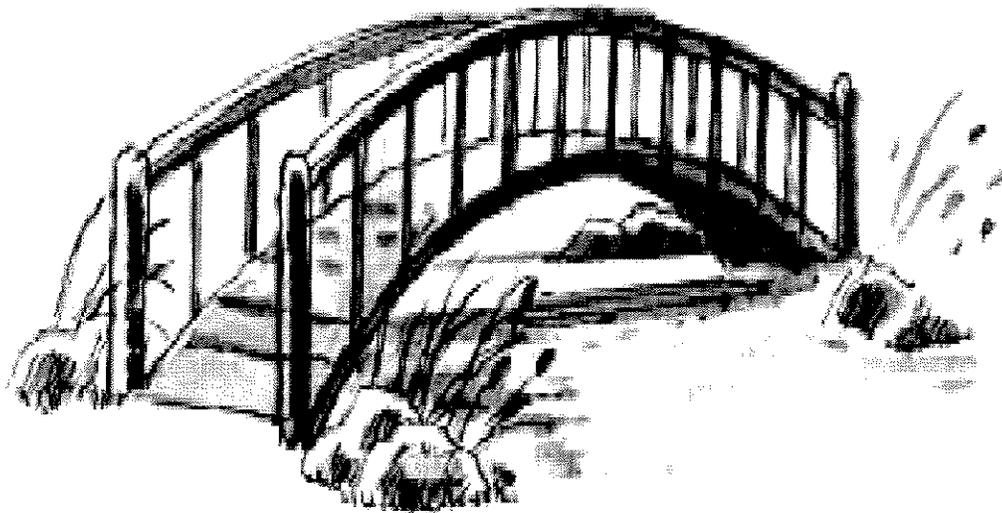


2006 Annual Report Victim Offender Mediation Program



**BUILDING BRIDGES BETWEEN VICTIM, OFFENDER, AND THE
COMMUNITY**

Administrative Office of the Courts

Alternative Dispute Resolution Department

Overview of Utah Juvenile Court Victim Offender Dialogue Programs

Crime does not occur in isolation. When determining what should be done to help repair the harm caused by a criminal act, the needs of the victim(s), the community, and the offender should all be addressed.

Victims of juvenile crime often have lingering questions after a crime has been committed that can only be answered by the juvenile offender. The opportunities for victims to ask these questions or to share directly with the offender the full impact the crime has had on them and their family are restricted and limited in the traditional court process.

In addition to the direct victims of crime, there are community members who are affected when crime occurs within their neighborhood. Many of these individuals are interested in being part of the solution to juvenile crime but under the current court system there are limited opportunities for victims and people from the community to directly address the harm when crime occurs.

Since 1997, the Administrative Office of the Courts has implemented several Victim/Offender Dialogue programs through its Alternative Dispute Resolution (ADR) Department in collaboration with the Juvenile Court. Victim Offender Dialogue allows all parties directly affected by crime to participate in a face to face dialogue where all viewpoints and perspectives can be acknowledged and the parties themselves can come up with solutions to the conflict or the harm caused by the offender's behavior. This process is facilitated by an impartial third party community volunteer.

Victim/Offender Dialogue Programs currently exist in the following judicial districts and counties:

First District: Box Elder, Cache & Rich counties

Second District: Weber & Davis counties

Third District: Salt Lake, Summit & Tooele (on a pilot basis) counties

Fourth District: Utah County (contracted with a private provider)

Fifth District: Iron, Beaver & Washington counties

If you would like more information about the Restorative Dialogue Program please contact Bart MacKay (435) 986-5754 bartm@email.utcourts.gov or Sherri Hannon (801) 578-3974 sherrih@email.utcourts.gov You may also refer to our link found under "Mediation" on the Utah State Courts web page at www.utcourts.gov/mediation/rd

Youth Burglarizes Neighbor's Home-- A Mediator's story

They were neighbors, friends that felt like family for fifteen years. Suddenly, a rift divided them cutting off all communication and leaving feelings of anger, criticism, sadness, and vulnerability.

At the heart of the matter were a troubled fifteen year old and his friend who agreed to burglarize his neighbor's home. His parents were devastated.

When I first met the fifteen year old and his parents he told me details of the incident with his mother filling in. The two of them struggled to say what they wanted in different ways, somewhat frustrated with each other's attempts. What was important for one was not for the other. The mother clearly wanted me to understand the situation and especially that these neighbors, the victims, had been their friends for a long time.

