reported coming out of the process feeling happier and that they experienced some healing by being able to help the victim, provide them with closure, and apologize for their actions.

### **Summary**

Overall, most offenders were satisfied with the VOD program regardless of their level of involvement, although offenders who participated in dialogues reported more substantial benefits from their participation. Offenders who only took part in the preparation process generally reported enjoying their dialogue with the facilitators and welcomed the opportunity to speak with the victim. Offenders who had a dialogue meeting frequently reported agreeing to participate solely due to their desire to help the victim. Despite some frustrations regarding communication about their case's status, the potential biases of the facilitators, and their control over the process, most offenders indicated they would recommend the program to others.

## CHAPTER 7

### CONCLUSIONS AND IMPLICATIONS FOR FUTURE RESEARCH

Restorative justice is gaining popularity as an alternate or complementary avenue through which justice can be achieved for both offenders and victims. The multifaceted notion of justice can take on many forms and mean distinctive things for different people. In fact, restorative justice-oriented programs can have differing goals depending on their orientation in the criminal justice system. Diversionary programs, such as the Community Conferencing Center (CCC), have the partial objective of diverting individuals out of the traditional criminal justice process and into a program that can potentially impact their future criminality and prevent them from being subject to harsher sanctions. Therapeutic programs like the Victim Offender Dialogue (VOD) program have no impact on the traditional adjudication of offenders, and instead operate with the goal of satisfying its participants' needs—particularly those of victims of serious and violent crimes.

This dissertation studied these two distinct methods of achieving justice, which was defined differently according to the stated goals and purpose of the programs. I analyzed recidivism of the CCC's participants using propensity score analysis—the first study to apply this rigorous methodology to the evaluation of a US-based restorative justice program. I also analyzed the effectiveness of the VOD program in terms of participant satisfaction, specifically comparing participants who did and did not complete a dialogue. This dissertation represents the first effort to study the effect of the preparation process separate from the dialogue. This concluding chapter reviews the research findings from Chapters 5 and 6 and ends with a discussion of these findings' implications for policy and future research in the area of restorative justice.

### **Recidivism Outcomes—Community Conferencing**

This study compared the recidivism outcomes of youth who participated in a conference and were referred to the CCC from the Maryland Department of Juvenile Services (DJS) or the courts to a matched sample of youth who were not referred to the CCC. Recidivism measures included re-referral or re-adjudication for any offense or for any felony after 3, 6, and 12 months. It was hypothesized that youth who participated in a conference would be less likely to recidivate. This hypothesis was not supported by the results. On the majority of outcomes, conference participation was not associated with a change in recidivism. Conference participation was associated with increased recidivism on three outcomes: any re-referral at 6 months and 1 year, and re-referral for a felony offense at 1 year.

These findings run contrary to the vast majority of prior research conducted on restorative justice programs. However, such evaluations have frequently been fraught with methodological problems. When looking at the handful of methodologically rigorous evaluations conducted to date, some do suggest that the effect of program participation on recidivism may be less pronounced than what is shown in other studies. Some of these evaluations found no difference in recidivism among certain types of offenders (Hayes, 2005; McCold & Wachtel, 1998; Sherman et al., 2000), and Sherman et al. (2000) found that drunk-driving offenders assigned to a restorative justice conference were *more* likely to recidivate than the control group.

Although concluding that restorative justice programs appear to be effective in reducing recidivism, a meta-analysis of restorative justice evaluations found that the more rigorous studies (i.e., those with comparison groups and those who used proper controls to ensure the groups' equivalence) tended to have lower effect sizes (Bradshaw et al., 2006). Additionally, the single prior evaluation of an Australian-based restorative justice program using propensity score



matching found no difference between the recidivism of program participants and a comparison group across multiple outcome measures (Smith & Weatherburn, 2012). This suggests the possibility that this study's results may contribute to a trend where the effect of restorative justice programs on recidivism is lessened or diminished when using rigorous methodology.

It is important to note that the differences in the recidivism rates of CC participants and non-participants were small on the majority of outcome measures. Additionally, both groups had recidivism rates well below the Maryland average of 57.2% for re-referral and 20.1% for re-adjudication after 1 year<sup>17</sup> (Maryland Department of Juvenile Services, 2012). It is arguably difficult for the CC program to produce a decrease in recidivism when the recidivism rate for non-participants is already very low. In addition, the dosage of the CC program is extremely small—on average, conferences last less than two hours and occur only once. It would perhaps be surprising if a program with such a short intervention were found to reduce recidivism, particularly after many months have elapsed.

### **Satisfaction Outcomes—Victim Offender Dialogue**

This study set out to test five hypotheses and answer one research question related to the VOD program: (1) Victims who participated in a dialogue meeting will incur more of what they perceive to be positive benefits than victims who participated in the dialogue program but did not have a dialogue meeting; (2) Offenders who participated in a dialogue meeting will incur more of what they perceive to be positive benefits than offenders who participated in the dialogue program but did not have a dialogue meeting; (3) There will be differences in terms of perceived benefits of participation in the dialogue program between offenders who committed different types of offenses; (4) Victims who participated in the dialogue program will incur what they

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<sup>17</sup> This study found that among CC participants, 27.9% had a re-referral and 13.3% had a re-adjudication after 1 year. Among the non-CC comparison group, 12.2% had a re-referral and 11.3% had a re-adjudication after 1 year.

perceive to be positive benefits from participation; (5) Offenders who participated in the dialogue program will incur what they perceive to be positive benefits from participation; and (6) How can the dialogue program be a more positive experience for victims?

