

**Victim Offender Mediation and Dialogue
in Adult Criminal Cases**



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VICTIM OFFENDER MEDIATION AND DIALOGUE IN ADULT CRIMINAL CASES

HEATHER SEETS

Abstract

In America, a burglary takes place every 14 seconds, assault every 39 seconds, vehicle theft every 40 seconds, robbery every 90 seconds, rape every six minutes and murder every 35 minutes. The statistics are staggering. We've all heard the problems of overcrowded prisons, bogged-down court systems and repeat offenses. But have we ever stopped to think about the actual people involved in a particular crime?

Beyond the statistics, you will find people with a story. People like you, people like me. People who were living their lives and then life happened to them. While the justice system has made great strides in the areas of victim's rights, case processing and sentencing guidelines, too often, the actual people involved get left on the sidelines. Questions go unanswered. Sleepless nights abound. And the people in these situations are left with a gap in their lives that cannot be filled.

Victim Offender Mediation and Dialogue helps to fill that gap (VOMD). VOMD is a restorative justice process that helps bridge the process of mediation with the healing aspects that a face-to-face dialogue can provide. It pairs the offender of a crime with his or her victim. Unlike other restorative justice models, which bring together representative citizens of a community, a victim representative and people who have been convicted of crime to share their stories, VOMD works directly with the actual parties involved in a specific crime.

This project set out to answer the following questions:

- What restorative justice services are available for people over the age of 18 in Arizona?

- At what point in the criminal justice process would an adult victim offender mediation program legally be able to get involved?
- Could a program like this work for people involved in lesser crimes in cases that take place at the Justice Court level? What would be the range of appropriate offenses?
- Can the option of Victim Offender Mediation and Dialogue be given to both victims and offenders early in a case, no matter the crime?

Research was conducted throughout the State of Arizona, around the country and the world to see what kinds of Victim Offender Mediation and Dialogue (“VOMD”) models could be replicated in Yavapai County. Data was collected through a compilation of personal interviews and survey information. A focus group of stakeholders including community members, mediators and mental health professionals, were brought together to construct a program that would be beneficial, legal and safe for participants.

It is recommended that a VOMD Program should be established in Yavapai County, Arizona. The program will provide an avenue for both the offender and the victim to meet face-to-face and to discuss how the crime has affected each personally. It is recommended that the VOMD Program have components of both mediation and dialogue, a mental health component, and be very selective in the cases that move forward to mediation and dialogue.

Every crime is unique and every person is unique. Not all cases will be appropriate for Victim Offender Mediation and Dialogue. For the cases that are

appropriate, the process will be healing and lead to positive closure in many areas of the affected persons' lives.

Introduction

Over a decade ago I found myself sitting across the table from seven individuals. Each of these individuals were brought together by what some would call fate, some would call the universe and some would call plain old bad luck. As an example, there were two young boys, both of their fathers, one boy's mother and an older retired couple. A fire had brought these seven together. A fire that was started not out of malicious spite, but out of childish thoughtlessness.

As a point of reference, the building that burned to the ground was a storage facility that was utilized to store items, mostly household furnishings that had been crated and shipped across country, sometimes overseas, or just used as a storage for a few months while people were in transition from home to home. Unlike the first mini-storage I had used where I paid \$50 to store a bean bag chair and a used TV while I moved out of my first apartment, this was a more upscale facility for people who actually had items worth putting into a wooden crate, such as fine pieces of artwork and pottery, beautiful mementos and fine furniture.

On a warm day toward the end of Spring break, the two young boys made their way across the street from one of their homes to the back lot behind this storage facility. As young kids do, they thought it would be "cool" to build a fort. They used items from the surrounding lot - pallets and wood - and created a structure that leaned up against the building. They had been told not to play behind this lot before but that was a long time ago.

Using a lighter one of the boys found in a park earlier that day, the boys decided to make a "camp fire" using paper and an oil pan they found on the grounds of the

storage facility. Needless to say, the fire got out of control and by the time it was all said and done, there was over \$3.5 million in damage and over thirty victims.

But this day, sitting across from these seven people, the details of how and why all seemed to fade away to make room for new questions. How do we recover? What will the future look like? Can the damage be repaired? Can we be repaired?

My eyes filled with tears as I watched these two kids sob over the guilt they felt because of the enormous damage they had caused. One boy's mother was overcome with sadness and the feeling that somehow she was a bad mother because of this one monumental incident. The looks on both of the fathers' faces was a familiar one. One of responsibility and concern for the financial impact on their families. Would the cloud ever lift?

And also, there across the table was the older couple. The only two left from over thirty victims, whittled down to sixteen who would actually talk to me then down to two sitting right across from me. They, too, had a story. They told of how the fire had devastated them but that somehow they would recover. They had learned to be strong along the way. They had lived through a flood some five years earlier. That lesson had taught them to keep their valuable items up high. Then a few years after that, they endured an unexpected mudslide. After that, they decided they were ready for a change and would leave California to build their dream home in Arizona and enjoy retirement. They were two days away from moving into their new home when the fire happened. All of their belongings, keepsakes, furniture, records, family photos and sentimental items were gone.



Figure 1: Original Kansas University Basketball Team

The older man spoke about how he had tried not to get too attached to material things. He knew that people were the most important thing. But he shared that even though he tried to move on, there were still a couple of times he would wake up at night and think of an item or a special memento

that he would never see again. One item in particular was a photograph of his grandfather. He had been on the first basketball team at Kansas University and the photograph was of that team. He shared his sorrow about losing the photograph with his daughter who suggested he call the university to see if they might have a copy, and it turned out they did! They had even made it into a postcard and sold it in their gift shop. So they offered to send him a copy. A small victory in a big mess.

As the couple continued to discuss some of the material things they had lost in the fire and the hassles they endured with the insurance companies, the one boy's mother began to cry as well. The feeling of guilt and responsibility was overwhelming. It was at about that point the older woman reached into her purse and pulled out a small book entitled "Gifts from the Sea". She went on to explain how she had read this book some years earlier and it had given her great encouragement. She said to the mother, "I have seen you at every court hearing. I've watched you cry. I know that you love your son and you've raised him well. I just want you to have this book as a little encouragement and to know that we forgive your son and we know you're a good mom."

Then the older man reached into his pocket and pulled out two postcards with the photo of his grandfather and he gave one to each of the boys. He leaned over the table as he pointed out his grandfather in the photo “There he is right there,” he said pointing to the photo with pride. “Isn’t that a cool picture? I thought that maybe each of you would like to have a picture of him. And you don’t have to keep it, but if you want to stick it under your bed or pin it up on a corkboard somewhere, that would be great. And every time you pull out this postcard and look at it, I want you to remember that there are people out there who support you and believe in you. You’re not bad kids. You made a bad mistake, but we forgive you and we are so glad that nobody was hurt or killed in the fire.”

These amazing acts of kindness, undeserved and unprovoked, washed over the room that day like a sweet waterfall in a dry desert. It was so unexpected, yet so needed and so unforgettable. At that moment a fire started in my soul that has never gone away. I began to realize the overwhelming importance and amazing role that raw dialogue can play in a hard situation. It doesn’t seem like a lot, but it takes true courage for people to sit down at a table and talk about tough things. And when they can, oftentimes the outcome is amazing. Understanding can take place, questions can be answered and lives can be healed.

In America, a burglary takes place every 14 seconds, assault every 39 seconds, vehicle theft every 40 seconds, robbery every 90 seconds, rape every 6 minutes and murder every 35 minutes. The statistics are staggering. We’ve all heard the problems of overcrowded prisons, bogged-down court systems and repeat offenses. But have we ever stopped to think about the actual people involved in a particular crime?

Beyond the statistics, you find the recently widowed elderly woman who has suffered criminal damage to her property, but has no idea why she was targeted. The daughter who lost her parents to a drunk driver and still hears the doorbell ring in the middle of the night with that news. The sister whose brother was murdered at the hands of her sister-in-law's lover. And there is also the other side. The inmate who has had time to think about the damage he has caused. The probationer who avoids that street because the pain she caused is such a source of guilt. The person in rehab who cannot come to grips with the events of that day. They all ask "why"?

In basic mediation training, young mediators are taught never to ask the question "why"? The question "why?" puts people on the defense and makes them feel that they have to justify their positions and can sometimes impede the mediation process. Yet, with Victim-Offender Mediation and Dialogue, it is the one question that most people bring to the table. Why? Why did you target me? Why did I do it? Why did you pick my family member? Why did I listen to those people? Why do you want to meet me? Why can't I forgive?

VOMD is a very unique process that brings the most unlikely cast of characters together - a victim of a crime and the perpetrator of that crime - to have a discussion about events that occurred, to answer questions asked by one another, and often, to ask for or offer forgiveness. The effects of such a meeting can be life-changing, healing, and challenging all at the same time. However, it is not always an easy process to access, especially at the Superior Court level.

This project tackled the idea of making this kind of process more widely known in superior courts. The problem is that people involved in criminal matters do not always

have a chance to be fully heard. Even while amazing strides have been made in the field of victim services, the process remains sterile. People feel frustrated by the system and are bogged-down with red tape when really all they want are their questions answered. In some instances, defendants want an opportunity to show remorse or say they are sorry but are held back by a system that does not allow it.

This type of a program may be the most important work we could possibly do as criminal justice professionals. We can see to it that justice is served. We can impose sentences and fines and fees, we can order counseling and restitution paid, but if we do not ever allow people to meet face-to-face in cases where it is appropriate, and we do not allow critical questions to be asked and answered, how can we ever expect people to move on in a healthy way after a crime has been committed?

The goal of this project was to expand mediation and dialogue services to those who want to take part in them. It examined successful programs around Arizona, the nation and the world and combined ideas to design a program for the Superior Court in Yavapai County, Arizona.

Literature Review

Over 40 years ago in Kitchener, Ontario, a juvenile probation officer had an innovative idea that he brought to the attention of a judge. According to restorativejustice.org, two juveniles had been charged with vandalism. Their probation officer asked the judge if the juveniles could meet with the victims of their crime. They did, and that was the start of an experimental program in the Canadian courts that would be offered to kids on post-conviction probation. The Victim-Offender Reconciliation Program was born.

In 1978, victim offender mediation made its way to Elkhart, Indiana and was the first program of its kind in the United States. Retorativejustice.org estimates there are approximately 400 victim offender mediation programs in the United States today, with approximately the same amount in Europe.

Mark S. Umbreit, Ph.D., has conducted the most research on the topic of victim offender mediation in the United States and around the world. His research used in the *Guidelines for Victim-Sensitive Victim-Offender Mediation: Restorative Justice through Dialogue* states that “victims of crime who meet with their offenders are far more likely to be satisfied with the criminal justice system response to their cases than victims of similar offenses who go through the conventional criminal court process.” (Umbreit, 2000, p.5).

In his book, *The Handbook of Victim Offender Mediation*, Umbreit (2001) states that “since the adversarial process is not designed necessarily to elicit truth and of necessity precludes dialogue between victim and offender, there is little opportunity for

victims to hear explanations from the accused – even from the great majority who plead guilty to one or more of the charges.” (p. xv).

The idea of mediation in criminal cases is a fresh enough idea, but Umbreit (2001) has expanded the discussion to compare Agreement-Driven Mediations to Dialogue-Driven Mediations in order to determine the most restorative impact. His findings are compared in the chart listed in Appendix A. Agreement-Driven Mediations can run the risk of setting the feelings of the victim aside by focusing mostly on items such as restitution and community service. Mediations are set with little regard to the victim’s schedule and once set tend to be very short, controlled and lack emotion. In addition, it is not necessary for an offender to admit guilt in order to participate in an Agreement-Driven Mediation.

In contrast, Umbreit (2001) finds that the most restoration can occur in Dialogue-Driven Mediations in which participants are given ample opportunity to understand the “real human impact” of the crime. The victim is able to express their feelings and the offender is able to take direct responsibility for the crime. Restitution comes secondary to the dialogue about the crime. Participation is voluntary for all parties involved; nobody is mandated to attend. Dialogue-Driven Mediations tend to take longer amounts of time, but the end results are often much more satisfactory.

One of its positive features for victim restoration, other than promoting restitution, is the opportunity for victims to talk to their offenders and understand the motivations behind the crime. It is a chance for them to master certain aspects of their own story of trauma by learning details that only the offender would know. A positive feature for offender restoration is

the opportunity for offenders to learn of the impact of their actions on their victims and to begin to make amends. (Umbreit, 2001, p. xvi).

An article by Rebecca Beitsch (2006) from the *USA Today Network* shares the story of two young boys who were both arrested for stealing a \$600 power saw from a local hardware store in downtown Boulder, Colorado. The story draws a sharp contrast in outcomes for the two boys. One defendant and his family hired lawyers and fought the charges, resulting in huge financial costs and months and months in the system. The other boy took part in a restorative justice process where he and his family met with someone from the hardware store and a facilitator to discuss what happened and the circumstances of the event. The article states, “After a few hours, the group came up with a plan for the teen to make amends: make good grades, meet weekly with a counselor and pay back his half of the stolen saw.” According to Beitsch, the success of the juvenile program in Colorado has led many jurisdictions to expand the services to adults involved in crimes. She states that “judges in some jurisdictions can order that adults be considered for restorative justice if they are sentenced to probation rather than prison.”

Greg Brown, Chief Probation Officer in Boulder, Colorado, shared a story in the article about two men who attacked another man in a bar that was wearing a yarmulke. One of the offenders could not understand why he had been charged with a crime similar to a hate crime. The facilitator invited a person trained in bias to be part of the discussion. Brown states that the breakthrough finally happened when the victim said “What if I didn’t have a yarmulke on? Would you still have assaulted me?” and the

offender was not able to answer. Brown amply points out that “This conversation doesn’t happen anywhere else in the universe.” (Beitsch, 2006).

USA Today also presented some of the dissenting opinions about restorative justice. In interviews with public defenders, it was discovered that one main concern that can arise in restorative justice is the inequality among defendants chosen to participate in the program. Denver Public Defender, Liz Porter-Merrill, raised concerns that minorities are not offered restorative justice processes as often as their white counterparts. She believes that states should “strive to reflect the racial composition of minority-heavy arrest rates, not the state’s general population” as these type of programs continue to grow. She states that while unintentional, if restorative justice programs are only offered to people “perceived” to be good candidates, subconscious discrimination may occur. While citing savings to the system, low recidivism rates and overall participant satisfaction, the USA Today article sums it up best with a quote by Colorado State Representative Pete Lee. He observes that, “The dirty little secret to why restorative justice is successful is because it is voluntary. You’re doing it because you’re accepting responsibility.” (Beitsch, 2016)

The American Bar Association conducted a project entitled “*Mediation in Criminal Matters*” in which it surveyed every state in America to determine which criminal mediation programs are offered. The study concluded that over half of the programs dealt exclusively with juvenile defendants. Of those programs that included adults in the victim offender mediation process, the cases were limited to misdemeanors and smaller property crimes. Very few programs tackled felony cases or cases that involved serious

harm, injury or even death. The study revealed that more programs wanted to move in that direction.