When I first met the victim family, parents of two young sons, they talked about the long friendship. They were angry about the incident, felt betrayed, violated, and wondered why it had happened. Feelings of guilt for calling the police were tempered by a need for justice and retribution. Thoughts of "I feel sorry for him" gave way to frustrated anger and threats of lawsuits. A lawyer was consulted. Five months of total breakdown in communication resulted. Police suggestions to the offender not to talk to the victims and victim vulnerability seemed to place a brick wall between the two homes.

I was privileged to observe healing and reconciliation between the two families after weeks of on/off attempts to bring a joint meeting together. The meeting lasted one and a half hours with intense sharing of feelings and mingling of tears. I attribute the healing of these families to their desire to restore peace between them. Their efforts and attempts to understand each other yielded fruits of satisfaction and forgiveness, a springboard of good will toward each other evidenced in genuine hugs voiced with "It's been a long time."

A wonderful ending. It feels great when good communication happens.

Calender Year 2006

Victim Offender Mediations

	District 1	District 2	District 3	District 5	District 8	TOTALS
Cases Referred	17	48	65	64	3	197
Cases Mediated	7	29	25	45	2	108
Agreements Reached	7	26	19	42	2	96
Resolution Rate	100.00%	89.66%	76.00%	93.33%	100.00%	88.89%
Cases not Mediated	5	17	30	15	1	68
Victim Declined Mediation	2	10	not specified	4	1	17
Offender Decline/Not Appropriate	0	1	not specified	3	0	4
Unable to Locate Victim	0	0	not specified	0	0	0
Victim No Show	0	0	not specified	0	0	0
Offender No Show	0	1	not specified	5	0	6
Other	3	5	not specified	3	0	11
Cases Pending	5	2	10	7	0	24
Victims Served	13	21	350	27	7	418

* Program coordinator is also victim liason for 3rd District

Calender Year 2005

Victim Offender Mediations

	District 1	District 2	District 3	District 5	TOTALS
Cases Referred	20	17	72	53	162
Cases Mediated	11	15	51	39	116
Agreements Reached	11	15	47	35	108
Resolution Rate	100.00%	100.00%	92.16%	89.74%	93.10%
Cases not Mediated	9	9	24	15	57
Victim Declined Mediation	6	4	11	9	30
Offender Decline/Not Appropriate	1	1	4	4	10
Unable to Locate Victim	0	0	2	0	2
Victim No Show	0	0	1	0	1
Offender No Show	0	1	0	2	3
Other	2	0	0	0	2
Cases Pending	0	2	11	4	17
Victims Served	11	17	70	71	169

Calender Year 2004

Victim Offender Mediations

	District 1	District 2	District 3	District 5	TOTALS
Cases Referred	26	32	111	26	195
Cases Mediated	17	15	51	11	94
Agreements Reached	15	14	39	11	79
Resolution Rate	88.24%	93.33%	84.48%	100.00%	82.29%
Cases not Mediated	9	17	40	10	76
Victim Declined Mediation	5	16	29	9	59
Offender Declined/Not Appropriat	1	1	11	1	14
Unable to Locate Victim	0	0	0	0	0
Victim No Show	0	0	0	0	0
Offender No Show	1	0	0	0	1
Cases Pending	2	0	13	5	20
Victims Served	not specified	not specified	not specified	40	

Calender Year 2003

Victim Offender Mediations

	District 1	District 2	District 3	District 5	TOTALS
Cases Referred	15	58	132	41	246
Cases Mediated	9	26	58	23	116
Agreements Reached	8	20	49	20	97
Resolution Rate	88.89%	76.92%	84.48%	86.96%	83.62%
Cases not Mediated	6	32	74	18	130
Victim Declined Mediation	5	13	40	14	72
Offender Declined Mediation	0	3	13	1	17
Unable to Locate Victim	0	0	10	0	10
Victim No Show	0	1	0	2	3
Offender No Show	1	1	0	1	3
Victims Served	not specified	41	74	40	155