### **The Role of a Dialogue Meeting for Victims**

Since each victim who was interviewed had participated in a dialogue meeting, this study could not compare and contrast respondents' experiences with and without such a meeting, and therefore could not test this hypothesis.

### **The Role of a Dialogue Meeting for Offenders**

It was hypothesized that offenders who participated in a dialogue meeting would incur more of what they perceive to be positive benefits than offenders who did not have a dialogue meeting. Results support this hypothesis, and show that offenders who participated in a dialogue reported additional and more defined benefits. Although the offenders who did not participate in a dialogue indicated that interacting with the facilitators and describing their feelings and concerns to them was helpful, their perceived benefits tended to be more speculative—that is, they anticipated how they might have felt or benefited had the meeting occurred.

Many respondents who had dialogue meetings indicated that the reason they agreed to participate was to help the victim, and several reported that the benefits they received from participation directly stemmed from their ability to give the victim closure, help with their healing process, or give them answers face-to-face. Without the dialogue, the offenders may have received personal benefits through conversations with the facilitators in which they answered some of the victim's questions, but they were unable to interact with the victim in such a way that they could directly see that their participation in the process helped him or her. One

person said that the dialogue meeting was the climax of the preparation process, and without it, the preparation would be less meaningful since there would be no resolution.

One distinction between offenders who did and did not participate in dialogue meetings, which may have affected their level of perceived benefit, was that those who had dialogues felt the entire process was fairer to them. This supports procedural justice theory's emphasis on the importance of how people view the fairness of a process. Offenders who participated in dialogues spoke less about any biases held by the facilitators and more about their feelings that everyone involved treated them with respect and no differently than they treated anyone else. The fact that those who did not participate in dialogues were often not informed about the progress of their case may have added to their frustration with the VOD staff and the program itself.

It is noteworthy that all but one offender who did not participate in a dialogue meeting would still recommend the program to other offenders. Despite some of their frustrations regarding the abrupt termination of the preparation process, lack of communication concerning the status of the dialogue, and their perceived lack of control throughout the process, they saw the potential that the program had to benefit both themselves and the victims in their case. This is encouraging since, in order for the dialogue process to move forward, the offender needs to be willing to participate and able to see the purpose behind and benefits of the program. Even if these cases never move forward, the offenders still can serve as ambassadors of sorts to other inmates who may be considering participation in the program. They can prepare others for the time and emotional investment required and point out the advantages of their participation—an advocacy that may mean more than if it were to come from an ODRC staff member.

## **The Role of Offense Type in Offender Satisfaction**

It was hypothesized that there would be differences in terms of perceived benefits of participation in the dialogue program between offenders who committed different types of offenses. This hypothesis did not fully bear out in the data. Among offenders who participated in dialogue meetings, there were no obvious differences in perceived benefits by offense.<sup>18</sup> Among offenders who did not participate in dialogue meetings, ones that had a sex offense component to their crime seemed to be the most hostile toward the program. They tended to see the program as being biased against offenders and more problematic than others. But because such a distinction was not found amongst offenders who did participate in dialogue meetings, I am concluding that such a difference is not necessarily meaningful.

By virtue of the type of crime, offenders who committed a sex offense are more likely to have a dialogue with the direct victim in their case, instead of with a family member of the victim. Any differences in perceived benefits among offenders may be, in fact, due to their relationship with the person who initiated the dialogue. Moreover, offenders with a more negative perception of the program may feel that way due to their lack of a dialogue meeting, unrelated to the crime they committed. A larger and more diverse sample would be necessary to further explore this hypothesis. More data on this question could provide useful information to the VOD program about whether participation is more beneficial for certain types of offenders.

## **The Impact of Dialogue on Victim Benefits**

It was hypothesized that victims would benefit from their participation, and previous research supported this, finding that victims report high levels of satisfaction and positive benefits from their dialogue experience (Miller, 2011; Roberts, 1995; Umbreit et al., 2002; Umbreit et al., 2003; Umbreit et al., 2006; Umbreit et al., 2010; Umbreit & Vos, 2000). Although

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<sup>18</sup> There are two major types of crime represented in the sample: murder and sex offenses.

the sample was smaller than intended, this hypothesis was borne out in the interview data. Each person reported being extremely grateful to have had the opportunity to meet with the offender face-to-face. This particular type of interaction seemed to be very important to them and fulfilled their needs in a way no other type of dialogue would have.<sup>19</sup> It empowered these women to show the offender that they had the strength to meet with them and express themselves; one remarked that the in-person interaction was important to her because she felt that it would be easier for him to lie and be manipulative through letters. Another woman remarked that the dialogue did not necessarily help with her healing, but instead gave her peace of mind knowing that she attempted to effect change in the offender and spur him to lead a better life once he was released from prison. As also found by Miller (2011) through case studies of participants in a similar program in Delaware, one prevalent theme portrayed by victims was empathy for the offender. Two of the women specifically remarked that seeing the offender made him seem human, fallible, and weak—unlike the image they had built up in their heads of being a monster. Consistent with theories on the importance of empathy, being able to empathize with the offender appeared to be an important benefit of the dialogue for the victims.

Regardless of the impact on their healing or if they chose to express forgiveness to the offender, the dialogue meeting helped these women carry on in their lives while putting a negative part of their past to rest. Although, as they said, nothing can take away the pain they have endured and the suffering they have experienced, participation in the VOD program was an integral part of their journey and a positive experience for them.