Flora Go (2010), Harvard Law Graduate, summed up the problem with victim offender mediation very well in her award winning paper "*Mediation as Practiced in Criminal Law: The Present, the Pitfalls and the Potential*" published by the American Bar Association. Go discusses the fact that mediation is quite popular in juvenile and smaller crime cases and is actually very successful, with approximately 80-90% of participants reporting a favorable result. However, as Go notes, the applicability of mediation to higher crime cases comes with its fair share of concerns because it impacts the defendant's constitutional rights. Due process can be affected if a defendant feels pressure to participate in such a program. In addition, a victim may be lied to if the defendant thinks he or she has something to gain by doing so. Go notes that many of the problems in this area of law are due to the fact that both the process and idea are new. However, she concludes that it does not mean that we should not take a serious look at mediation in criminal cases of a serious nature. Go suggests that:

Compared to its civil counterpart, mediation in criminal law has not been extensively studied, practiced, or institutionalized. Victim-offender mediation is the foremost expression of the model of restorative justice, a reaction against the traditional model of retributive justice. Retributive justice takes the victim out of the justice process because its primary goal is to give punishment to the offender that is "just" relative to his crime. Restorative justice, on the other hand, reintroduces the victim to the process by seeking to "restore" the victim, the offender, and the

community at large. Nonetheless, restorative justice has its own flaws, especially as expressed through victim offender mediation. For the victim, the legitimacy of the victim's desire for just punishment for the person who wronged him may be dismissed too lightly. Furthermore, the victim is forced to make the choice of whether and/or how much to forgive the offender. He may feel compelled to forgive and lighten the punishment due to various facets of a victim-offender mediation, such as the offender's apology and the mediator's presence. As for the offender, victim-offender mediation may not be truly voluntary, given his vulnerable situation. This may compromise his constitutional rights, especially that against self-incrimination, because the restorative justice model leads victim-offender mediations to often require the offender to admit his guilt prior to participation. Furthermore, because criminal mediation does not enjoy the precedents and conventions of the more-established criminal adjudication, it also contains many uncertainties, even on protections on basic assumptions such as confidentiality and enforcement of reached resolutions. Victim-offender mediation, however, focuses largely on juveniles and less serious crimes. This focus alleviates many of its procedural weaknesses and greatly enlarges its benefit of rehabilitating the individual. Victim-offender mediation is spreading and consistently achieves a high satisfaction rating by all the participants. Given this success, it makes sense to inquire whether mediation should extend to other fields of criminal law. (Go, 2010).

While the idea of victim offender dialogue has a lot of positive support, the research shows there are as many people concerned with the idea as are encouraged by it. There can be significant resistance among victims' communities, attorneys and judges.

Methods

The goal of this project was to answer the following questions:

- What restorative justice services are available for people over the age of eighteen in Arizona?
- At what point in the criminal justice process would an adult victim offender mediation program legally be able to get involved?
- Could a program like this work for people involved in lesser crimes in cases that take place at the Justice Court level? What would be the range of appropriate offenses?
- Can the option of Victim Offender Mediation be given to both victims and offenders early in a case, no matter the crime?

To answer the question regarding availability of restorative justice services to people over the age of eighteen in Arizona, a wide range of agencies was contacted for interviews, including the Arizona Department of Corrections, churches across the state of Arizona, agencies that deal with victims of crime, and each of the fifteen Superior Courts in Arizona.

First, each of the 15 Arizona Superior Court Administrators were asked the following questions:

- Do you currently have any programs in your county that work with both victims and offenders of crime?

- Do you have any mediation programs to address these needs in adult court versus juvenile court?
- If yes, how is the program funded?
- Do you have any statistics as far as cases per year and success rate?

Next, agencies that had some dealings with victims and/or defendants in criminal matters were contacted. This included the following agencies:

- Arizona Criminal Justice Commission
- Arizona Chapter Mothers Against Drunk Driving
- National Office for Mothers Against Drunk Driving
- MATFORCE (A local organization that strives to eliminate substance abuse and its effects)
- University of Minnesota Center for Restorative Justice and Peacemaking
- Eastern Mennonite University

Knowing that many victim offender programs around the country are provided and supported by non-profit organizations and churches, a few area churches were contacted to ask what they made available to parishioners. The following churches were contacted:

- Heights Church – Prescott, Arizona
- Cornerstone Church – Prescott, Arizona
- Christ's Church of the Valley – Phoenix, Arizona

Finally, the Arizona Department of Corrections Victim Services Division was contacted.

The next step involved conducting surveys of people who may be affected by the proposed mediation. Surveys for victims of crime (See Appendix C), for defendants who have been convicted of a crime (See Appendix D), for defendants who are charged with a crime and awaiting trial (See Appendix E), and for stakeholders who may be involved in the program (See Appendix F) were developed. The goal was to distribute 40 surveys in each category. The Yavapai County Public Defender's Office provided support to distribute the anonymous survey to clients who were awaiting trial or had not yet been convicted. However, the Public Defender's Office was not able to distribute its surveys, so the author conducted the survey personally at the Yavapai County Jail on November 22, 2016. The Yavapai County Adult Probation Department distributed surveys to people who had been convicted and were currently on probation. The Yavapai Victim Witness team and word of mouth were used to distribute surveys to victims. The author personally distributed surveys to all of the stakeholders for the project.

Third, a focus group was established to provide input. The focus group consisted of people from all walks of life. Each were able to give a unique and honest perspective of how they thought a program like this might function. The group included people from adult probation, victim witness, public defenders, county attorneys, private defense attorneys, court administrators, retired law enforcement, mediators, psychologists, and victims. (See Appendix H). People who were currently on probation were also invited, but none were able to attend.

To prepare for the focus group meeting, it was anticipated that some would have a lot of questions about victim offender mediation and what it is meant to do. The following questions were discussed:

- What is Victim Offender Mediation?
- Who will conduct Victim Offender Mediation?
- When will the Victim Offender Mediation Program start?
- Where would Victim Offender Mediation take place?
- Why Victim Offender Mediation?

During the focus group, a PowerPoint presentation (See Appendix I) was shared that described some of the emotion and heart behind this project, and offered vignettes of stories that support the use of adult victim offender mediation. The presentation portion took approximately twenty minutes and the remaining hour and a half was spent in a roundtable discussion.

The last step was to interview persons involved in a criminal matter, either as a defendant, a victim, a judge or a stakeholder. The real life stories of what people have endured, wished they could have done differently, and questions they wanted answered provided valuable qualitative data to bring life to this idea.

Findings

Interviews

No counties in Arizona currently have any programs that provide mediation and/or dialogue programs for criminal cases in adult matters. Given that information, the inquiry stopped there. A few of the counties reported encouragement for research that was being done in this area and asked to be contacted if the program progressed. Approximately three counties had some form of Victim Offender Mediation Programs for juveniles involved in crimes.

One Arizona county indicated that it had a mediation program for juveniles in 2005-2006, but that it was a “huge failure” and the program no longer existed. This particular coordinator experienced working with a restorative justice program in Boulder, Colorado. She indicated that the program was grant-funded, but was still a hard sell to the community. In this program, parties were referred to mediation by the arresting officer. The mediation was then conducted by a privately owned “restorative justice office” and was usually scheduled within two weeks.

Another Northern Arizona county indicated that it did not have any form of victim offender mediation, but that the county did provide mediation in specialized domestic violence situations. The coordinator indicated this information was reflected as part of the parenting plans generated in mediation.

One Arizona coordinator expressed interest and drew a correlation between this idea and the trend in Arizona to move toward evidence-based practices. She believed a program like victim offender mediation and dialogue would fit into this trend perfectly.

And finally, one County Administrator expressed interest in the idea and mentioned that the court was very open to victim offender mediation and dialogue. This court is focused on “victim friendly court initiatives” and possible diversion in adult cases.

Victim Agencies

A phone call to the Arizona Criminal Justice Commission revealed that it does not conduct programs such as VOMD, but does provide funding for innovative programs. It may have a grant opportunity for such a program in the future.

Contact was made with both the Arizona Chapter of Mothers Against Drunk Driving as well as the National Chapter of MADD. Both indicated they do not participate in any type of mediation process. Generally, they are not allowed to speak with offenders. They do, however, provide victims with assistance for victim impact statements and assist victims during the court process. MADD generally lets a victim find his or her own path. They indicated uncertainty regarding where to send a victim who may request to meet with an offender.

In speaking with the local MATFORCE program, it was learned that MATFORCE generally provides substance abuse education in schools, parent education and evidence-based professional development. MATFORCE referred the author to the Yavapai Reentry Project. This project works to reintegrate released inmates from prison back into their communities. The inmate is paired with a coach and they work together to find housing, employment and maintain a crime-free lifestyle. This program also

works very closely with the Adult Probation Department and may be a great resource for VOMD.

Jaquel Moody, the Victim Advocate for the Arizona Department of Corrections Victim Services Division provided a lot of information and stated generally that although some face-to-face meetings have occurred between victims and inmates, it is quite rare. In June, she attended a Victim Offender Dialogue Summit and National Association of Victim Service Professionals in Corrections Conference in Portland, Oregon. The general consensus nationally is that victim offender mediation and dialogue is on the rise and will be happening more and more.. It may be that the Arizona State Courts and the Arizona Department of Corrections will come to this crossroad at the exact same time.

International

Contact was also made with Howard Zehr, Distinguished Professor of Restorative Justice at the Center for Justice & Peacebuilding at Eastern Mennonite University. Through e-mails, Professor Zehr advised that some of the early programs in Indiana provided mediation in adult criminal cases (H.Zehr, personal communication, September 23, 2016). He noted that it was usually provided as an add-on to a criminal sentence. He agreed that working with adult probation departments was usually the best way to proceed. He stated that mediation often was recommended as part of a presentence report, but that the program also usually had someone in court that could remind the judge about the program as well. Professor Zehr noted that some jurisdictions would provide mediation after the plea, but before sentencing so that a

judge could take it into account. Professor Zehr recommended reaching out to a restorative justice center in New Zealand.

Haley Farrar, J.D., Research Assistant for the Diana Unwin Chair in Restorative Justice at the Victoria University of Wellington in New Zealand also provided helpful information. Ms. Farrar indicated that restorative justice programs in New Zealand began with adults in the late 1990's through grassroots programs and expanded nationally through legislation in 2000 (H. Farrar, personal communication, September 27, 2016). She indicated that "Last year, changes in the Sentencing Act have made it so that whenever there is a guilty plea and an identified victim, the case must be referred to a restorative justice service provider for review. In 2015 alone, this resulted in 12,000 referrals – all of whom would be adult offenders." This draws a staggering contrast between a country that automatically sends cases involving victims to mediation (New Zealand) and the United States – a country that barely knows the process exists.

Ms. Farrar went on to state in her e-mail that, *"Personally, from my own experience, I actually find it 'easier' to use restorative justice with adults. The depth of emotional intelligence and awareness of accountability has a tendency to be stronger, and additionally, it's good to keep in mind that 'adults' in the criminal justice system are often still under that age of 25. There are some practical challenges around bureaucratic requirements, but as a process goes, I greatly enjoy working with adults in this space."*

Churches

Responses from some of the bigger churches in Arizona produced similar results when compared to one another. Heights Church in Prescott, Arizona, with attendance that tops 4,000 people a week, conducts a Life Group for people on probation or parole and family members of people who may be currently incarcerated. Chris Jenkins of Heights Church indicated that the Arizona Department of Corrections conducts a “victim’s class” in which victims of various crimes come to speak with inmates. Victim Offender Reconciliation can be requested through the prison and held privately in rare instances. This process is usually initiated by a victim writing a request letter to the Department of Corrections. Mr. Jenkins stated his experience has been that the Arizona Department of Corrections has been reluctant to participate in such a process because they believe it to be a “powder keg.” When inmates are released to parole they are still not allowed to see the victim. Mr. Jenkins believes the VOMD program is needed.

At Christ’s Church of the Valley, a church with over 8000 members, there are no specific victim offender programs, but they do provide a group called “Rescued Not Arrested” that is a reentry program to provide pastoral care.

Cornerstone Church of Prescott, Arizona provides two groups for parishioners dealing with sexual offenses; “Mending the Soul” and “Preserving Purity.” There were no programs that focused specifically on victim offender mediation or dialogue.

Surveys

Data collected from the four surveys distributed is reported in two categories. The first category includes responses from victims, persons charged with crimes, and persons convicted of crimes. The second category includes surveys from stakeholders.

For the victim survey, 40 surveys were distributed and 13 people participated for a response rate of 33%. Of those surveyed who had been charged with a crime, 26 were found to be eligible for the survey (currently incarcerated and awaiting conviction). Ten were distributed, nine people participated and one refused (90% response). Of those persons who had been convicted of a crime, 40 surveys were distributed, and 17 participated (43% response).

In response to Survey Question 1 regarding the type of crime, the responses were as follows:

Victims indicated they had been the victim or their family members had been the victim of a murder, property damage, theft, sexual assault, arson, drugs, and aggravated assault.

Persons charged with a crime had been charged with the same offenses, e.g. murder, property damage, theft, sexual assault, arson, drugs and aggravated assault. Persons convicted of crimes had been convicted of property damage, theft, disorderly conduct with a weapon, domestic assault, breaking and entering, drugs, aggravated assault, child abuse, credit card fraud, burglary, domestic violence, armed robbery, kidnapping, disorderly conduct and child endangerment.

Table 1 *Crimes Listed in Survey Question 1*

Survey Question 2 asked, “Overall, do you feel you’ve been treated fairly by the criminal justice system?”

Victim Response	Charged Response	Convicted Response
Aggravated Assault 17%	Aggravated Assault 9%	Aggravated Assault 5%
Arson 8%	Arson 9%	Armed Robbery 5%
Theft 33%	Theft 18%	Breaking and Entering 5%
Sexual Assault 8%	Sexual Assault 9%	Burglary 5%
Drugs 8%	Drugs 18%	Child Abuse 5%
Murder 8%	Murder 9%	Child Endangerment 5%
Property Damage 17%	Property Damage 18%	Credit Card Fraud 5%
		Disorderly Conduct 5%
		Disorderly Conduct with a Weapon 5%
		Domestic Assault 5%
		Domestic Violence 5%
		Drugs 5%
		Kidnapping 5%
		Property Damage 10%
		Theft 21%

Eight percent of victims responded they had been treated “absolutely fair” by the system, 25% “mostly fair,” 33.3% had “no opinion,” and 33.3% stated “somewhat fair” while no victim responses concluded they were treated “not fair at all.” Over half of the respondents seemed to feel they had been treated fairly by the system.