Calender Year 2002

Victim Offender Mediations

	District 1	District 2	District 3	District 5	TOTALS
Cases Referred	26	33	62	72	193
Cases Mediated	16	12	23	50	101
Agreements Reached	15	12	23	50	100
Resolution Rate	93.75%	100.00%	100.00%	100.00%	99.01%
Cases not Mediated	10	21	39	22	92
Victim Declined Mediation	6	not specified	14	13	33
Offender Declined Mediation	1	not specified	14	4	19
Unable to Locate Victim	1	not specified	7	1	9
Victim No Show	0	not specified	1	0	1
Offender No Show	2	not specified	1	4	7
Victims Served	not specified	not specified	not specified	not specified	

Calender Year 2001

Victim Offender Mediations

	District 1	District 2	District 3	District 5	TOTALS
Cases Referred	28	52	103	19	202
Cases Mediated	14	32	54	17	117
Agreements Reached	13	27	50	17	107
Resolution Rate	92.86%	84.38%	92.59%	100.00%	91.45%
Cases not Mediated	14	20	49	2	85
Victim Declined Mediation	11	20	30	1	62
Offender Declined Mediation	0	0	6	0	6
Unable to Locate Victim	0	5	11	1	17
Victim No Show	2	0	2	0	4
Offender No Show	1	0	1	1	3
Victims Served	not specified	not specified	not specified	not specified	

First District Juvenile Court

Victim Offender Program: 2006 Statistics (District Totals)

Referrals.....	17 (10 from Brigham, 7 from Logan)
Mediations.....	7
Agreements.....	7 (100%)
Victim Declined.....	2
Offender declined/not appropriate.....	0
Settled out of mediation.....	3
Cases pending.....	5

Average # of days from referral to mediation: 76.8 days

Quickest time referral to mediation: 28 days

Longest time referral to mediation: 115 days

Evaluation Results:

Victim– 100% (n=4) reported their overall experience with the victim offender program good or excellent

Offender– 63% (n=5/8) reported their overall experience with the victim offender program good or excellent

Parent of offender– 100% (n=12) reported their overall experience with the victim offender program good or excellent.

Offender comments:

- I'm happy with the outcome of the conferencing and with the environment in which it was held. I'm thankful with the victim's ability to meet on a common ground with a solution that benefited both parties.
- Good job. I feel better about myself and the other people similar to me.

Victim comments:

- I am very impressed with the way the mediation was handled and feel [the offender] and I were able to come to an amicable agreement and will, I feel, benefit both parties. I would highly recommend mediation with this mediator.

Parent comments:

What went well during the conference?

- communication
- The victim was great at expressing himself and educating us a lot.
- Seeing long term consequences and getting advice from a peer who is older and wiser.
- Conversation
- Me and victim's parents were able to talk and decided to exchange phone # in case of further problems.

What could be improved?

- Needs no improvement
- Make sure everyone (victims & offenders) are well aware of what victims did and what happens at mediation.
- Time that has passed since the incident occurred.
- Court system

**First District Juvenile Court
Victim Offender Mediation Program
Historical Data (2001-2006)**

# Cases Referred	2001	28	2002	26	2003	15	2004	26	2005	20	2006	17
# Cases Mediated	14	16	9	17	11	7						
Agreement Reached	13	15	8	15	11	7						
Resolution Rate	92.8%	93.7%	88.9%	88.2%	100%	100%						
Cases not mediated	14	10	<i>m</i>	9	9	5						
Cases Pending	<i>m</i>	<i>m</i>	<i>m</i>	2	0	5						
Ave # of Days	n/a	n/a	n/a	n/a	54.2	76.8						

Second District Juvenile Court

Victim Offender Program: 2006 Statistics (District Totals)

Referrals.....	48
Mediations.....	29
Agreements.....	27 (93.1%)
Victim Declined.....	10
Offender declined/not appropriate.....	2
Cases resolved outside of mediation. ...	5
Cases pending.....	2

Average # of days from referral to mediation: _____ days

Quickest time referral to mediation: _____ days

Longest time referral to mediation: _____ days

Evaluation Results:

Victim– 67% (n=12/18) reported their overall experience with the victim offender program good or excellent.

Offender– 92% (n=23/24) reported their overall experience with the victim offender program good or excellent

Parent of offender– 86% (n=24/28) reported their overall experience with the victim offender program good or excellent

Offender comments:

- Thank you for help sorting this all out.
- He [the mediator] was very skilled at this.
- Thanks for taking your time to help us.
- This was a good way to settle everything outside of court.