### **The Impact of Dialogue on Offender Benefits**

Although the VOD program is rooted in being initiated, focused, and centered on victims and their needs, this study also examined the potential benefits incurred by offenders who

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<sup>19</sup> E.g., a mediated letter dialogue where the facilitator exchanges letters the victim and offender wrote to each other.

participated. Previous research has found that offenders report high levels of satisfaction and positive benefits from their dialogue experience (Miller, 2011; Roberts, 1995; Umbreit et al., 2002; Umbreit et al., 2003; Umbreit et al., 2006; Umbreit et al., 2010; Umbreit & Vos, 2000), and it was hypothesized that these offenders would also report satisfaction with the VOD program. Results support this hypothesis and, as mentioned above, many of the benefits for offenders stemmed from being able to help the victim obtain answers or further their healing. Several reported being happy to have had the chance to give something back to the victim, and agreed to participate in the dialogue solely because the victim requested it. Having the ability to consent to the dialogue process and choosing to invest effort into helping the victim and answering their questions appeared to give many offenders the satisfaction of knowing they made a positive impact in the victim's life when they could have chosen not to participate. In an environment where offenders have little choice and few opportunities to better themselves and make reparations for their actions, the dialogue program offered them a sense of dignity and accomplishment.

This theme of enthusiasm over the opportunity to apologize and show the victim that they have changed was also prevalent in Miller's (2011) findings. A main outcome of the VOD program appears to be the formation of or increase in empathy of offenders for the victims. Although it is difficult to know whether their empathetic attitudes toward the victims began before or after the dialogue meeting, it is notable that most offenders appeared concerned about the victim's healing and sounded contrite.

Many cases that go through the dialogue preparation process never end with a dialogue meeting. As mentioned above, many offenders were dissatisfied with the level of communication regarding the process's termination. This is also reflected in the case file review data, which

shows that facilitators, on average, contact the victim in a case twice as often as they contact the offender. In line with procedural justice theory, if the offenders knew the reasons behind why the dialogue process was stopped, it may be more beneficial for them. Specifically, if the offender knew that the victim stopped the process because he or she got all the information they wanted and no longer felt they needed to meet, it might help the offender to gain peace of mind knowing the victim was satisfied. Although offenders who did not participate in a dialogue had generally positive views of the victim and seemed concerned about their well being, their reasons for agreeing to participate in the program tended to be more centered on them and how they would benefit than it was for offenders who had a dialogue meeting.

This dissertation reveals the importance of a dialogue meeting to the restorative justice process for offenders. Although participating in the preparation process is of some value to offenders, the benefits appear to not be fully realized until they take part in a dialogue. Although the preparation process can take several months and a great deal of patience, diligence, and time, for offenders to receive maximum benefit from the program the end goal should be a completed dialogue meeting between the victim and offender.

### **Recommendations for Improving the VOD Program**

Finally, this dissertation aimed to present ways in which the VOD program could be more beneficial for victims, the target audience it serves. The respondents all reported varying reasons for seeking out dialogue with the offender, ranging from simply confronting the offender and showing him their strength, to wanting to simply “see him,” to wanting him to know the consequences of his actions in an attempt to prevent him from committing a crime again once released. They also reported varying degrees of support from their family, friends, and prison administrators. For that reason, it is important that VOD staff continue to be supportive of the

victims they work with and refrain from judging their circumstances or desire for dialogue. It is likely that VOD staff may be their only true form of support through the dialogue process.

Each victim discussed the importance of the facilitators in terms of keeping them encouraged and informed throughout the process, as well as preparing them for the dialogue in terms of both logistics (e.g., in what room will the dialogue take place, where will each person be seated) and process (e.g., what topics will be discussed, how breaks will be handled). It appears important that the victims like the facilitators assigned to their case, and it may be helpful if they are able to request facilitators with certain characteristics (e.g., a similarly-aged female), within reason. While facilitators are typically assigned cases depending on their location in the state, proximity to the offender's prison, and preference for certain types of cases, it may be worthwhile to consider the victim's preferences, if feasible. VOD staff should also consider the possibility of having a debriefing meeting with the victim and his or her support person directly following the dialogue. This may help the victim process his or her thoughts and feelings about what transpired and be a way to ease the victim out of the process rather than relying primarily on the support person. This meeting could be followed by a phone call to check-in with the victim several days or weeks later.

Another way in which the program could benefit victims is simply by publicizing the program's existence to more people. Office of Victim Services (OVS) staff could mail brochures to people registered to receive notifications regarding the offender's incarceration status so they are aware of the program's existence and free to contact OVS if they are or later become interested in participating. This information could be combined with materials listing other services provided by OVS.



Also, as is evidenced by the frequency of victims declining to proceed to a dialogue meeting, it may be helpful to offer alternatives to such a meeting. For example, a mediated letter dialogue or simply a mediated question and answer dialogue through a facilitator, like what is accomplished through the dialogue preparation process, may be all that a victim desires.<sup>20</sup> It may be useful to offer those as options in the beginning when a victim is inquiring about the VOD program or when they are presented with information on all of the services provided by OVS. This does somewhat conflict with the findings from offenders that indicate participation in a dialogue meeting benefits them more than simply participating in the preparation. However, OVS considers the VOD program something that is designed for the victim, and understandably will place more weight on suggestions that will assist victims in the program.