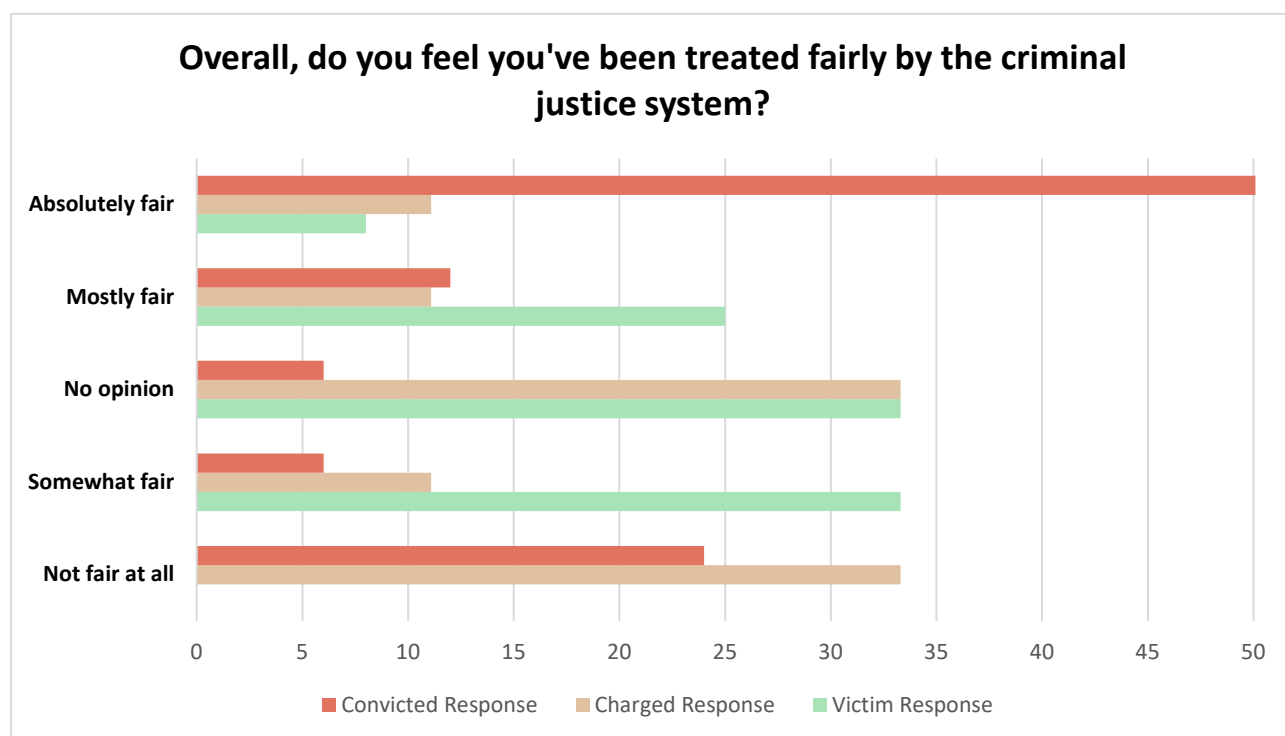
When asked Survey Question 2, those charged with a crime responded as follows: 11.1% said they had been treated “absolutely fair” by the system, 11.1% “mostly fair,” 33.3% had “no opinion,” 11.1% stated “somewhat fair,” and 33.3% stated “not fair at all.” If you exclude the respondents who had no opinion, the response is exactly split between those who felt they have not been treated fairly at all and those who have had a somewhat to absolutely fair experience.

Those convicted of crimes responded to Survey Question 2, overwhelmingly by stating that 53% believed they had been treated “absolutely fair” by the system, 12%

“mostly fair,” 6% had “no opinion,” 6% stated “somewhat fair,” and 24% stated “not fair at all.” Based on this question, almost 70% of the defendants with convictions felt they were treated fairly.

When the figures are combined, it is easier to see that the offender, whether charged or convicted, seems to have an overall higher feeling of fairness by the criminal justice system than the victims.

Figure 2. Combined Response to Survey Question 2



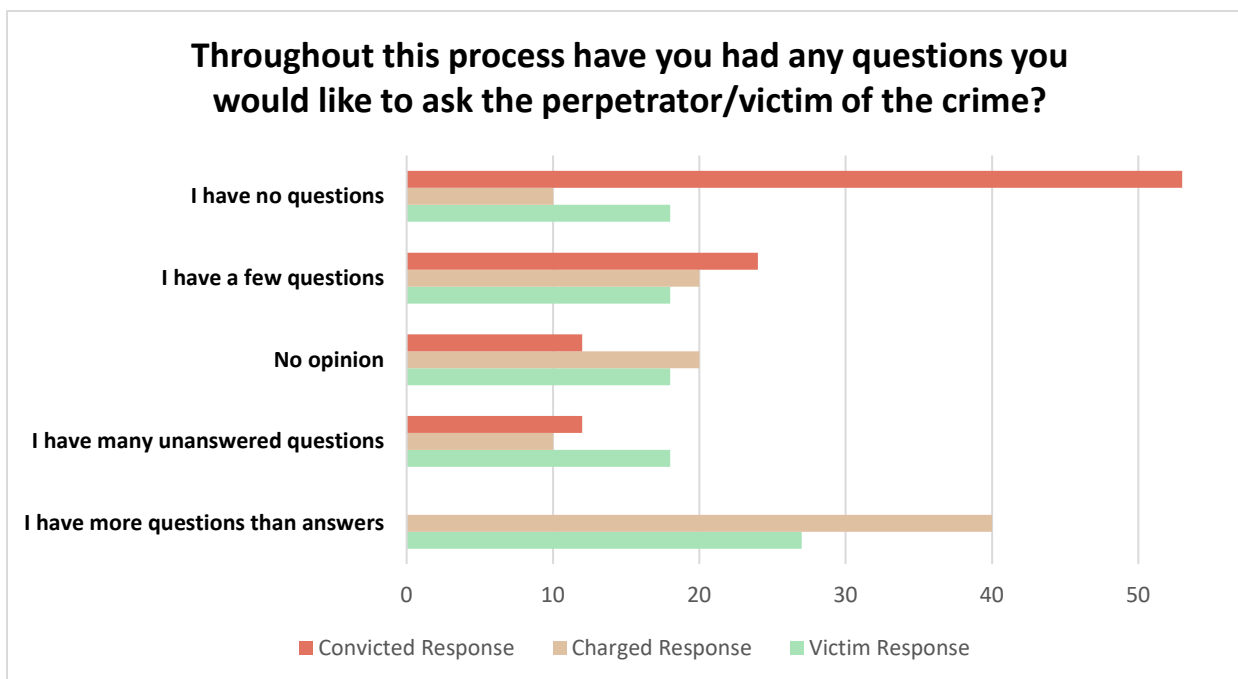
Survey Question 3 asks respondents “Throughout this process have you had any questions you would like to ask the perpetrator/victim of the crime?” Victims answered the question as follows: 18% stated they “have no questions,” 18% stated they “have a few questions”, 18% said they have “no opinion,” 18% stated they “have many unanswered questions,” and 27% revealed they “have more questions than answers.”

Well over half of those surveyed indicated there are unanswered questions left in their minds.

When asked the same question, those charged with a crime indicated that 10% “have no questions,” 20% “have a few questions,” 20% have “no opinion,” 10% “have many unanswered questions,” and 40% revealed they “have more questions than answers.” The high number of unanswered questions in this category leads one to wonder whether the questions that arise pre-conviction are centered around questions the defendant has for the victim or general questions because the defendant may still proclaim innocence. The numbers seem contradictory when compared to those who have been convicted of a crime.

When asked Survey Question 3, those individuals convicted of a crime indicated that an overwhelming 53% “have no questions,” 24% “have a few questions,” 12% have “no opinion,” 12% “have many unanswered questions,” and none of the convicted participants indicated they “have more questions than answers.” Again, the question remains whether the survey results are due to an acceptance of the sentence, a stubborn refusal to talk with the victim, or embarrassment, among other possible explanations.

Figure 3. Combined Response to Survey Question 3



While it is not surprising that the data indicates that victims are left with many questions, it is surprising to see that those charged with a crime seem to have even more questions than the victims. Additionally, the reasoning behind the low numbers from those convicted of a crime remains a mystery. To better understand the reasons for these responses, a more detailed survey with a more specific line of questioning would be necessary.

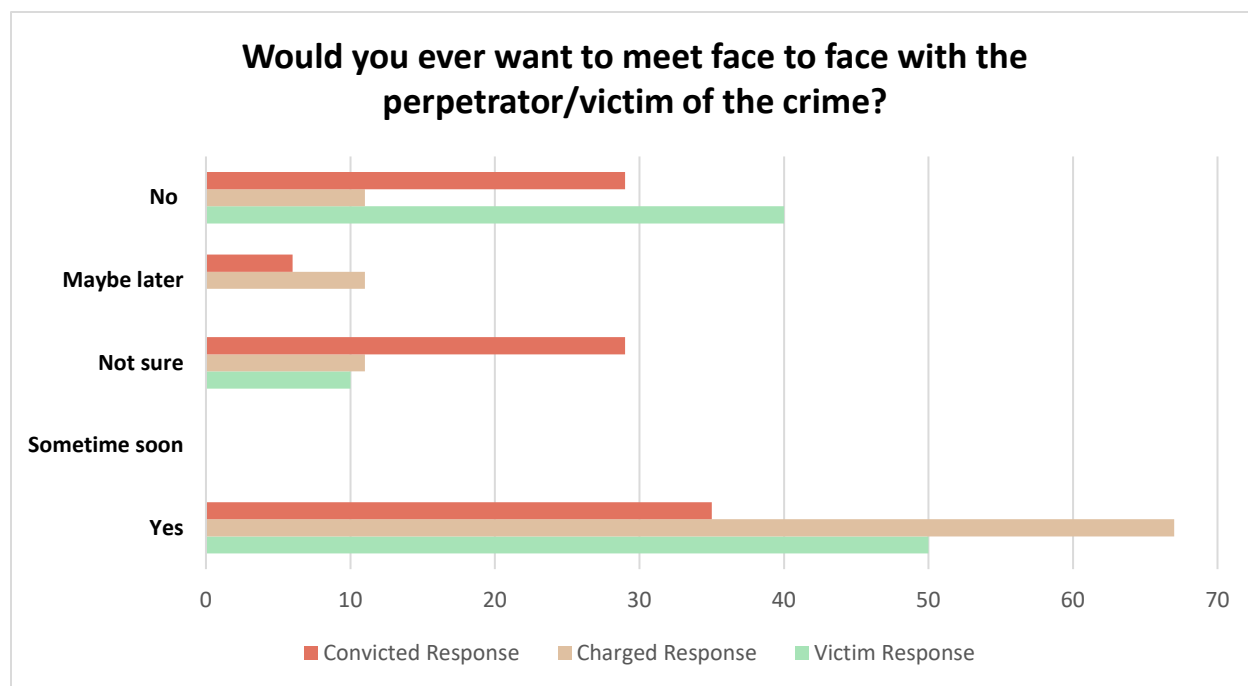
Survey Question 4 asks the respondent, “Would you ever want to meet face-to-face with the perpetrator/alleged victim/victim of the crime?”

Victims responded with 50% saying “Yes” they would want to meet face-to-face with the perpetrator of the crime, none responded “Maybe later,” 10% responded “Not sure,” none responded “Sometime soon,” and 40% responded “No.”

When those charged with a crime were asked the same question, they responded by 67% saying “Yes” they would want to meet with the alleged victim of the crime, none stated “Sometime soon,” 11% said they were “Not sure,” 11% said “Maybe later,” and 11% said “No.”

Persons convicted of a crime replied to Survey Question 4 with 35% stating “Yes” they would like to meet with the victim of the crime, none stated “Sometime soon,” 29% were not sure, 6% said “Maybe later,” and 29% said “No.”

Figure 4. Combined Response to Survey Question 4



Survey Question 5 asks the participants to answer “How well would you say you have adjusted since the crime took place?”

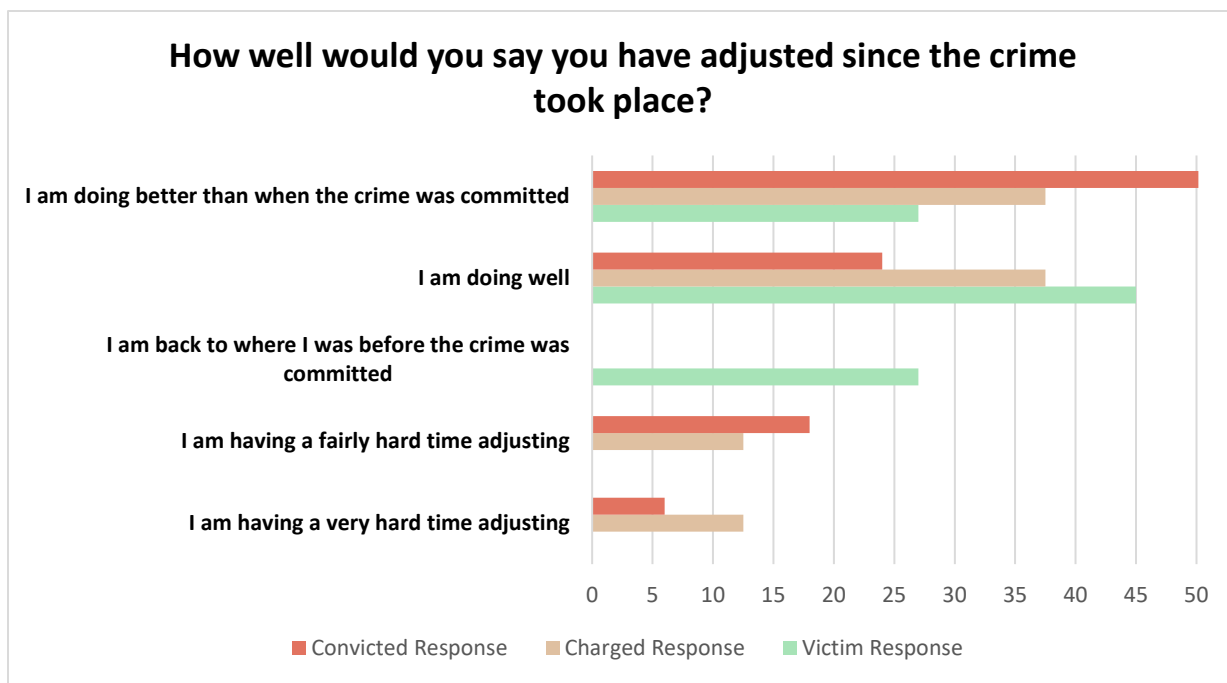
Of the victims surveyed, no one answered “I’m having a very hard time adjusting” and none answered “I am having a fairly hard time adjusting.” Twenty-seven percent

stated “I am back to where I was before the crime was committed,” 45% said “I am doing well,” and 27% said “I am doing better than when the crime was committed.”

When Survey Question 5 was posed to those charged with a crime, 12.5% stated “I’m having a very hard time adjusting” and 12.5% answered “I am having a fairly hard time adjusting.” No one said “I am back to where I was before the crime was committed,” 37.5% said “I am doing well,” and 37.5% said “I am doing better than when the crime was committed.”

Those convicted of crimes answered Survey Question 5 as follows: 6% stated “I’m having a very hard time adjusting” and 18% answered “I am having a fairly hard time adjusting.” No one said “I am back to where I was before the crime was committed,” 24% said “I am doing well,” and 53% said “I am doing better than when the crime was committed.”

Figure 5. Combined Response to Survey Question 5



Finally, each respondent was asked to identify any concerns they may have about meeting with the perpetrator or victim of the crime. Responses were provided as follows:

Table 2 *Victim Concerns about Meeting with Perpetrator*

Please list any concerns you would have about meeting with the perpetrator of your crime. (Victim Responses)

"Just want to move on. Wouldn't want things to start over."

"My crime was about ten years ago so I have been able to heal. A few years after it occurred I would have liked to talk with him to ask questions and tell him how I feel, but now I don't need to."

"I was able to come to an understanding but I did have questions for a long time."

"I already have met face to face with the perpetrator. I would have after a few years after the crime."

"They were never caught, but I would like to know what they were doing that they needed to steal my vehicle and my belongings."

"Safety - emotional and physical, short term and long term."

"I'm kind of back where I was before this happened. My life will never be the same."

"If she showed a lack of remorse it would be very upsetting."

"Them knowing who I am due to the crime that happened to my husband."

"Knowing their thoughts."

Table 3 *Charged Concerns about Meeting with Alleged Victim*

Please list any concerns you would have about meeting with the victim of your crime. (Persons Convicted of a Crime Responses)

"N/A"

"The stress of an argument that would put me back to where I am now. Still learning steps to better myself."

"How he might react."

"No concerns."

"N/A"

"None, but he is a cop that I do not know. I just wanted to tell him sorry, I had a bad head injury and do not remember the incident."

"Feel there was a lot of fraud and uncertain who the "real" victims are. Also fear of retaliation."

"Not possible to meet with the victim - deceased."

"My grandmother was the victim. She has since passed away."

"He falsified information which in turn caused me to have a harsher plea agreement."