Victim comments:

- Making the best of a bad situation.
- It was nice to be able to talk to the boys.
- That [mediator] was very nice and helpful.
- Good attitude and neutral stance.
- More intimidating being face to face with other party to stick to your grounds about what you were set out to accomplish.
- Slow in coming together and a lot of unanswered questions.

Parent comments:

What went well during the conference?

- Everything
- Settlement
- The boys did a great job expressing their apologies.
- Respectful interaction
- Everyone had good input
- Came to an agreement, a very fair agreement. Got to hear everyone's side.
- The control and ability to express. The offenders were the focal point and not the parents.
- Facilitator did a great job
- The kids were able to hear each other's point of view and the victim's. It helped the healing process.
- It was good for the boys to meet face to face with the victim.
- Face to face visit between victim and perp.
- Negotiations went well.
- Everything went well with the [victims]. It was good to hear the effects on them.
- Moderated very well. Good opportunities for victims to describe the emotional impact.
- [The victim] didn't get mad and yell and the girls learned that other people's influence isn't always the right way to handle things.
- All
- The victims were very understanding and easy to work with.
- Being able to work out individual damages.
- Communication
- Everyone was able to express concerns, feelings, and apologies.
- It stayed calm through the whole process.
- An explanation of the true damages and possible damages to the victim's crops.
- Most everything
- Positive conversation with the other family.
- Talking
- Better communication

What could be improved?

- Satisfied
- Time
- It was very good
- I think it went great and don't know what I would improve. It is a very good program. Thank you.
- It could have been in a more timely manner.
- This incident took place in October. Mediation did not happen until April. This whole thing took too long.
- Nothing
- None
- Waiting a little longer for the youth to gain a better sense of empathy. Youth in my estimation were somewhat insincere.

- The way [my daughter] and [victim] talk.
- Could not recommend any.
- Everything was great.
- Preparedness
- Better communication from the probation officer

**Second District Juvenile Court
Victim Offender Mediation Program
Historical Data (2001-2006)**

	2001	2002	2003	2004	2005	2006
# Cases Referred	52	33	58	32	17	48
# Cases Mediated	32	12	26	15	15	29
Agreement Reached	27	12	20	14	15	27
Resolution Rate	84.4%	100%	76.9%	93.3%	100%	93.1%
Cases not mediated	20	21	32	17	9	17
Cases Pending	<i>m</i>	<i>m</i>	<i>m</i>	<i>m</i>	2	2

Third District Juvenile Court

Victim Offender Program: 2006 Statistics (District Totals)

Referrals.....	65
Mediations.....	25
Agreements.....	19 (76%)
Cases not mediated.....	30
Cases pending.....	10

Average # of days from referral to mediation: 2.3 months

Quickest time referral to mediation: __ days

Longest time referral to mediation: __ days

Evaluation Results:

Victim– 100% (n=8) reported their overall experience with the victim offender program good or excellent

Offender– 83.3% (n=10/12) reported their overall experience with the victim offender program good or excellent

Parent of offender– 100% (n=11) reported their overall experience with the victim offender program good or excellent

Offender comments:

-It was very helpful. I would do it again.

-I am sorry.” “It won’t happen again.

-Thank-you for your time and effort put into mediation.

-I thought is was a good learning process.

-It was a much greater experience than I believed it was going to be. I believe we cleared a lot of ground with the family. I was amazed to see how both sides were thinking. I really enjoyed the mediation.

- I liked it”. “It was nice to understand how much this affected our victim and meet them face to face.

-I liked how I was able to talk to the victims and hear their feelings and come to an understanding.

Victim comments:

-I really feel like I could state how I felt and make the boys understand what their actions did to children younger than them.

-The mediator did a great job.

-I felt it was very important for all sides to be able to come together and express their feelings and thoughts.

-THANK-YOU!

-The mediator was very personable and easy to talk to. The mediator did a great job.

-The mediator was very personable and I was able to speak openly.

Parent comments:

What went well during the conference?

- Both parties communicated and talked through the process.
- Discussion with kids and victims and exchange of information and feelings.
- Sharing of information, communication of opposing perspectives.
- I thought it was a very good thing to hear the victims side. Also, the mediator was very responsive to everyone's needs.

What could be improved?

- Having all co-defendants present and cost/estimates prepared.
- Keep the discussion focused on the pertinent issues, overall it was handled well. Don't assume victims are fully victims and offenders were fully offenders.