### **Implications for Policy and Future Research**

This dissertation expands what we know about the effectiveness of restorative justice programs. However, this study has its limitations and also presents questions for future research to explore. Although the recidivism analysis does not indicate that the CC program is successful, it is essential to understand that participants and the community at large may be benefiting from the program in ways unrelated to recidivism. Recidivism is one measure by which programs can be evaluated, but is not necessarily the most important. The program's cost in comparison to traditional criminal justice processes is important, as is measuring satisfaction of the program's participants and the community. Prior research has consistently shown that restorative justice participants are satisfied with the process (Abrams et al., 2006; McGarrell et al., 2000; Umbreit and Coates, 1993). If the CC program operates at a lower cost than traditional criminal justice processes and satisfies the needs of victims and offenders, it could easily serve as an argument

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<sup>20</sup> Although the victims who participated in this study said that meeting with the offender was a critical part of their experience, other victims may not desire a face-to-face meeting.

for the program's value. Additional analyses could include interviews with participants, facilitators, and community members to examine any other benefits produced by the CC program.

This study analyzed only a subset of the referrals handled by the CCC. The analysis of cases originating from other referral sources (e.g., Baltimore City schools) may produce different outcomes. Youth referred to the CCC from DJS or the courts have already had some level of contact with the formal juvenile justice system; perhaps conferencing is better suited as a community- or school-based program that targets youth before they reach the criminal justice system. Alternatively, DJS- and court-referred youth may not be genuine in their participation due to the threat of harsh sanctions if they do not complete the program. Further analysis should explore these questions to provide a more complete evaluation of the CC program.

Future analysis should also attempt to discover the reasons why the CC program was not found to be effective. Interviews with offenders could demonstrate if they view the conferencing process as fair, or if the experience produces an increase in empathy for the victims. If not, these may be good starting points to improve the program so that it is effective in reducing recidivism.

Although this analysis provided a more rigorous evaluation of a restorative justice program compared to most of the prior research, it is not without limitations. First, propensity score analysis only ensures comparability between the treatment and comparison groups on variables that are known and included in the propensity score model. Therefore, there may be a variable or set of variables missing from this study's analysis that might alter the findings. Although a randomized controlled trial is preferable for ensuring comparability on all known and unknown factors, it is typically not feasible when evaluating restorative justice programs due to the standard requirement that offenders agree to participate. Propensity score matching is a

methodologically rigorous alternative, but is limited by the strength of the data included in the matching model. The variables included in the matching model for this study were limited by those contained in the CCC and DJS data systems. Future analyses should consider using a richer data source, if available, containing additional information on youth that may be associated with their likelihood to recidivate.<sup>21</sup> Second, the current study's outcome measures relied solely on official DJS records of involvement in the juvenile justice system. Using this data source, it is likely that some amount of recidivism was not captured. Future research should consider using self-reported measures of recidivism in tandem with official report data in an attempt to capture recidivism more accurately.

The value of restorative justice programs in terms of reducing recidivism has hardly been finalized, as evidenced by this study's results that conflict with the findings of many prior studies. Future research should continue to employ methodologically rigorous techniques such as propensity score analysis to analyze data from more restorative justice programs. Through more evaluations, researchers may be able to tease out the common elements of successful programs and apply these principles to the CC program. However, it is also important for stakeholders, funding agencies, and communities to consider and perhaps redefine what it means to have a successful restorative justice program. Is it most important that the program reduces recidivism? Or, perhaps, is it more important that victims have a positive experience? These decisions should ultimately help determine the outcomes by which these programs are evaluated.

This dissertation also evaluated the satisfaction of participants in Ohio's VOD program, comparing and contrasting the experiences of those who participated in a dialogue meeting and those who did not. Due to their low response rate, the sample of victims was limited to those who participated in dialogue meetings, and therefore the effect of the preparation process alone is

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<sup>21</sup> E.g., employment, drug and alcohol use, socioeconomic, and behavioral measures.

unknown. Future research should explore this to understand if a dialogue meeting is essential for their satisfaction with the program, or if the preparation process is sufficient to achieve their goals. Also, interviews with victims could provide context as to why they declined to proceed with a dialogue. This information may help improve the VOD program, if the reasons concern factors within the control of OVS staff. Since cases frequently do not culminate in a dialogue, future studies should analyze the relationship between case characteristics and dialogue outcomes. Such information could be useful to OVS staff and provide facilitators with information regarding which cases may present unique challenges.

Another avenue worth exploring is the impact that these cases have on the people who facilitate them. Although not as emotionally invested as the victims and offenders, these facilitators are tasked with the heavy burden of guiding the process and helping to ensure the parties are prepared and able to meet. The impact on the facilitators and their potential for experiencing vicarious trauma would be useful to understand in order to achieve a well-rounded perspective of the dialogue process and its effects.

Ultimately, this dissertation represents an effort to understand and evaluate two seemingly different but similarly grounded programs. How, if possible, can we blend together these two types of restorative justice frameworks to achieve maximum benefit? Surely, administrators of diversionary restorative justice programs are interested in victim satisfaction, just as administrators of a therapeutic program are certainly interested in positively changing the lives of the offenders who get released from prison. Although reduced recidivism is often seen as the hallmark of a successful program in an age where funding is limited and the question of “what works?” is equated with “what reduces crime?”<sup>22</sup>, I propose that there are many other valid and laudable goals that should be evaluated when studying diversionary restorative justice

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<sup>22</sup> See MacKenzie (2006).

programs. Offender and victim satisfaction, reduced costs, less exposure to the criminal justice system, and increased community engagement should be seen as potential results that may be worth the investment. These are certainly not competing goals to recidivism, but instead represent a shift away from supporting programs that only reduce the future crime of its participants, and focus on a more holistic view of success.