"The victim which is my sister and brother-in-law avoid family contact. They choose not to communicate with family members. Therefore meeting with them I don't see happening."

Table 4 *Convicted Concerns about Meeting with Victim*

Please list any concerns you would have about meeting with the victim of your crime. (Persons Charged with a Crime Responses)

"I have God back in my life."

"My mother and my sister are listed as victims. I do not have any concerns about meeting with them. I do have a few questions for them should we be allowed to meet."

"None."

"I would be surprised if the victim would meet with me. I would like to apologize and let them know I will not do anything like what I did again."

"Unfortunately the victim of the crime is not alive."

"I have no concerns! The victims are my brother and my wife. I love them dearly and miss them so much. I miss my family & children."

Focus Group

On October 21, 2015, the focus group was assembled. The presentation and roundtable discussion produced a lot of ideas for the formulation of a VOMD program in Yavapai County. After explaining to the group the goal of the program and the notion that all parties would be thoroughly screened before taking part in this process, program logistics were discussed. It was reiterated to the group that neither the victim nor the offender would be “ordered” to mediate, but that cases would be “referred” to the program for review and that the ultimate decision as to whether or not a VOMD takes place would be up to the team in the Yavapai County Alternative Dispute Resolution Services Office. The meeting was then open for discussion.

One of the guests invited to be a part of the focus group was a woman named Chris. Her brother was murdered in 2014 and she went on to tell the group a bit about her experience and how the case is still pending. She mentioned while she still has a lot of questions and things she wants to know, it is hard to say at this point if she would ever be able to meet with the defendant(s) in her brother's crime. Her participation in this group was raw, inspiring and honest.

A Yavapai County Victim Witness Advocate mentioned that a case had come through the court recently in which the remaining victims in a homicide case wanted to meet with and ask questions of the defendant. They expressed these desires in court, but unfortunately there was not an avenue to make this happen. She went on to state that these types of requests seem to be increasing.

One of the County Attorneys mentioned the idea that some defendants are not ready to be truthful near the time of conviction. She noted that fake apologies are meaningless to victims and for this reason, she was against the idea of VOMD taking place pre-adjudication. A private attorney added that in about 50% of her cases, the defendants deny they have done anything wrong. There was much agreement on this point from the group.

The Yavapai County Public Defender and the Yavapai County Attorney's Office both were in favor of offering the VOMD program as a part of probation when defendants have already served prison sentences for more serious crimes. The logistics seem easier because appeal times have already run out and there is no jeopardy on either side to send the case to mediation. The Yavapai County Adult Probation Department was also in favor of this idea. It appears this approach would be the most benign, safe way to introduce a program. Similarly, all agencies were in favor of mediation taking place once a defendant's post-conviction relief time has lapsed.

One of the focus group participants is both a seasoned mediator and psychologist. He made sure to emphasize the idea that this program must be cautious not to offer mediation to participants who may view the program as a "carrot" and thereby behave well and/or say whatever the victim wants to hear in order to receive a reduced sentence. The motives for participation must be as pure as possible, subject to the limitations of screening. He stated the ultimate goal of this program should be to avoid re-victimization, requiring significant screenings and interviews before a case is referred. In addition, the VOMD process can be stopped at any time if it is deemed unsafe or unstable for either party. He went on to add that mediators should not ever

enter a mediation without already knowing almost exactly what is going to take place. This information must be obtained from the lengthy vetting process. This is not the type of mediation that should be left open to surprises.

The group then discussed the importance of “aftercare” for this program. This means that once parties have participated in VOMD, there needs to be psychological care available to both victim and offender should they feel the need to discuss items any further. The emotional impact that this kind of process can take is not something that should be taken lightly, but rather, follow-up will be key. One of the retired policeman in the group agreed that a mediator/psychologist team during the actual mediation will be important to ensure that nobody feels harmed during the process.

The group went on to brainstorm other cases for which VOMD may be useful. It was mentioned that even in cases where large corporations are the victims, it might be wise to have them participate. Also discussed were the challenges involved with people who were on drugs during the commission of an offense and the degree to which they will be able to actually remember events. It is important to avoid asking individuals to participate who will frustrate the victim because they are truly unable to remember any details. Some of the psychologists disagreed and stated that even in those cases, some defendants still want an opportunity to apologize. So long as expectations are managed, it could be possible to have a positive outcome.

It was recommended that both victims and defendants put together a list of questions ahead of time and work with a psychologist to prepare these questions. In addition, the psychologist can help manage expectations and call out where either party may need assistance.

One of the psychologists in the focus group added that every person in these situations will feel to some extent that their power has been taken away. Thus the playing field will need to be evened as much as possible.

The Adult Probation Department was interested to know the parameters for the VOMD program, such as when it will start and who can participate. In addition, one of the Probation Officers offered that given close communication with defendants, Probation Officers may be very helpful during the vetting process.

Discussion ensued about the importance of branding this program. A training program should be made available for probation officers, attorneys, court personnel, judges, victims and citizens so that everyone has a clear understanding of what the program is about. This training should be available often so that the program remains fresh in everyone's mind.

Finally, the group discussed logistics and budgeting. The Yavapai County Court Administrator mentioned there may be grant funding available for a program like this and in addition, the program may be able to take place during some of Yavapai County's specialty court docket calendars. The Court Administrator was very open to the idea and, so long as the project is funded, willing to support it. Overall, the focus group was a tremendous success with a lot of thoughtful responses and legitimate concerns and hopes for the program.

In addition to the focus group, I conducted a survey of stakeholders who would all be affected by this program in one way or another. Though the responses were not

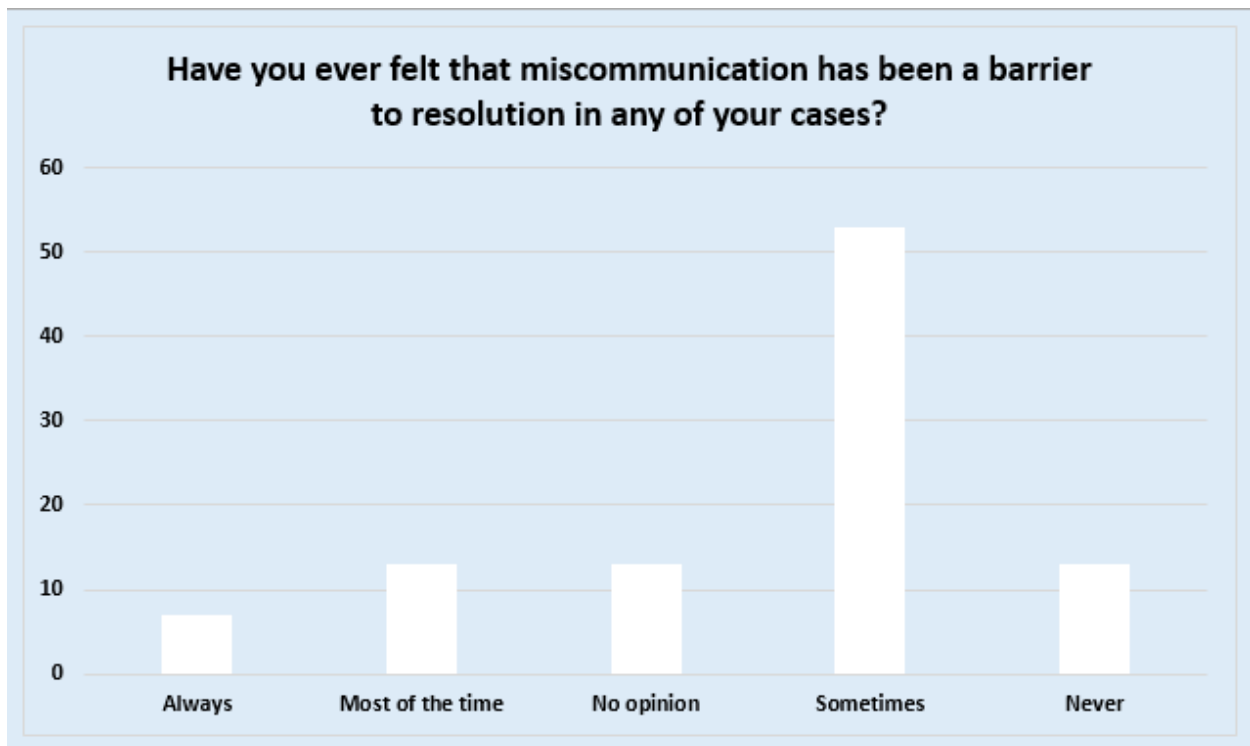
as broad as I had hoped across various job titles, I was still able to get a good sampling of ideas and suggestions for the program.

Stakeholder Survey	
Occupations of Stakeholders Surveyed	
Private Attorney	
Judge	
Mediator	
Administrator	
Citizen	
Adult Probation Officer	
Court Personnel	
Detention Officer	

Table 5. *Occupations of Stakeholders Surveyed*

Stakeholder Survey Question 1 asked, “Have you ever felt that miscommunication has been a barrier to resolution in any of your cases?” Respondents replied that in 7% of their cases miscommunication is “Always” a barrier, 13% said “Most of the time” it’s a barrier, 13% had “No opinion,” 53% said “Sometimes” and 13% said “Never.”

Figure 6. Stakeholder Survey Question 1



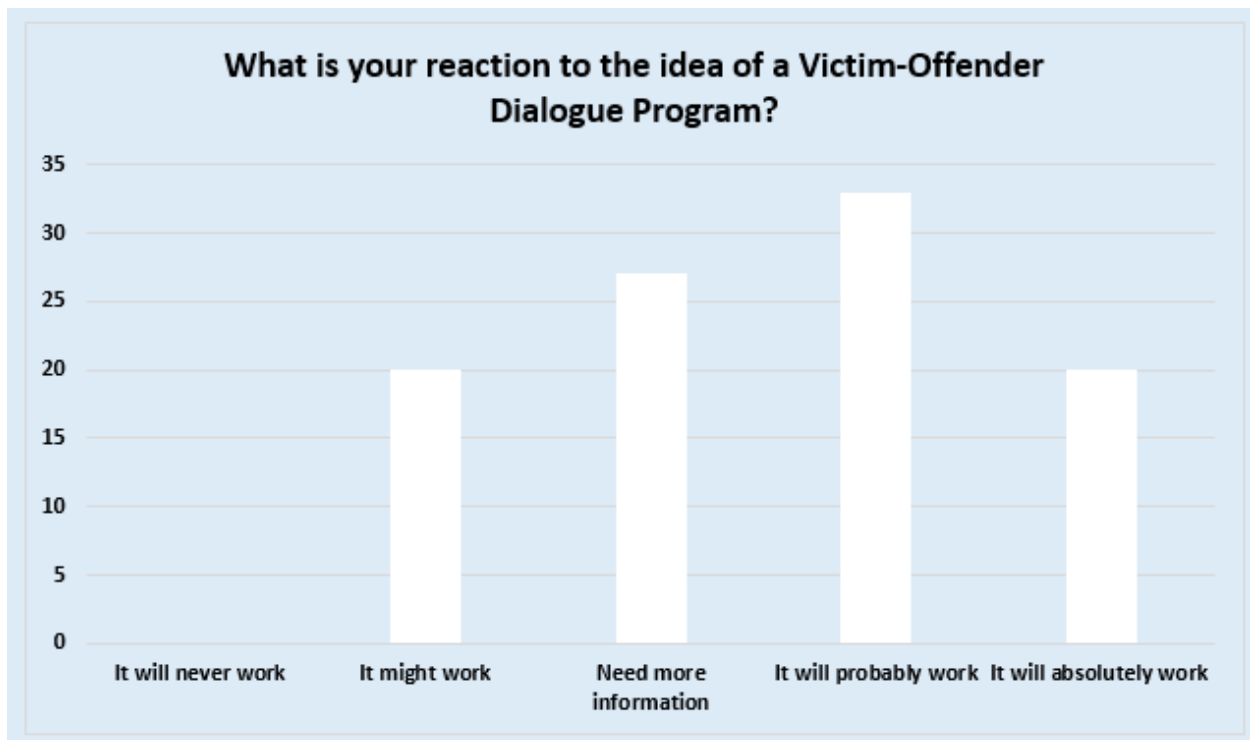
When asked “Have you ever heard of Victim-Offender Dialogue before today?” 73% responded “Yes” and 27% responded “No”.

Figure 7. Stakeholder Survey Question 2



Stakeholder Survey Question 3 asked, “What is your reaction to the idea of a Victim-Offender Dialogue Program?” None of the people surveyed believed “It will never

Figure 8. Stakeholder Survey Question 3



work”, 20% stated “It might work”, 27% “Need more information”, 23% stated “It will probably work” and 20% stated “It will absolutely work.”

Figure 9. Stakeholder Survey Question 4



Stakeholder Survey Question 4 asks “Would you be encouraged or would you encourage your clients to take part in the Victim-Offender Dialogue Program if available?” Nobody responded with a “Never” or “Not likely” response. Twenty-seven percent Stated they would “Need more information,” 60% stated they would “Sometimes” be encouraged to take part, and 13% stated they would “Always” take part.

Stakeholders were asked if they were aware of similar programs to VOMD and to indicate if so. Their responses are as follows:

Table 6 Stakeholder Survey Question 5

Stakeholder Survey
Are there similar programs or avenues you or the clients you serve could take to accomplish dialogue between one another? If so, please indicate below:
<i>"None I am aware of other than Victim Compensation Fund, however it is difficult to access those funds, especially for the duration it make take a victim to heal."</i>
<i>"Written explanation/apology to victim without interaction with the defendant."</i>
<i>"None available."</i>
<i>"None that I've heard of. I have only thought of a personal counselor."</i>

Finally, stakeholders were asked to list any concerns they would have about participation in the program. Their responses are below.

Table 7 Stakeholder Survey Question 6

Stakeholder Survey
Please list any concerns you would have about you or the clients you serve participating in a Victim-Offender Dialogue Program:
<i>"Probationer/Victim buy in for the process."</i>
<i>"That contact with the victim would make the defendant begin acting out negatively and feelings of guilt and shame come forward or return."</i>
<i>"Safety - emotional/physical - access to help ongoing, when asked. Support - emotional/physical. Follow through - ongoing of above with no financial cost to victims."</i>
<i>"Safety of parties – re-victimizing."</i>
<i>"Careful screening is needed to ensure the victim is not re-victimized."</i>
<i>"It would all depend on the attitude of the participants. In some situations it could be helpful, in others it could be detrimental and make things worse. I would also have concerns about the truthfulness of offenders in their communications with victims based on my experience with offenders."</i>
<i>"Confidentiality prior to plea."</i>
<i>"Admission issues that may be problematic for appeal."</i>
<i>"Opportunity to re-victimize the victim."</i>

Five individuals were interviewed as a part of this research project to provide perspective from individuals whose lives had been affected by crime and the potential role that VOMD could play in their lives. The information they shared are detailed in the vignettes that follow.

Unexpected Strength

Jodi met a boy when she was 17 years-old and spent six years with him. They were eventually married and had two boys. Jodi shared that she began to see a pattern of manipulation on the part of her husband, combined with verbal and emotional abuse. Then the physical abuse began.

One night, when her oldest child was four years-old and her youngest only a year-old, her husband held a gun to her head after yelling and cussing at her and choking her. Somehow Jodi was able to get away and dial 911 and put the phone under a pillow. The police arrived after tracking the call and her husband was arrested.

Jodi shared that she maintained her calm, packed up her children and left. Her husband was convicted of assault per domestic violence and child abuse. He was sentenced to 15 years on probation. During the course of that sentence, he was found in possession of guns. His home was raided, resulting in an 8-year prison sentence. He is now out of prison and Jodi is able to have contact with him regarding their children.