**Third District Juvenile Court
Victim Offender Mediation Program
Historical Data (2001-2006)**

	2001	2002	2003	2004	2005	2006
# Cases Referred	103	62	132	111	72	65
# Cases Mediated	54	23	58	51	51	25
Agreement Reached	50	23	49	39	47	19
Resolution Rate	92.6%	100%	84.5%	84.5%	92.2%	76%
Cases not mediated	49	39	74	40	24	30
Cases Pending	<i>m</i>	<i>m</i>	<i>m</i>	13	11	10

Fifth District Juvenile Court

Victim Offender Program: 2006 Statistics (District Totals)

Referrals.....	64 (36 from Cedar, 28 from St. George)
Mediations.....	45
Agreements.....	42 (93.3%)
Victim Declined.....	4
Offender declined/not appropriate.....	8
Settled out of mediation.....	2
Cases pending.....	7

Average # of days from referral to mediation: 80.6 days

Quickest time referral to mediation: 8 days

Longest time referral to mediation: 158 days

Evaluation Results:

Victim– 100% (n=21) reported their overall experience with the victim offender program good or excellent

Offender– 89% (n=33/37) reported their overall experience with the victim offender program good or excellent

Parent of offender– 98% (n=35/36) reported their overall experience with the victim offender program good or excellent

Offender comments:

- The process worked well.
- None
- Us the group didn't do any damage to the dryers or water heater.
- Took 6 months to get to this step.
- I really truly sorry
- I learned a lot from it.
- none
- Thanks for coming and helping us get done.

Victim comments:

- This was a wonderful idea
- I feel [offender] was not represented properly in court. I feel if this happens again the representative to advise the victim properly.
- I felt much better.
- [The mediator] was very understanding with everyone. I hope the [offenders] will fulfill the agreement.
- I want [the offender] to be happy, to feel good about himself and become a strong productive citizen. I hope we can be a positive influence in his life.
- They [mediators] make a great team.

Parent comments:

What went well during the conference?

- The chance for the boy to apologize and the victims to talk to them on how they felt about the whole thing.
- Everything
- The attitude of the victim was a overwhelming warmth that I'm sure will have a positive effect.
- The boys were able to understand what happened to [the victim] and the effect on her.
- Victim was able to express how incident effected her.
- Everyone was able to express regret for this unfortunate incident and hopefully it's a learning experience for all.
- Calming and supportive
- Getting to see the victim and saying sorry.
- The victim was able to get an apology
- Everyone was given a fair chance to speak their opinion and share their ideas.
- Everyone had a chance to state their opinion.
- The fact that everybody cooperated
- I think that everyone was very cooperative
- All
- Communication
- Issue got settled.
- Everything
- [Victim's] attitude toward [my son]. He was great.
- We felt comfortable and was able to speak our feelings so that they understood where were coming from. It gave us a chance to apologize and resolve this fairly.
- Everything
- Discussion and clearing up any questions.
- All

What could be improved?

- Nothing, it was a good experience
- Details and more honesty from the offenders
- I thought it went well.
- Nothing
- Nothing
- Nothing
- Nothing (I feel)
- Other boys involved be here!
- Nothing
- Ours went well so no
- Nothing
- All good
- This is my only one I've been to, as I have nothing to compare to

**Fifth District Juvenile Court
Victim Offender Mediation Program
Historical Data (2001-2006)**

	2001	2002	2003	2004	2005	2006
# Cases Referred	19	72	41	26	53	64
# Cases Mediated	17	50	23	11	39	45
Agreement Reached	17	50	20	11	35	42
Resolution Rate	100%	100%	86.9%	100%	89.7%	93.3%
Cases not mediated	2	22	18	10	15	14
Cases Pending	0	0	0	5	4	7
Ave # of Days	n/a	n/a	n/a	62.5	66.9	80.6