There is continuing debate regarding the appropriateness of dialogue in cases of serious and violent crime, domestic and family violence, and sexual assault, among other crimes (Mills, Barocas, & Ariel, 2013). However, the success of post-adjudication programs like the Ohio VOD program with serious crimes suggests the potential for success in cases of less serious crime. Therapeutic restorative justice programs, which are often reserved for more serious cases, may benefit from expanding their limited range of crimes for which dialogue may be permitted. While potential cases need to be assessed on an individual basis for their appropriateness for dialogue, it may be worthwhile for such programs to open their caseloads to a more diverse range of crimes. They may then offer benefits to an expanded group of participants including potentially reduced recidivism, while still operating post-adjudication.

### **Conclusion**

This dissertation has demonstrated that the restorative justice framework has many applications in criminal justice and has the potential to positively impact its participants in an effort to achieve justice for both victims and offenders. This study shows that the concept of justice can vary depending on both the program and where it is situated within the criminal justice system. The task becomes deciding how to marry the often competing goals of criminal justice practitioners, victims, and offenders in an effort to create restorative justice programs that

serve the community's needs and provide justice for those whose lives have been irreversibly impacted by crime.

## APPENDIX A

### VICTIM INTERVIEW PROTOCOL

Victim name:

Case number:

Date of interview:

1. Tell me about the crime that occurred that got you involved in the victim-offender dialogue program.
2. Did you know the offender prior to the crime?
3. What impact did the crime have on your life?
4. How did you get involved in the victim-offender dialogue program?
5. Why did you want to meet with the offender?
6. What did you want to get out of the dialogue process and meeting?
7. Did you have any fears about participating?
8. Tell me about the preparation process you went through leading up to the meeting. How helpful was the preparation?
9. After going through the preparation process, did you meet with the offender? If not, why?

*Questions to ask if victim participated in a dialogue meeting:*

10. Tell me about the dialogue meeting. How did the meeting start? What did you tell the offender? What did the offender tell you? How important was the mediator?
11. Did the offender apologize? If so, did you accept their apology?
12. Were you satisfied with the outcome and how the dialogue meeting ended?
13. How helpful was the dialogue meeting?
14. Did the meeting change your perception of or feelings toward the offender?
15. How do you believe that the dialogue meeting affected the offender?

16. How did the meeting affect you?
17. Did the meeting have an impact on your healing process?
18. Do you feel the meeting was fair to you?
19. Do you feel the meeting was fair to the offender?
20. Do you feel that you had influence over the dialogue process?
21. Did the dialogue program make a difference in your life? If so, how? If not, why not?

*Questions to ask if victim did not participate in a dialogue meeting:*

22. Do you think having had a face-to-face meeting would have made a difference? If so, how? Do you think it would have been a positive or negative experience?
23. Did it seem, throughout the preparation, that the offender was remorseful?
24. Did the preparation process change your perception of or feelings toward the offender?
25. How do you believe that the preparation affected the offender?
26. How did the preparation affect you?
27. Did the preparation have an impact on your healing process?
28. Do you feel the preparation was fair to you?
29. Do you feel the preparation was fair to the offender?
30. Do you feel that you had influence over the dialogue process?
31. Did the dialogue program make a difference in your life? If so, how? If not, why not?

*Questions for all victims:*

32. Looking back, would you have done anything differently throughout the preparation process or the dialogue meeting?
33. How satisfied were you with the dialogue process?
34. How can the dialogue program be a more positive experience for victims?



## APPENDIX B

### OFFENDER INTERVIEW PROTOCOL

Offender name:

Case number:

Date of interview:

1. Tell me about the crime that got you involved in the victim-offender dialogue program.
2. Did you know the victim prior to the crime?
3. How did you get involved in the victim-offender dialogue program?
4. Why did you want to meet with the victim?
5. What did you want to get out of the dialogue process and meeting?
6. Did you have any fears about participating?
7. Tell me about the preparation process you went through leading up to the meeting. How helpful was the preparation?
8. After going through the preparation process, did you meet with the victim? If not, why?

*Questions to ask if offender participated in a dialogue meeting:*

9. Tell me about the dialogue meeting. How did the meeting start? What did you tell the victim? What did the victim tell you? How important was the mediator?
10. Did you apologize? If so, did the victim accept your apology?
11. Were you satisfied with the outcome and how the dialogue meeting ended?
12. How helpful was the dialogue meeting?
13. Did the meeting change your perception of or feelings toward the victim?
14. How do you believe that the dialogue meeting affected the victim?
15. How did attending the meeting affect you?
16. Do you feel the meeting was fair to you?

17. Were you treated as though you are likely to reoffend?
18. Do you feel the meeting was fair to the victim?
19. Do you feel that you had influence over the dialogue process?

*Questions to ask if offender did not participate in a dialogue meeting:*

20. Do you think having had a face-to-face meeting would have made a difference? If so, how? Do you think it would have been a positive or negative experience?
21. Did you indicate your remorse during the preparation process?
22. Did the preparation change your perception of or feelings toward the victim?
23. How do you believe that the preparation affected the victim?
24. How did the preparation affect you?
25. Do you feel the preparation was fair to you?
26. Were you treated as though you are likely to reoffend?
27. Do you feel the preparation was fair to the victim?
28. Do you feel that you had influence over the dialogue process?