What was unique to Jodi's story was the fact that she found her strength while her husband was away in prison. She stated that time gave her the space she needed to realize that she was "done being the victim." She told me that "he was in prison and I was allowed to heal." She stated that although she wishes he would undergo

counseling, she really did not have much to say to him and is not sure she would have been helped by a program like VOMD. She was keenly aware of the fact that people who commit domestic violence can be very manipulative and she doubted that her now ex-husband would have participated in mediation for the right reasons. She acknowledged that there are some people that will not change and in many ways she felt comfortable with the court providing consequences for her ex-husband.

Unknown Ending

In August of 2014 a man named Robert was shot to death in a warehouse in California. The murderer was not found for another three months. Back in Arizona, the victim's sister, Chris, waited and wondered who had killed her younger brother. In addition to her own grief, she cared for her mother who has grieving the death of her only son. The sorrow seemed endless.

Robert worked for a railroad in California and on a hot August Sunday had finished a shift that he had picked up unexpectedly, approximately 50 miles from his home. He went into the train warehouse that evening and a person lying in wait shot him to death. Robert's funeral took place on one of the hottest days of that summer. Hundreds of people arrived to pay their respects. Robert was loved and his loss was tragic. Robert left behind two young children and a wife. He also left behind two sisters, his mother and father, and many other relatives.

Then, unexpectedly, three months later the news came that it was believed Robert had been shot to death by his wife's lover. Apparently the two had conspired to kill Robert so that they could continue a relationship without him around.

The case was scheduled to go to trial in February 2017. In the fall of 2016, Chris and Robert's mother passed away unexpectedly – before she could see her son's murderer brought to justice. And now that leaves Chris. She and her sister are all that is left of the family. Left here to fight this battle until the end.

As the idea of the VOMD program was shared with her, she indicated that she is not sure if she would be able to participate in such a program if it were offered to her. She stated she still has so many questions for the man who shot her brother. And in many ways, even though he pulled the trigger, she blames Robert's wife even more. The questions, as in all cases, stem from the unknown. When did they plan this? How long had this affair been going on? Why Robert? Why not just get a divorce? What was he thinking? Did the murderer attend her brother's funeral?

So much depends on the upcoming trial. In a strange turn of events, the authorities arrested both Robert's wife and her lover. The lover remained in custody but the wife was released. There is evidence to prove that some level of conspiracy had taken place, but not enough to convict. So the questions remain. Will she ever be arrested? Will she remain free? She has since cut off contact with Robert's children and Chris's side of the family. Much will remain unknown until the justice system has had enough time to do its job. And meanwhile, Chris waits.

Unfinished Business

Kathy Glenn, now 52 years-old, told me the story of her stepsister, Razrah, who tragically died in a car crash in 1986. Kathy and Razrah became step-sisters when Kathy was 14 years-old. Given that the girls were only four months apart in age and

were two children of five in this newly blended family, Kathy and Razrah became fast friends and spent a lot of time together in junior high and high school. In 1982, they graduated from Prescott High School in Arizona together. It was hard on Kathy when after graduation, her step-sister moved to South Dakota to live with her biological mom. A few months later, Razrah joined the United State Air Force. At first she was stationed in New Mexico, which meant the sisters could spend time together as they traveled back and forth only a state away. But later, Razrah was stationed in Alaska.

Seven months later, while on a road trip from Anchorage, Alaska to Fairbanks, Alaska with her best friend, Razrah was killed in a car crash. The two had been drinking rum and coke earlier in the evening and during the journey home. Razrah, the passenger in the vehicle, was mixing the drinks while her friend drove, a fact that Kathy states was hard to come to grips with until years after the crash. Witnesses of the crash stated that the women had passed them at a high rate of speed, and eventually the driver overcorrected and rolled the car, killing Razrah. The driver sustained a broken arm and bruises.

Kathy has never had an opportunity to meet with Razrah's friend to ask some of the questions that have been on her mind. Two years after her sister passed away, she felt the need to do something, anything, with what had happened to her family. She wanted to give back in some way, and to make a difference, so she began volunteering for Mothers Against Drunk Driving in Phoenix, Arizona in 1988. She states that she needed an outlet and wanted to do something positive with all the negative things that had happened. Kathy began to share her story with others and soon was asked if she would want to take part in the MADD Victim Impact Panels. She soon began to share

her story with more and more people and at one point was participating in about two panels a month. She was later trained as a Victim Advocate and assisted people in court. For 19 years, Kathy served MADD diligently and shared her story with countless people.

While Kathy has been able to move on with her life, she admits that her life was completely changed the day of the crash. She channeled her pain into the most positive way possible, but she still has unanswered questions and unfinished business with the person who killed her sister. She stated that oftentimes she wonders if this person's life was altered as much as Kathy's was.

A few years ago she inquired about getting in touch with the woman who killed her sister. While she was discouraged from meeting face to face with her, she did discover that she had retired as a captain with the United States Air Force. Kathy felt a unique sense of happiness about that. She was relieved to know that the woman had not ended up a failure or an addict, but that she had made something of her life.

Kathy is left with questions, but years later, believes that she would be in an emotionally strong enough place to ask those questions. She does worry about what the woman's response would be. What if it did not turn out the way she hoped? How devastating would that be? Could the family recover?

In an ironic and tragic twist to Kathy's story, her stepfather, Razrah's biological father, was involved in a drunk driving crash in 2003. He had been drinking and killed an older couple on their way to meet their family for dinner. Kathy was the victim advocate that escorted the couple's family to court.

Undefinable Relationship

Sheila Pessingua's mother and step-father were killed almost twenty years ago when a young girl named Michelle Gunderson, high on methamphetamine, collided with them on a street in Seattle, Washington. Sheila, who lived in Arizona at the time, was thrown into a tailspin of emotion trying to balance what had happened to her family, with the pressure of the legal system, and added stress of unexpected travel to another state to be present at the hearings.

Sheila stated that she knew a couple of weeks after the accident that she would want to meet at some point with Michelle. She said that while in court that day she just had to know why. And she knew that she had to make this incredible loss mean something. She didn't want to lose her parents for no reason. And most importantly, Sheila stated that she knew that her mother would have wanted the same thing. Her parting words to Michelle were "get it together – so that you're a better person."

Michelle was sentenced to 17 years in prison for killing Sheila's parents. A few years after her sentencing, Sheila reached out to an Olympia Victim Witness Advocate asking if she could meet with Michelle face to face. The advocate worked for months with Sheila to prepare her for the meeting and make certain that this interaction would be healthy for her. At one point, the advocate confronted Sheila with the question, "What if the outcome is not what you expect?" Sheila had to brace herself for the fact that the person she was about to meet might not provide her with the answers and closure she desired.

About the same time, Victim Witness began to arrange for letters to be sent back and forth between Sheila and Michelle. They would screen the letters for appropriateness and “prepare” each woman ahead of time if there were emotionally charged items in the letters. The letters became a good way to start to crack open the door to complex emotions. Sheila stated that the letters were helpful and she began to think of Michelle as a sort of unexpected pen pal. She stated that this new situation was an “undefinable relationship.”

Victim Witness worked with the Washington Department of Corrections to begin to prepare Michelle for the eventual meeting as well. They began to work with Michelle’s counselor to ensure her mental health was stable and that she could move forward in the process. However, on the day of the actual meeting, Michelle did not know that she would be meeting with Sheila. Michelle stated that she was concerned she had gotten into trouble when she was called out of her cell.

Sheila arrived at the prison with her biological father by her side. She noted an increased presence of prison security and stated that she felt extremely awkward entering the prison for this purpose. Although it was hard, the meeting took place and the women were both able to get through it. Questions got answered and memories shared. The experience was a positive one for both Michelle and Sheila.

A while later, Sheila and Michelle were invited to take part in a Ted Talk to describe their experience of meeting and forgiveness. Michelle had signed a prior agreement stating that she would not go public or make money in any way based on this story. Michelle called Sheila to get permission to participate in the Ted Talk. They had a long conversation and by the end of the phone call both had decided that they

would participate. Sheila and Michelle wrote the entire Ted Talk together, in their words. It can be found at <https://www.youtube.com/watch?v=2ZtjkE0-5tA> .

The Ted Talk was a positive experience and the audience contained many dignitaries, criminal justice professionals and “residents” (as Sheila now refers to them) of the Washington Department of Corrections. Sheila and Michelle were approached by many people after the talk that expressed how much their story meant to them. People began to see that loss can mean.

Michelle will be released from prison in the next six months. Sheila knows that she is ready. She has taken advantage of every opportunity available to her while in prison. She has been honest, smart and realistic about where she was in life then and now. Sheila learned through this process that Michelle’s background was rough and Michelle recognizes that as well. She has learned new avenues to make her life better.

Sheila mentioned an interesting side note regarding Michelle’s evolution while in prison. When Michelle was first incarcerated she was 21 years-old, torn down, drugged out, thin and with long brown hair. Sheila stated that when she saw her first mug shot pictures they were very stereotypical of what you think about a person in prison. Michelle had no color and the pictures for seven years were that of a down-trodden person. Michelle began to gain weight, cut her hair short and was very “hardened.” However, after the meeting between Sheila and Michelle things began to change. When Sheila was shown all of the mug shots in a line, she stated that you could see an actual physical change in her appearance and the light came back in her eyes after the meeting. Sheila was overwhelmed at the thought that not only had the conversations

been invaluable emotionally for both women, but she could visibly see the stress leave Michelle in the pictures over the.

Unusual Friendship

Jo Berry is a quiet, lovely lady from London who has an amazing story. On October 12, 1984, Jo's father, Sir Anthony Berry, was killed by the Irish Republican Army in a bombing that happened at the Grand Hotel in Brighton, England. The blast occurred during the Conservative Party's conference and was intended to kill Prime Minister Margaret Thatcher. Five people perished in the blast and 31 others were injured.

It was discovered that a man by the name of Patrick Magee planted the bomb. In 1986, he received eight life sentences for his role in the bombing. However, Magee only served 14 years of that sentence. He was released in 1999 as a result of the "Good Friday Agreement."

Jo explained that she knew within two days of her father's death that she wanted to make something positive come from this tragic situation. She had a desire for something peaceful to emerge from the terror. On her website, www.buildingbridgesforpeace.org, she states, "I was 27 years-old when my father was killed, and within two days of that it was important for me to find something positive out of it, to bring some meaning and to even understand those who killed him."

That desire took shape a few weeks after Patrick Magee was released from prison. He agreed to sit down and talk with Jo at her friend's home in Dublin. Jo explained to me that she was nervous and did not know what to expect. She said that

for the first two hours of their meeting, Mr. Magee felt the need to explain his position and why he believed the IRA was justified in their positions and why they had to do what they had to do. She stated that the more he tried to uphold his position, the more he seemed confused. Then, a couple of hours into the conversation he stopped and said, “I don’t even know who I am.”

It was at that moment that Jo knew this would be a relationship unlike any other. She could see Patrick’s walls begin to break down as he began to learn about the person her father was. As Jo shared more about Anthony Berry, the father, Patrick began to see him as a person and see that he had killed her father, not just a faceless politician.

The result of this most unprecedented meeting has been that, for over 20 years, Jo and Patrick have traveled the world sharing their story. Jo began a nonprofit organization called Building Bridges for Peace through which she and Patrick have participated in collaborative efforts to bring peace around the world. They were both featured in a film entitled “Beyond Right and Wrong.”

Conclusions and Recommendations

Conclusion 1

There Is No Current Avenue for People Involved In an Adult Criminal Matter in Yavapai County to Meet Face to Face to Discuss the Impact the Crime Had on Each Party.

Recommendation 1.1

Yavapai County should start an Adult Victim-Offender Mediation and Dialogue Program in 2017.

Recommendation 1.2

A committee should be formed to make recommendations regarding the structure of the program. The committee should include all stakeholders similar to the participants engaged in the focus group for this research paper. The committee may also play a more formal role to guide the program once established

Conclusion 2

It Is Important That the Program Have Components of Both Mediation and Dialogue in Order to Preserve the Integrity, Ethics and Laws of Mediation, While Also Understanding the Goal of the Program Is Not a Written Agreement Between the Parties, But an Opportunity for Dialogue.

Recommendation 2.1

The program should incorporate standard mediation protocols. The agreement to participate in this program should contain all of the same information that

standard mediation agreements contain. Paperwork should be designed and modeled after the standard mediation process, with the added component and emphasis on the dialogue portion of this program.

Recommendation 2.2

The program should uphold the confidentiality statutes that apply to standard mediation to this program as well. Confidentiality is the cornerstone of mediation. Participants need to feel free to participate in the program without fear of anything said being used against them in the future.

Recommendation 2.3

Any written agreements reached during mediation in the program should be signed by the parties involved, forwarded to the assigned judge for approval and entered into the case file. Should a written agreement not be reached or necessary in a matter, ADR Services will report to the court that a mediation and dialogue meeting took place without providing details of the specific conversations. This follows standard practice for mediations in both Superior Court and Justice Court.

Conclusion 3

Screening for this Type of Mediation Is Extremely Important and Will Most Likely Result in a Much Higher Rate of Disqualification than Other Types of Court Mediations.

Recommendation 3.1

ADR Services should collaborate with a mediator/psychology team regarding cases referred for participation in the program throughout the status of the case and/or mediation, if appropriate. After a matter is referred to the program, an initial call should be made to both parties to assess willingness to participate. If the case is deemed appropriate to move forward, individual interviews should be scheduled with all parties in the matter, combined with a mediator/psychologist team.

Recommendation 3.2

The same mediator/psychologist team should follow the case throughout its duration to ensure continuity and establish rapport among all parties. In addition, the team should monitor for any sudden changes in behavior or attitude toward the program that may raise issues in the eventual meeting.

Recommendation 3.3

It should be made clear to participants that it is possible the case may not proceed to mediation at any time. The decision to proceed will be made by the mediator/psychologist team combined in collaboration with ADR Services administration. The parties should be reassured that a decision to halt the process is not a reflection on either party, but rather a decision based on the overall status of the case.

Recommendation 3.4

Initially, cases based upon domestic violence, sexual assault or child molestation should not be accepted into the program. While every single case is

unique and individual circumstances of each will determine the likelihood for success in mediation, until the program has had a chance to become established, these types of cases should be avoided. Generally, the nature of these types of cases do not lend to a successful mediation/dialogue process. While the door should not be completely closed to *any* case, program staff must be particularly vigilant in screening these case types.

Recommendation 3.5

The door should be left open to people who may approach the court for these services years and maybe decades after the criminal case has taken place.

So long as the case came through the Yavapai County Superior Court, people should have the right to ask for mediation/dialogue services. Special grant funding should be used to support these cases. All parties will need to understand that no further enforcement of agreements can happen once a case has been dismissed, but the opportunity for dialogue can still be afforded.

Conclusion 4

VOMD May Take Place At Nearly Any Time During The Criminal Process; However, the Safest Window To Avoid Sentencing And Appeals Issues And The Opportunity For The Greatest Success, Is Once A Defendant Has Been Ordered To Probation.

Recommendation 4.1

ADR Services should coordinate with the Yavapai County Adult Probation Department to establish the VOMD program. A referral system should be created so

that referrals can be received not only from the bench or Victim Services, but from Adult Probation Officers who identify cases that may be appropriate for this service.

Conclusion 5

Participants In This Program Will Benefit From A Strong Mental Health Component.

Recommendation 5.1

The team should be part of the initial calls, individual interviews, throughout the creation of a list of questions with each party and during the actual mediation/dialogue meeting.