Victim Offender Mediation Program—Offender Responses 2006 Calendar Year

Statements rated by participants using above rating system	Average Score by Judicial District									
	1 st District	2 nd District	3 rd District	5 th District	1 st District		2 nd District		3 rd District	
1 = Strongly Agree, 2 = Agree, 3 = Unsure, 4 = Disagree, 5 = Strongly Disagree										
It was helpful to participate in the mediation program.	1.50	1.30	1.17	1.22	yes	no	yes	no	yes	no
I have a better understanding of how my behavior affected the victim.	2.37	1.26	1.25	1.31	yes	no	yes	no	yes	no
Mediation allowed me to participate more fully in the Court system.	2.37	1.52	1.58	1.62	yes	no	yes	no	yes	no
During the mediation, I was able to express my thoughts/feelings.	1.75	1.35	1.5	1.27	yes	no	yes	no	yes	no
It was important for me to apologize to the victim.	1.37	1.26	1.25	1.27	yes	no	yes	no	yes	no
I am satisfied with the restitution agreement.	1.63	1.36	1.41	1.38	yes	no	yes	no	yes	no
I believe the victim has a better opinion of me.	1.63	1.61	1.41	1.81	yes	no	yes	no	yes	no
I would recommend mediation to a friend.	2.13	1.91	1.5	1.76	yes	no	yes	no	yes	no
The mediator made me feel comfortable and able to share my feelings.	1.87	1.41	1.83	1.47	yes	no	yes	no	yes	no
I felt the mediation was set up in a timely manner.	1.87	1.61	1.58	1.65	yes	no	yes	no	yes	no
Questions answered by participants circling yes or no	yes	no	yes	no	yes	no	yes	no	yes	no
Was taking part in this mediation your own choice?	7	1	22	1	yes	no	yes	no	yes	no
Did you know the victim before the crime occurred?	4	4	7	16	yes	no	yes	no	yes	no
Would you recommend this mediator to others seeking mediation?	7	1	21	2	yes	no	yes	no	yes	no
Did you participate in a pre-conference session?	7	1	17	6	yes	no	yes	no	yes	no
Do you feel the mediator took sides during the mediation?	2	6	5	18	yes	no	yes	no	yes	no
Do you feel that the agreement was forced on you?	1	7	1	22	yes	no	yes	no	yes	no
Do you feel you were sufficiently prepared for the mediation?	8	0	22	1	yes	no	yes	no	yes	no
Are you satisfied with the outcome of your case?	8	0	21	0	yes	no	yes	no	yes	no

Victim Offender Mediation Program–Parent/Guardian Responses 2006 Calendar Year

1 = Strongly Agree, 2 = Agree, 3 = Unsure, 4 = Disagree, 5 = Strongly Disagree	Average Score by Judicial District									
	1 st District	2 nd District	3 rd District	5 th District	1, 2, 5 ave					
Statements rated by participants using above rating system										
It was helpful to participate in the mediation program.	1.58	1.43	1.36	1.22	1.36	1.36				
I have a better understanding of the victim's point of view.	1.58	1.29	1.72	1.39	1.38	1.38				
Mediation allowed me to participate more fully in the Court system.	1.66	1.50	1.91	1.44	1.53	1.53				
During the mediation, I was able to express my thoughts/feelings.	1.66	1.48	1.63	1.22	1.38	1.38				
I believe it was important for an apology to be offered to the victim.	1.16	1.10	1.54	1.19	1.16	1.16				
The mediation process resulted in a satisfactory outcome.	1.66	1.53	1.72	1.17	1.38	1.38				
I believe the victim and offender have better opinions of each other.	1.66	1.57	1.81	1.28	1.45	1.45				
I would recommend mediation to a friend.	1.50	1.35	1.54	1.36	1.38	1.38				
The mediator made me feel comfortable and able to share my feelings.	1.58	1.30	1.91	1.17	1.28	1.28				
I felt the mediation was set up in a timely manner.	1.83	1.78	1.81	1.39	1.61	1.61				
Questions answered by participants circling yes or no	yes	no	yes	no	yes	no				
Do you feel that being a part of the mediation as your own choice?	10	2	25	2	8	3	35	1	78	8
Did you know the victim before the crime occurred?	7	5	3	25	3	8	11	25	24	63
Would you recommend this mediator to others seeking mediation?	12	0	28	0	10	1	32	4	82	5
Did you participate in a pre-conference session?	12	0	20	8	11	0	30	6	73	14
Do you feel the mediator took sides in the mediation?	1	10	3	24	5	6	4	32	13	72
Do you feel you were sufficiently prepared for the mediation?	9	3	24	3	11	0	32	3	76	9
Are you satisfied with the outcome of your case?	12	0	25	3	11	0	35	1	83	4