*Questions for all offenders:*

29. Looking back, would you have done anything differently throughout the preparation process or the dialogue meeting?
30. Are there any suggestions you would make to improve the dialogue program?

## APPENDIX C

### OFFENDER CONSENT FORM

#### *Identification of Investigators & Purpose of Study*

You are being asked to participate in a research study conducted by Alison Brooks from American University. The purpose of this study is to understand the process and impact of participation in victim-offender dialogue for both victims and offenders. This study will contribute to the student's completion of her doctoral dissertation.

#### *Research Procedures*

Should you decide to participate in this research study, you will be asked to sign this consent form once all your questions have been answered to your satisfaction. This study consists of a survey that will be administered to individual participants in Ohio prisons. You will be asked to provide answers to a series of questions related to your participation in the victim-offender dialogue program. The information you provide and responses to interview questions will not be associated with your name. I plan to audiotape your responses to these questions with permission. Audiotapes will be transcribed with pseudonyms and then destroyed. You have the option to participate in the interview without being audiotaped. I also plan to review your institutional file to obtain demographic information and information related to your participation in the dialogue program. Any identifying information gathered from the information you provide and the review of your file will remain confidential throughout the entirety of the research project and will be destroyed upon its completion.

#### *Time Required*

Participation in this study will require approximately one hour of your time.

#### *Risks*

The investigator does not perceive more than minimal risks from your involvement in this study.

#### *Benefits*

Potential benefits from participation in this study include helping to learn more about the role that victim-offender dialogue plays in the lives of participants and the advantages and disadvantages of using dialogue in the cases of serious and violent offenses. Information you provide may help guide others who may have interest in establishing such programs.

#### *Confidentiality*

The results of this research may be presented at academic conferences; however, data will be presented in a combined manner without revealing individual identifiable information. The results of this project will be labeled in such a way that the respondent's identity will not be attached to the final form of this research. The researcher retains the right to use and publish data that does not identify individual participants. While individual responses are confidential, summary data will be presented representing averages about the responses as a whole. All data will be stored in a secure location accessible only to the researcher. Upon completion of the study, all information that matches individual respondents with their answers, including audiotapes, will be destroyed.

### *Participation & Withdrawal*

Your participation is entirely voluntary. You are free to choose not to participate. Should you choose to participate, you can withdraw at any time without consequences of any kind. You may also refuse to answer any individual question without consequences. Your participation is not a requirement of your incarceration and your incarceration status will not be affected by your choice to participate. Your participation will have no impact on your parole status or any other privileges.

### *Questions about the Study*

If you have questions or concerns during the time of your participation in this study, or after its completion or you would like to receive a copy of the final collective results of this study, please contact:

Alison Brooks  
Department of Justice, Law and Society  
American University  
[Alison.M.Brooks@american.edu](mailto:Alison.M.Brooks@american.edu)

Robert Johnson  
Department of Justice, Law and Society  
American University  
(202) 885-2951  
[Robert.Johnson@american.edu](mailto:Robert.Johnson@american.edu)

### *Questions about Your Rights as a Research Subject*

Dr. David Haaga  
Chair, Institutional Review Board  
American University  
(202) 885-1718  
[dhaaga@american.edu](mailto:dhaaga@american.edu)

Matt Zembrzuski  
IRB Coordinator  
American University  
(202) 885-3447  
[irb@american.edu](mailto:irb@american.edu)

### *Giving of Consent*

I have read this consent form and I understand what is being requested of me as a participant in this study. I freely consent to participate. I have been given satisfactory answers to my questions. The investigator provided me with a copy of this form. I certify that I am at least 18 years of age.

☐ I give consent to be audiotaped during my interview. \_\_\_\_\_ (initials)

_____ Name of Participant (Printed)	Alison Brooks _____ Name of Researcher(s) (Printed)
_____ Name of Participant (Signed)	_____ Name of Researcher(s) (Signed)
_____ Date	_____ Date

## APPENDIX D

### VICTIM RECRUITMENT LETTER

Dear [prospective interviewee],

My name is Alison Brooks and I am a PhD student at American University in Washington, DC.

As part of my dissertation research, I am conducting a study of the Ohio Victim Offender Dialogue program. As part of that study, I am interviewing participants of the program to discuss their experiences in the program and any outcomes that resulted from participation. You have been identified by the Office of Victim Services of the Ohio Department of Rehabilitation and Correction as someone who has participated in the Victim Offender Dialogue program.

I would like to invite you to participate in an interview. In the interview, I will be asking about your overall experiences participating in the dialogue program, and how your experiences impacted your life and healing process. I am interested in learning about your feelings regarding the entire dialogue preparation process and the actual dialogue meeting, if you participated in one. To make sure I have an accurate record of our conversation, I will audiotape our discussion with your permission. You are free to participate in the interview and decline to be audiotaped.

The interview would take approximately one hour of your time, and would take place at the Office of Victim Services' building at 770 West Broad Street, Columbus, Ohio. The interview would be scheduled in advance and would take place at your convenience, between May 29 and June 14. In order to participate in this interview, you will have to provide your consent. At the time of the interview, you will be presented with a consent form to read and sign before the interview began. Your participation is completely voluntary, and you are free to decline to participate at any point.