Recommendation 5.2

While ongoing counseling services cannot be provided through the VOMD program, a list of aftercare providers and resources should be given to each participant in VOMD. This list should be established by the VOMD committee and every provider on the list should be contacted ahead of time to make sure they are on board with the idea of VOMD and prepared in case they receive calls from a client who has participated in VOMD. Ongoing training regarding VOMD should be given to the mental healthcare providers who are a part of the aftercare list.

Conclusion 6

The Added Mental Health Component Of This Program, While Needed, Will Significantly Increase Administrative Costs of the Program.

Recommendation 6.1

Grant funding should be sought to fund this program. Given that the program is innovative, may cut down on recidivism rates, provides an opportunity for resolution and is on trend with many restorative justice programs in the nation, grant funding has strong potential.

Recommendation 6.2

In the meantime, the VOMD Program should be started regardless of funding so that people become aware the program is a possibility. Funding needs can be managed by limiting the number of cases referred at one time. Grant funding or other creative funding alternatives should be a priority. Efforts to obtain that funding should begin immediately.

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Appendix A: Victim Offender Mediation Continuum

Table 1: Victim-Offender Mediation Continuum: From Least to Most Restorative Impact

LEAST RESTORATIVE IMPACT Agreement-Driven: Offender Focus	MOST RESTORATIVE IMPACT Dialogue-Driven: Victim Sensitive
<ul style="list-style-type: none"> • Entire focus is upon determining the amount of financial restitution to be paid, with no opportunity to talk directly about the full impact of the crime upon the victims, the community, and the offenders. • No separate preparation meetings are conducted with the victims and offenders prior to bringing them together. • Victims are not given a choice of where they would feel the most comfortable and safe to meet or of whom they would like to have present. • Victims are given only written notice to appear for a mediation session at a preset time, with no preparation. • The mediators or facilitators describe the offense and then the offenders speak, with the victims simply asking a few questions or responding to questions from the mediator. • A highly directive style of facilitation is conducted with mediators talking most of the time, continually asking both victims and offenders questions, with little if any direct dialogue between the involved parties. • The session is marked by low tolerance of moments of silence or expressions of feelings. • The mediation session is voluntary for victims but required of offenders whether or not they take responsibility. • The mediation is settlement-driven and very brief (10–15 minutes). 	<ul style="list-style-type: none"> • Primary points of focus are to provide an opportunity for victims and offenders to talk directly to each other; to allow victims to express the full impact of the crime upon their lives and receive answers to important questions they have; and to allow offenders to understand the real human impact of their behavior and take direct responsibility for seeking to make things right. • Restitution is important but secondary to the dialogue about the impact of the crime. • Victims are continually given choices throughout the process: where to meet, who should be present, etc. • Separate preparation meetings are conducted with victims and offenders prior to bringing them together, with emphasis upon listening to how the crime has affected them, identifying their needs, and preparing them for the mediation or conference session. • A nondirective style of facilitation is fostered with the parties talking most of the time. The mediation incorporates a high tolerance of silence and the use of a humanistic or transforming mediation model (see appendix B). • The mediation is marked by high tolerance for expressions of feelings and of the full impact of crime. • Mediation is voluntary for both victims and offenders. • Trained community volunteers serve as mediators or comediators along with agency staff. • The mediation session is dialogue-driven and typically about an hour (or longer) in length.

Appendix B: Data Collection Form

Data Collection Form

Questions for Arizona County Court Administrators (via telephonic interviews):

Do you currently have any programs in your county that work with both victims and offenders of crime?

Do you have any mediation or dialogue programs to address these needs in adult court vs. juvenile court?

If yes,

How is the program funded?

Do you have any statistics as far as cases per year, success rates?

Have you ever encountered any requests by victims to meet with the perpetrator of the crime?

If yes,

How was that handled?

Appendix C: Victim Survey

Arizona Victim-Offender Dialogue Survey

1. Please indicate the type of crime you or your family member was a *victim* of :

- ☐ Murder/ Negligent Homicide/ Manslaughter
- ☐ Home Invasion
- ☐ Property Damage
- ☐ Theft
- ☐ Sexual Assault
- ☐ Other (Please indicate) _____

2. Overall, do you feel you've been treated fairly by the criminal justice system?

1	2	3	4	5
Not fair at all	Somewhat fair	No opinion	Mostly fair	Absolutely fair

3. Throughout this process have you had any questions you would like to ask the perpetrator of the crime?

1	2	3	4	5
I have more questions than answers	I have many unanswered questions	No opinion	I have a few questions	I have no questions

4. Would you ever want to meet face to face with the perpetrator of the crime?

1	2	3	4	5
Yes	Sometime soon	Not sure	Maybe later	No

5. How well would you say you have adjusted since the crime took place?

1	2	3	4	5
I'm having a very hard time adjusting	I am having a fairly hard time adjusting	I am back to where I was before the crime was committed	I am doing well	I am doing better than when the crime was committed

6. Please list any concerns you would have about meeting with the perpetrator of your crime.

Appendix D: Convicted Offender Survey

Arizona Victim-Offender Dialogue Survey

1. Please indicate the type of crime you were *convicted* of:

- ☐ Murder/ Negligent Homicide/ Manslaughter
- ☐ Home Invasion
- ☐ Property Damage
- ☐ Theft
- ☐ Sexual Assault
- ☐ Other (Please indicate) _____

2. Overall, do you feel you've been treated fairly by the criminal justice system?

1	2	3	4	5
Not fair at all	Somewhat fair	No opinion	Mostly fair	Absolutely fair

3. Throughout this process have you had any questions you would like to ask the victim of the crime?

1	2	3	4	5
I have more questions than answers	I have many unanswered questions	No opinion	I have a few questions	I have no questions

4. Would you ever want to meet face to face with the victim of the crime?

1	2	3	4	5
Yes	Sometime soon	Not sure	Maybe later	No

5. How well would you say you have adjusted since the crime took place?

1	2	3	4	5
I'm having a very hard time adjusting	I am having a fairly hard time adjusting	I am back to where I was before the crime was committed	I am doing well	I am doing better than when the crime was committed

6. Please list any concerns you would have about meeting with the victim of your crime.

Appendix E: Charged Offender Survey

Arizona Victim-Offender Dialogue Survey

1. *Please indicate the type of crime you have been **charged** with:*

- ☐ Murder/ Negligent Homicide/ Manslaughter
- ☐ Home Invasion
- ☐ Property Damage
- ☐ Theft
- ☐ Sexual Assault
- ☐ Other (Please indicate) _____

2. *Overall, do you feel you've been treated fairly by the criminal justice system?*

1	2	3	4	5
Not fair at all	Somewhat fair	No opinion	Mostly fair	Absolutely fair

3. *Throughout this process have you had any questions you would like to ask the alleged victim of the crime?*

1	2	3	4	5
I have more questions than answers	I have many unanswered questions	No opinion	I have a few questions	I have no questions

4. *Would you ever want to meet face to face with the alleged victim of the crime?*

1	2	3	4	5
Yes	Sometime soon	Not sure	Maybe later	No

5. *How well would you say you have adjusted since the crime took place?*

1	2	3	4	5
I'm having a very hard time adjusting	I am having a fairly hard time adjusting	I am back to where I was before the crime was committed	I am doing well	I am doing better than when the crime was committed

6. Please list any concerns you would have about meeting with the victim of your crime.

Appendix F: Stakeholder Survey

Arizona Victim-Offender Dialogue Stakeholder Survey

1. Have you ever felt that miscommunication has been a barrier to resolution in any of your cases?

1	2	3	4	5
Always	Most of the time	No Opinion	Sometimes	Never

2. Have you ever heard of Victim-Offender Dialogue before today?

1	2
Yes	No

3. What is your reaction to the idea of a Victim-Offender Dialogue Program?

1	2	3	4	5
It will never work	It might work	Need more information	It will probably work	It will absolutely work

4. Would you be encouraged, or would you encourage your clients to take part in the Victim-Offender Dialogue Program if available?

1	2	3	4	5
Never	Not likely	Need more information	Somewhat likely	Always

5. Please put a check mark next to your occupation

- ☐ Police Officer ☐ Public Defender ☐ Private Attorney ☐ Judge ☐ Mediator
☐ County Attorney ☐ Administrator ☐ Victim Advocate ☐ Citizen ☐ Counselor
☐ Adult Probation Officer ☐ Juvenile Probation Officer

- 6. Please list any concerns you would have about you or the clients you serve participating in a Victim-Offender Dialogue Program.**

- 7. Are there similar programs or avenues you or the clients you serve could take to accomplish dialogue between one another? If so, please indicate below:**

Appendix G: Focus Group Letter

ALTERNATIVE DISPUTE
RESOLUTION SERVICES



TELEPHONE
(928) 771-3483
FAX (928) 771-3389

Arizona Superior Court

YAVAPAI COUNTY COURTHOUSE
120 SOUTH CORTEZ STREET
PRESCOTT, ARIZONA 86303

Dear _____

My name is Heather Seets and I have worked for Alternative Dispute Resolution Services since 2002. For many years I have looked at ways that Yavapai County could start a Victim-Offender Dialogue Program. As many of you will recall, I attempted to start a similar program six years ago, but soon found that there were some issues that I had not anticipated and that more work needed to be done.

Late last year I was accepted by the National Center for State Courts to participate in their Fellowship Program. This program is extremely well respected and valued among the court community. I have been asked to put together a court project that would benefit my court and the court community in general in order to complete my status with the Fellowship program. Because I feel so strongly about the idea of victim-offender mediation and dialogue, I have decided to concentrate my project on this topic for the Fellowship program.

I learned a lot about what I did and did not know the last time I tried to implement this program. One of the things I learned was the importance of all stakeholders at the table when putting an idea like this together. I would like to invite you to be a part of a focus group that I am putting together to talk about the idea of victim offender mediation in the superior court. This program will focus on mediation programs for adults only, as a juvenile program has already been established. Please join me on the afternoon of _____ from _____ to _____ to discuss the ideas, the possibilities and any concerns about the program or thoughts you have to make the program better.

I truly appreciate your willingness to help and the part you will play in being a pioneer in Arizona in this field. Please RSVP to me via email at hseets@courts.az.gov or by telephone at 928-777-3067. If you are unable to make it please let me know so that I may find another person in your field that may be available. It is important to me to have all stakeholders represented.

Thank you again for your time!

Sincerely,


Heather Seets

Mediation Coordinator,
Yavapai County

Appendix H: Focus Group Attendees
Focus Group Attendees – October 21, 2016


- Britney Cain – Yavapai Training Coordinator
- Andrew Sawyer – Yavapai County Adult Probation
- Ellen Abel – Professor, Prescott College & Psychologist
- Wayne Regina – Mediator & Psychologist
- Chris - Victim of Crime
- Dana Owens – Yavapai County Attorney
- Bob Murdoch – Retired Chicago Police Officer, Criminal Law Professor & Bailiff
- Lionel Talbot – Retired New Hampshire Police Officer & Bailiff
- Alex Harris – Private Defense Attorney
- John Napper – Yavapai County Public Defender
- Rolf Eckel – Yavapai County Court Administrator
- John Morris – Yavapai County Chief Adult Probation Officer
- Tony Camacho – Yavapai County Victim Witness
- Dennis McGrane – Yavapai County Attorney's Office
- Judy Fagelman – Victim Witness
- Judy Buckley – Mediator
- Janet Bicknese – Mediator

Appendix I: Focus Group PowerPoint Presentation



Victim-Offender
Mediation and
Dialogue in Adult
Criminal Cases

Focus Group
October 21, 2016



Victim-Offender
Mediation and
Dialogue in Adult
Criminal Cases

Who?
What?
When?
Where?
Why?



Victim-Offender Mediation and Dialogue in Adult Criminal Cases

What?

What is Victim Offender Mediation?

"Victim offender mediation is a process that gives victims of property crimes or minor assaults the opportunity to meet the perpetrators of these crimes in a safe and structured setting, with the goal of holding the offenders directly accountable while providing important assistance and compensation to the victims. Assisted by a trained mediator, the victim is able to let the offender know how the crime affected him or her, receive answers to questions, and be directly involved in developing a restitution plan for the offender to be accountable for the loss or damage caused. The offenders are able to take direct responsibility for their behavior, understand the full impact of what they did, and develop a plan for making amends."


- Mark S. Umbreit, *The Handbook of Victim Offender Mediation*



What is Victim Offender Mediation?

"One of its positive features for *victim* restoration, other than promoting restitution, is the opportunity for victims to talk to their offenders and **understand the motivations behind the crime**. It is a chance for them to master certain aspects of their own story of trauma by **learning details that only the offender would know**. A positive feature for *offender* restoration is the opportunity for offenders to **learn of the impact of their actions on their victims** and begin to make amends."

- Mark S. Umbreit, *The Handbook of Victim Offender Mediation*



Victim-Offender Mediation and Dialogue in Adult Criminal Cases

Why?

Why Victim Offender Mediation?



Sir Anthony Berry

Patrick Magee



Jo Berry



The Douglass Family



Brooks & Leslie Douglass



Glen Ake & Steven Hatch



Jonathan Hearn



Robert Limon



Sabrina Limon



Victim-Offender Mediation and Dialogue in Adult Criminal Cases

Who?

Who will conduct Victim Offender Mediation?



Mediator & Psychologist Team



Victim-Offender Mediation and Dialogue in Adult Criminal Cases

Where?

Where would Victim Offender Mediation
Take Place?





Victim-Offender Mediation and Dialogue in Adult Criminal Cases

When?

When will the Victim Offender Mediation
Program Start?



2017



Victim-Offender
Mediation and
Dialogue in Adult
Criminal Cases

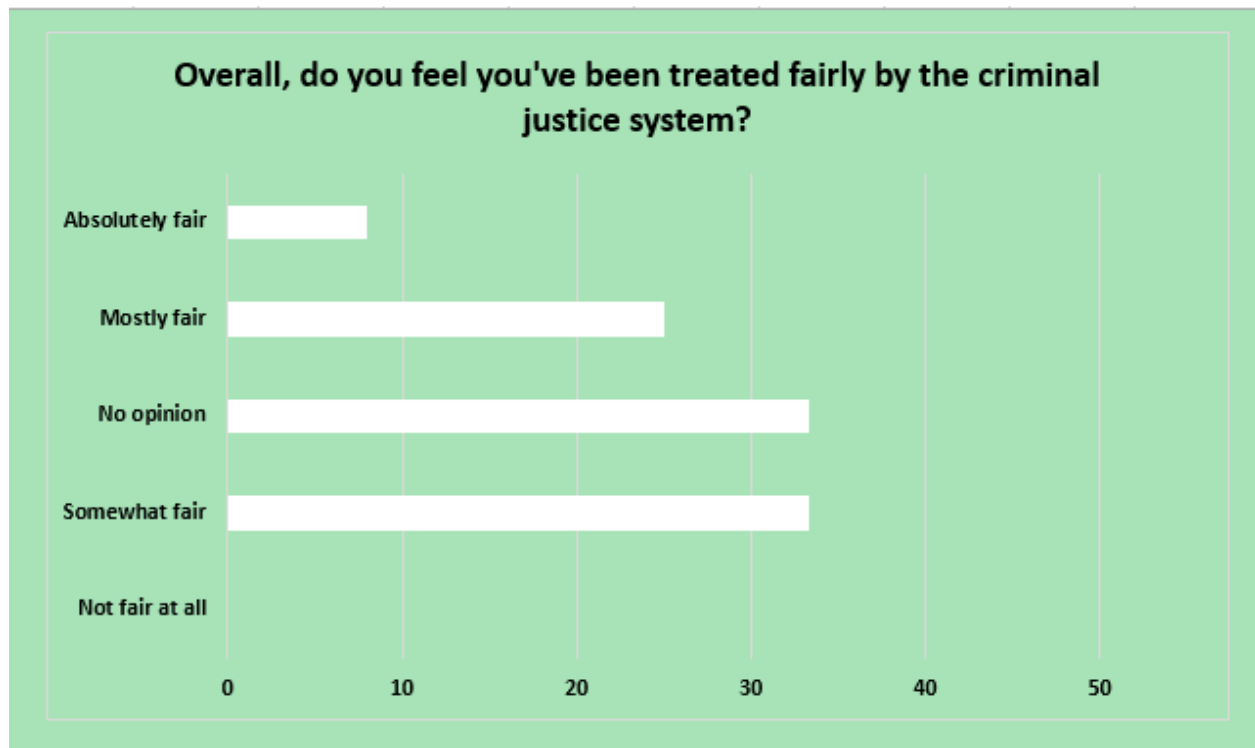
Discussion



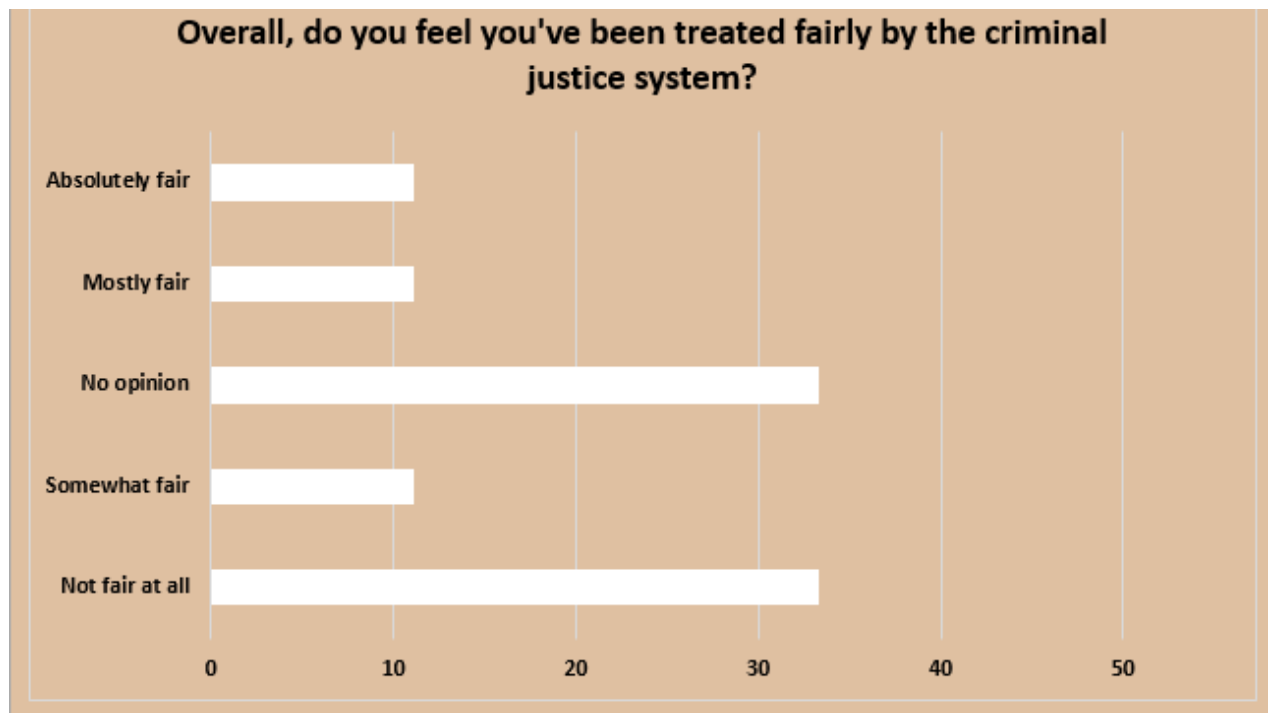
Victim-Offender
Mediation and
Dialogue in Adult
Criminal Cases

Thank You!

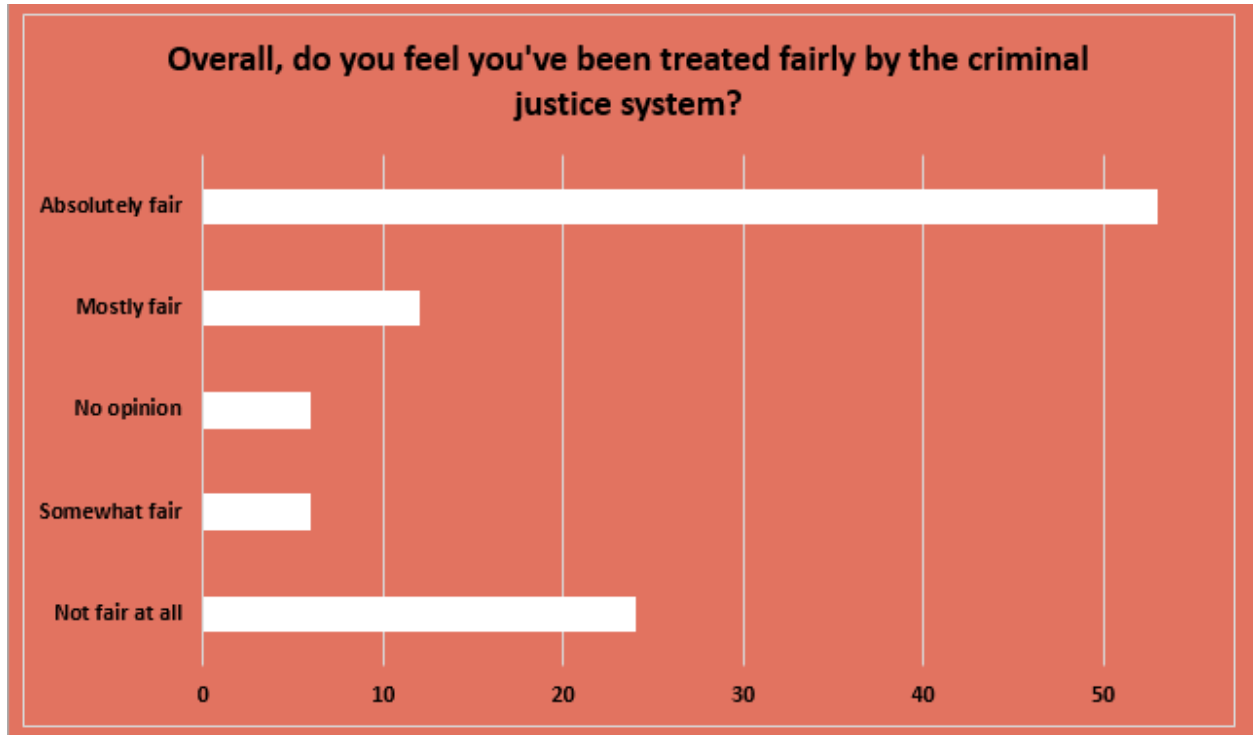
Appendix J: Victim Response to Survey Question 2



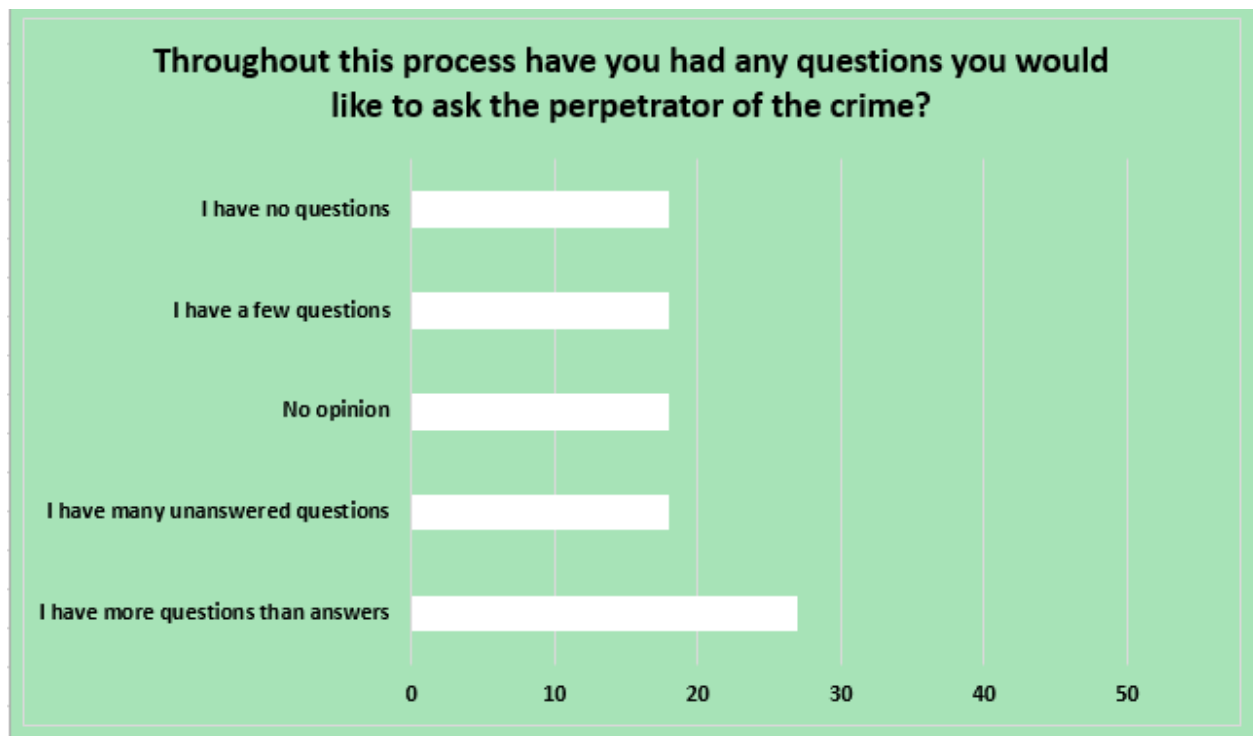
Appendix K: Charged Offender Response to Survey Question 2



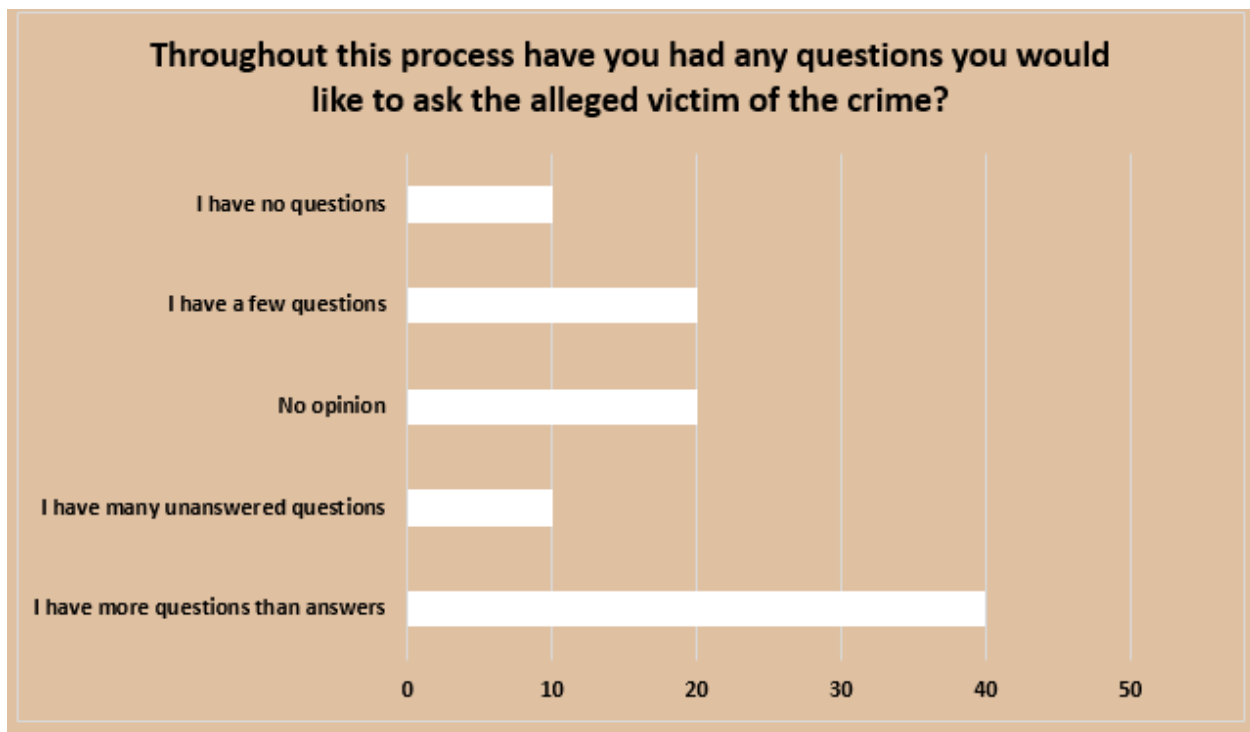
Appendix L: Convicted Offender Response to Survey Question 2



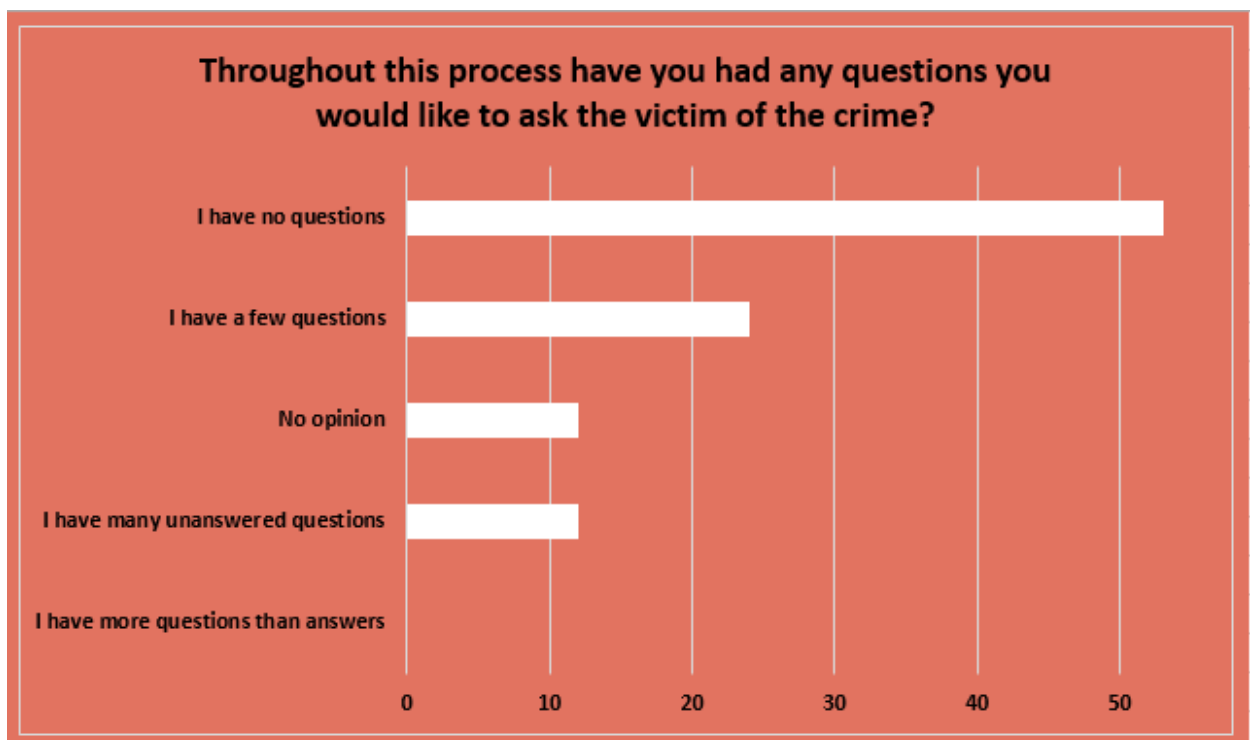
Appendix M: Victim Response to Survey Question 3