The information you provide and responses to interview questions will be kept confidential and will not be associated with your name. Any identifying information gathered from the information you provide will remain confidential throughout the entirety of the research project and will be destroyed upon its completion. Identifiable details about you or your case will be kept confidential, however I may choose to quote a small portion of our interview to illustrate a point you made or an experience you had. Aside from selecting a few short quotes, your responses will be grouped with other responses to provide a general picture of what participants said.

I would greatly appreciate the opportunity to talk with you and discuss your experiences. If you would like to schedule an interview, please contact Roxanne Swogger, Program Coordinator in the Office of Victim Services at (614) 752-1141 or [Roxanne.swogger@odrc.state.oh.us](mailto:Roxanne.swogger@odrc.state.oh.us).

Thank you very much for your time and consideration.

Sincerely,

Alison Brooks

Department of Justice, Law and Society

American University

[Alison.M.Brooks@american.edu](mailto:Alison.M.Brooks@american.edu)

## APPENDIX E

### VICTIM CONSENT FORM

#### *Identification of Investigators & Purpose of Study*

You are being asked to participate in a research study conducted by Alison Brooks from American University. The purpose of this study is to understand the process and impact of participation in victim-offender dialogue for both victims and offenders. This study will contribute to the student's completion of her doctoral dissertation.

#### *Research Procedures*

Should you decide to participate in this research study, you will be asked to sign this consent form once all your questions have been answered to your satisfaction. This study consists of a survey that will be administered to participants in victim-offender dialogue that reside in the greater Columbus area. You will be asked to provide answers to a series of questions related to your participation in the victim-offender dialogue program. The information you provide and responses to interview questions will not be associated with your name. I plan to audiotape your responses to these questions with permission. Audiotapes will be transcribed with pseudonyms and then destroyed. You have the option to participate in the interview without being audiotaped. Any identifying information gathered from the information you provide will remain confidential throughout the entirety of the research project and will be destroyed upon its completion.

#### *Time Required*

Participation in this study will require approximately one hour of your time.

#### *Risks*

The investigator does not perceive more than minimal risks from your involvement in this study.

#### *Benefits*

Potential benefits from participation in this study include helping to learn more about the role that victim-offender dialogue plays in the lives of participants and the advantages and disadvantages of using dialogue in the cases of serious and violent offenses. Information you provide may help guide others who may have interest in establishing such programs.

#### *Confidentiality*

The results of this research may be presented at academic conferences; however, data will be presented in a combined manner without revealing individual identifiable information. The results of this project will be labeled in such a way that the respondent's identity will not be attached to the final form of this research. The researcher retains the right to use and publish data that does not identify individual participants. While individual responses are confidential, summary data will be presented representing averages about the responses as a whole. All data will be stored in a secure location accessible only to the researcher. Upon completion of the study, all information that matches individual respondents with their answers, including audiotapes, will be destroyed.

### *Participation & Withdrawal*

Your participation is entirely voluntary. You are free to choose not to participate. Should you choose to participate, you can withdraw at any time without consequences of any kind. You may also refuse to answer any individual question without consequences.

### *Questions about the Study*

If you have questions or concerns during the time of your participation in this study, or after its completion or you would like to receive a copy of the final collective results of this study, please contact:

Alison Brooks  
Department of Justice, Law and Society  
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Matt Zembrzuski  
IRB Coordinator  
American University  
(202) 885-3447  
[irb@american.edu](mailto:irb@american.edu)

### *Giving of Consent*

I have read this consent form and I understand what is being requested of me as a participant in this study. I freely consent to participate. I have been given satisfactory answers to my questions. The investigator provided me with a copy of this form. I certify that I am at least 18 years of age.

☐ I give consent to be audiotaped during my interview. \_\_\_\_\_ (initials)

\_\_\_\_\_  
Name of Participant (Printed)

Alison Brooks

\_\_\_\_\_  
Name of Researcher(s) (Printed)

\_\_\_\_\_  
Name of Participant (Signed)

\_\_\_\_\_  
Name of Researcher(s) (Signed)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date



APPENDIX F

IRB APPROVAL



AMERICAN UNIVERSITY

W A S H I N G T O N , D C

IACUC / IRB  
RESEARCH COMPLIANCE OFFICE

**Expedited Approval**

**Date: January 18, 2012**

**Alison Brooks**

**Re: IRB Initial Full Board Approval**

**Protocol #: 11276**

**Title: Alternative Justice: An Evaluation of Two Restorative Justice Programs**

**Approval date: 1/16/2012**

**Expiration date: 1/15/2015**

Dear Alison Brooks:

On 1/16/2012 the above-mentioned protocol was reviewed and approved via expedited review. You may now begin the research.

Any proposed changes to the protocol must be submitted to the IRB for review and approval prior to implementation, unless such a change is necessary to avoid immediate harm to subjects.

Any unanticipated problems that involve risks to subjects or others must be reported to the IRB in accordance with American University policies and procedures.

Continuations must be submitted 60 days prior to the expiration date. The federal regulations provide for no grace period. Failure to obtain a continuation of your study prior to the expiration date will require discontinuation of all research activities for this study, including enrollment of new subjects.

If you have any questions regarding this approval, please contact the IRB office at 202-885-3447.