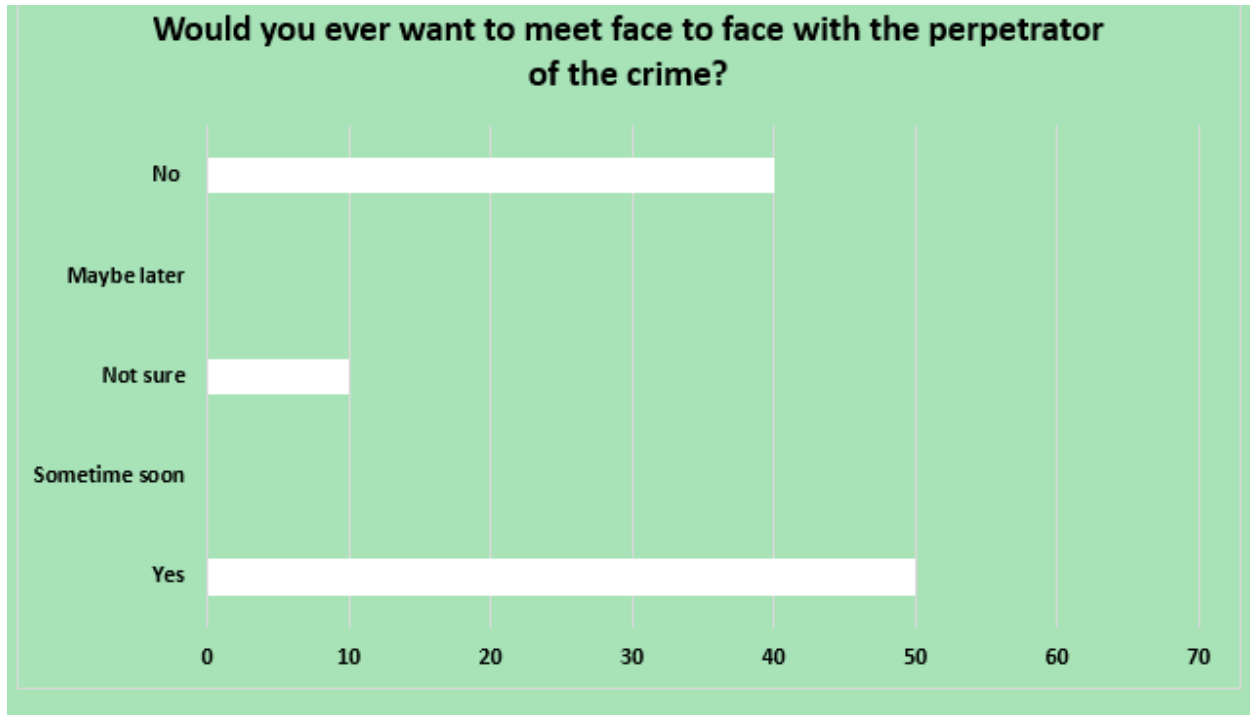
Appendix N: Charged Offender Response to Survey Question 3



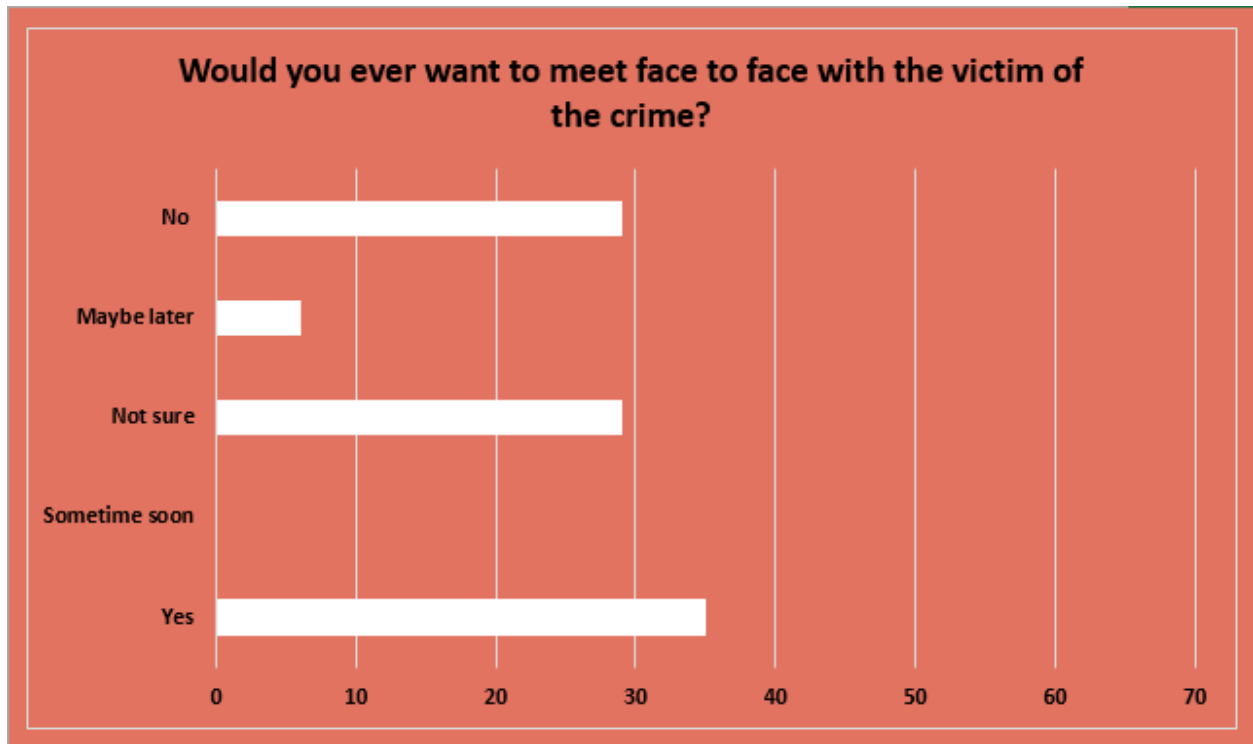
Appendix O: Convicted Offender Response to Survey Question 3



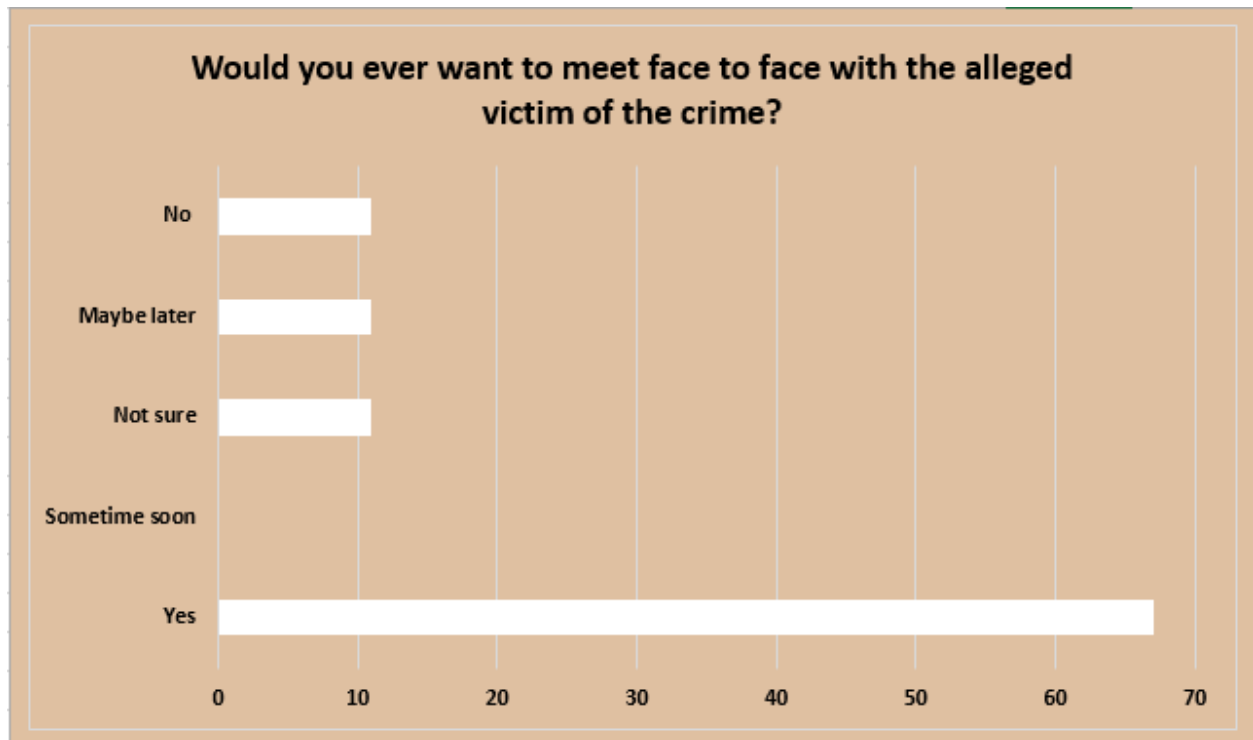
Appendix P: Victim Response to Survey Question 4



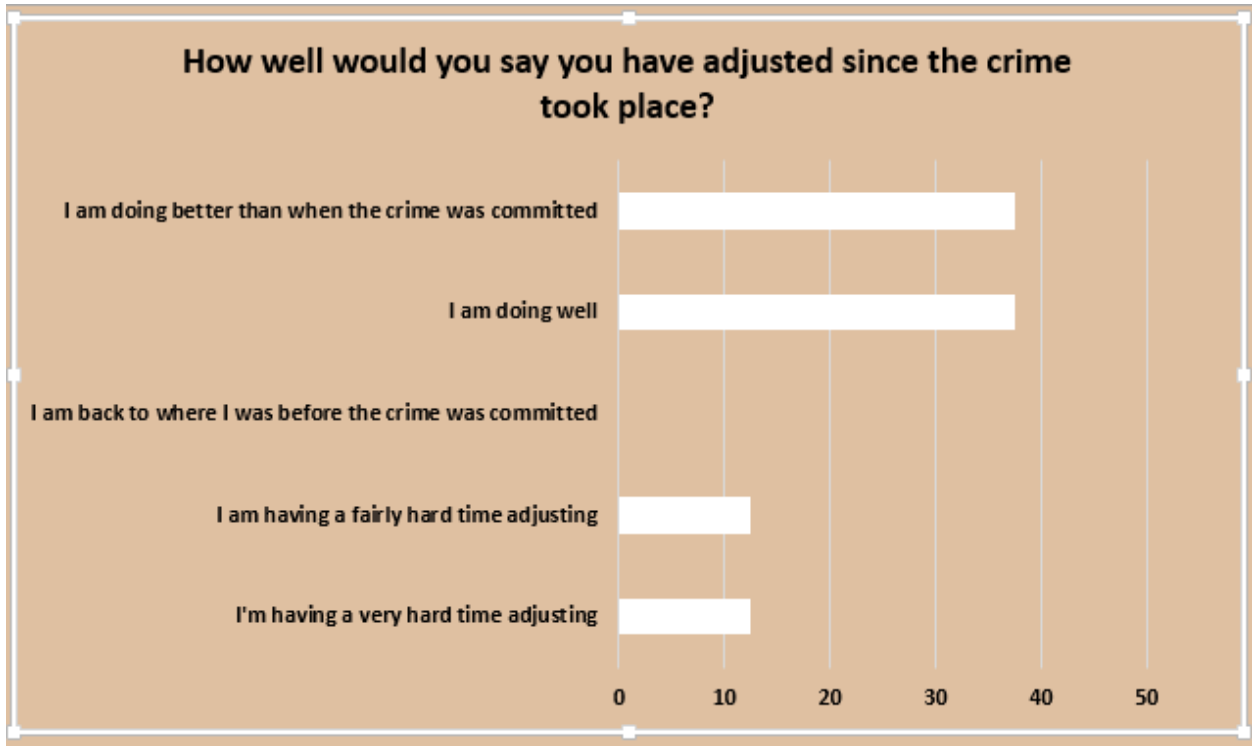
Appendix Q: Charged Offender Response to Survey Question 4



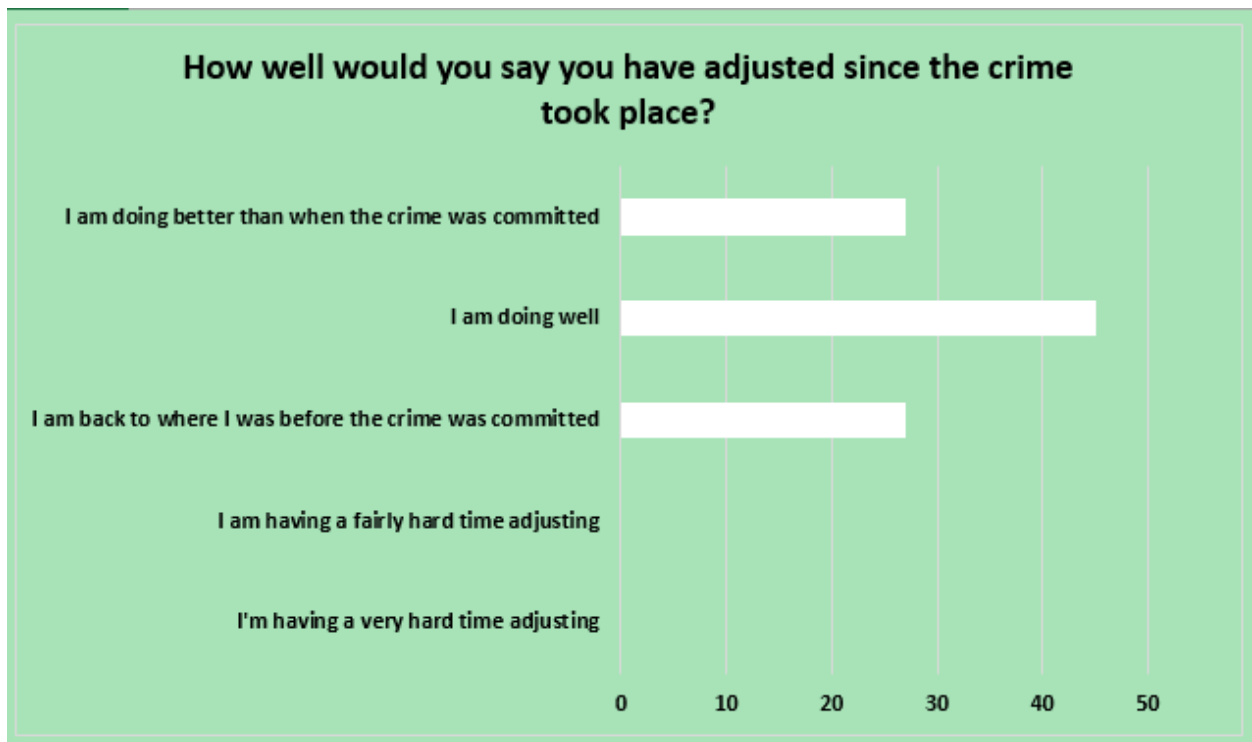
Appendix R: Convicted Offender Response to Survey Question 4



Appendix S: Victim Response to Survey Question 5



Appendix T: Charged Offender Response to Survey Question 5



Appendix U: Convicted Offender Response to Survey Question 5