Sincerely,

Matt Zembrzski  
Research Compliance Manager

## APPENDIX G

### OHIO ODRC PERMISSION

#### Research Proposal Approval

##### I. Proposal Information

Title: Victim-Offender Dialogue: An Analysis of Restorative Justice's Effectiveness for Violent Offenses

Submitted by: Alison Brooks  
Name  
[REDACTED]  
Address  
[REDACTED]  
Telephone Number and E-mail Address (optional)

Date Submitted: October 7, 2011

##### II. Research Agreement

The individual submitting this research proposal has read and agrees to the following conditions:

- Confidentiality of subjects' identity will be maintained
- Obtain the signature of subjects on Informed Consent Form, if needed.
- A copy of the results will be provided to the Human Subjects Research Review Committee.
- The signature of the research advisor will be obtained if research is part of an educational requirement.
- The research design is in accordance with accepted standards regarding human subjects' rights.
- No compensation of any kind will be given to inmates for their participation in the research.

Researcher: Alison Brooks PhD Candidate  
(Signature) (Title)  
American University  
(Academic Institution or Other Agency Affiliation)

Advisor: Robert Johnson Professor  
(If Applicable) (Signature) (Title)  
American University  
(Academic Institution or Other Agency Affiliation)

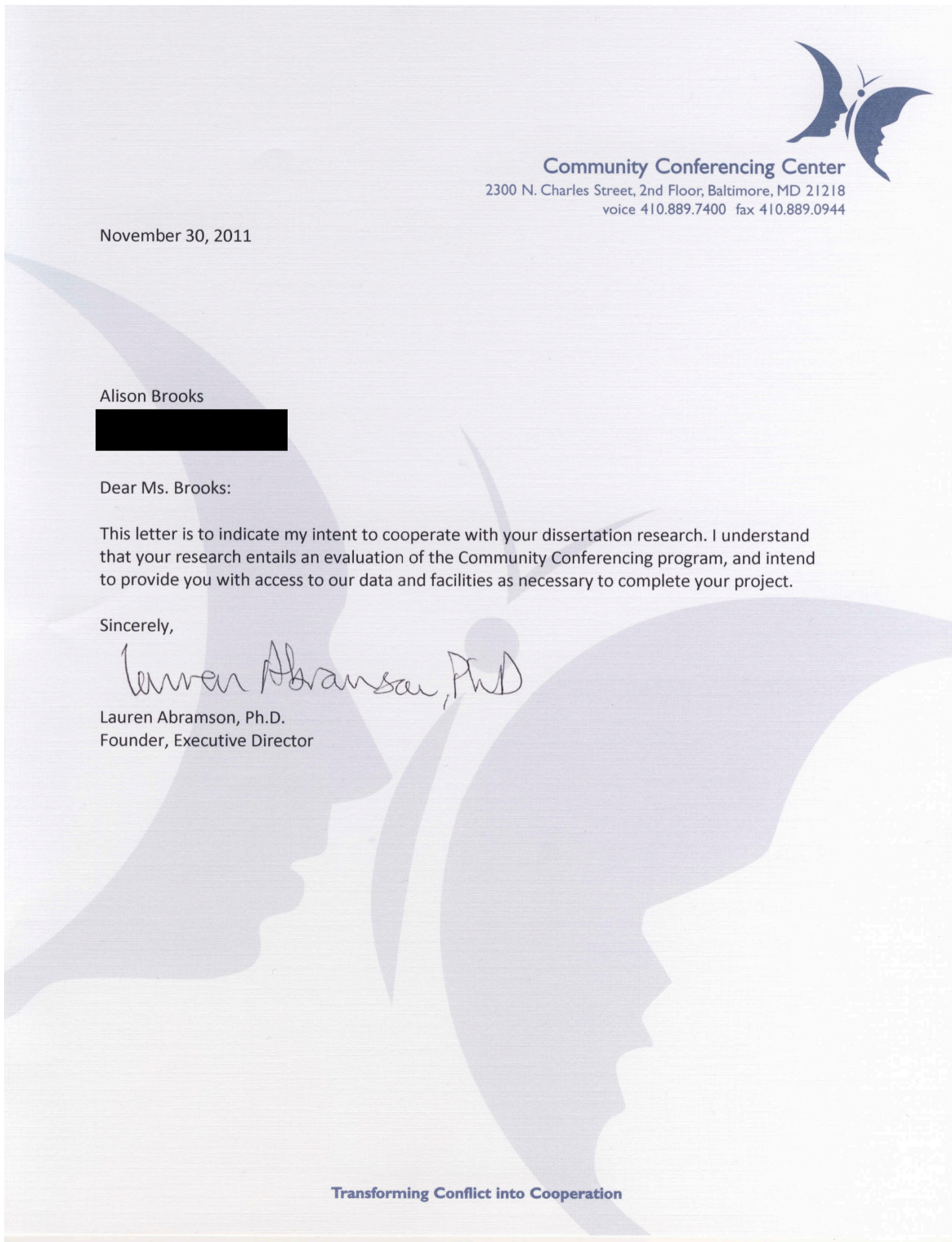
##### III. Approval Signatures

<u>John Y. Chin</u> Research Review - Central Office	<u>11-03-11</u> Date
<u>Deborah A. [Signature]</u> Deputy Director, Office of Policy	<u>11/7/11</u> Date
<u>Bruce Anderson</u> Managing Officer/Field Supervisor	<u>11.03.2011</u> Date

DRC1827 (01/04)

## APPENDIX H

### BALTIMORE CCC PERMISSION



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