

Victim-Offender Reconciliation Program (VORP) Evaluation Issues

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RÉSUMÉ

Le concept de réconciliation entre les victimes et les contrevenants a vu le jour en Ontario en 1973; d'autres applications ont eu lieu par la suite ailleurs au Canada, aux Etats-Unis, en Angleterre et en Allemagne de l'Ouest. La plupart des programmes sont administrés par de petites organisations bien implantées dans leurs milieu. Toutefois, à mesure que ces programmes seront mieux établis et que leur financement devra être renouvelé, il est probable que des évaluations de programmes soient requises. Pour que ces évaluations soient utiles, les gestionnaires et les évaluateurs vont devoir prêter attention aux objectifs des programmes, à l'importance à donner au concept de réconciliation, aux objets des évaluation et au développement de formats simples et efficaces pour la présentation des statistiques.

ABSTRACT

The victim offender reconciliation (VORP) concept originated in Ontario in 1973; subsequently program applications have occurred in other parts of Canada, the United States, England, and the Federal Republic of Germany. Most VORP's are small, grass roots organizations but as these programs mature and seek continuation funding they are likely to encounter demands for program evaluation. For evaluations to be useful VORP program managers and evaluators will need to direct explicit attention to goals for VORP's, the place of the concept of reconciliation in VORP programs, the purposes of evaluations, and the development of easily understood formats for presentation of statistical information.

Introduction

In 1973 the Kitchener, Ontario Mennonite Central Committee, in cooperation with the local probation agency and judge, established a victim-offender reconciliation program (VORP) (Peachey, 1988; Edmunds-McKnight, 1981). Subsequently, the program concept has been replicated in several other Canadian and American locations and, recently, in England (Marshall and Walpole, 1985; Ruddick, 1988) and the Federal Republic of Germany (Dunkel and Rossner, 1988). A VORP Resource Center has been established by the Pact Institute for Justice, Valparaiso, Indiana, to promote and encourage the development of VORP programs. Recent surveys by the Center have located 60 VORPs in the United States (47 in operation and 13 in development) and 12 in Canada (Umbreit, 1985; Gehn, 1986); these surveys are probably not exhaustive and may underestimate the number of VORP or VORP-like organizations.

The central programming component for VORP is a face-to-face meeting between the offender and victim conducted by a VORP staff person or volunteer. The meeting serves three functions: an exchange of information by which the victim can secure information from the offender and the offender from the victim; an opportunity to express feelings, including apologies and remorse relating to the offense; and development of a plan, acceptable for both offender and victim, by which the offender can make things right to the victim for the losses resulting from the offense. Typically the plans include monetary restitution, personal service restitution in which the offender performs a service for the victim, or community service restitution in which the offender performs a service for the community. The contents of the plans are negotiated by victims and offenders with the role of the staff person or volunteer being that of a neutral facilitator of the negotiation process.

There have been only two reported evaluations of VORP programs. Tony Dittenhoffer and Richard Ericson (1983) reported on a 1980 study of a single Ontario VORP. They gathered data from observations, interviews with staff and criminal justice officials, and the review of records of 51 offenders served by the VORP. The project they studied had goals relating to providing an alternative to incarceration and reconciliation. Dittenhoffer and Ericson concluded that the basic feature of the program was securing restitution with reconciliation given a secondary role and that it was doubtful if the program served as an alternative to incarceration. Robert Coates and John Gehn (1985) made a study of four VORP's in Indiana and Ohio which are administered directly by the PACT Institute for Justice. Coates and Gehn employed several data sets including interviews with victims (both those who had participated and those who had not participated), interviews with officials in the criminal justice system as well as VORP staff and volunteers, and a comparison of offenders who participate in VORP with a matched sample of those who did not participate. They found VORP offenders no less likely to receive a sentence of incarceration than those in the matched sample, although the VORP offenders were more likely than those in the matched sample to receive a local jail sentence rather than to the state prison and served significantly less time in incarceration. The clearest conclusions were that different groups of key actors in the VORP process—victims, offenders, criminal justice officials, and VORP staff and mediators—held differing perceptions of the purpose and benefits of VORP.

Most VORPs have developed as grass roots organizations. As they become more institutionalized and seek stable funding, the VORPs are likely to be subjected to demands for program evaluation. John Conrad (1986) has identified the danger and disservice of rapsheet evaluations directed toward wrong goals, conducted before a program is stable and can be replicated, and failing to identify the theoretical basis for the program. As pressure for evaluation develops from funding and other sources, VORPs are well advised to consider key evaluation questions such as program goals, place of reconciliation in the program, purpose of an evaluation, and how to meaningfully present statistical information relating to offenders, victims, and agreements. These issues are of continuing concern to the Min-

nesota Citizens Council on Crime and Justice VORP which has been working with juvenile burglary offenders and their victims in the Minneapolis-St. Paul area since February 1985. This article will analyze these four evaluation issues and indicate how the issues are being resolved by the Minnesota VORP.

The Matter of Goals

VORPs have grown out of organizations which often hold strong commitments to reducing the use of incarceration as a penalty for offenders. Many VORPs have specified goals of reducing use of incarceration. There is no evidence from the historical record, however, that program development is an effective strategy for reducing the use of institutional care (Austin and Krisberg, 1981; Lerman, 1975; Cahalan, 1979). Institutional populations appear to remain relatively stable (or increase) while programs developed with the intent of reducing incarceration respond to other types of offenders. Further, the goal of reducing incarceration may be inconsistent with the concept of reconciliation or, at least, will limit situations in which the opportunity for reconciliation is made available—presumably only to those offenders thought serious enough to be incarcerated. Is the likelihood of an offender's incarceration a sound basis for determining which victims will be offered an opportunity to participate in a VORP type program and which will not? Providing an alternative to incarceration, however desirable this might be, may not provide a sound goal against which VORP programs might be evaluated.

Reconciliation is another goal espoused by several VORPs. There are significant problems with attempting to operationalize this concept although this matter is being given considerable thought and attention. But even if agreement can be reached on an operational definition, reconciliation is likely to be beyond the control and manipulability of VORP program staff. Reconciliation in the sense of a meaningful personal encounter between an offender and victim is more likely to relate to personal characteristics of offenders and victims than program activities which, at most, can only provide an opportunity for reconciliation to occur. The program should not be evaluated in terms of whether something did or did not occur unless program activities can be logically related to the objective.

Some VORPs may be pressured to an objective of rehabilitating the offender by arguments that the process of being accountable, of owning up to errors, and making amends to victims may have education and rehabilitation functions. Changing from law-breaking to law-abiding behavior is a desirable outcome but credibility is challenged to believe that the rather cursory involvement of VORP in the life of an offender (probably at most no more than two to three hours of contact time with the VORP staff and victim) can reasonably be expected to make a major impact on the lifestyle of the offender. Recidivism, the usual measure of rehabilitation, is more a function of the total societal reaction to offenders than the effects of a single program with a very limited involvement in the life of an offender. VORPs are well advised to avoid and resist accepting the goal of rehabilitation and the rapsheet model of evaluation (Conrad, 1986) since most of the factors that are likely to influence recidivism are well beyond the con-

trol of any VORP. Even if the factors were within VORP control, there is significant moral and ethical questions about exercising the degree of control over an offender and society which might be necessary to effect a reduction of recidivism.

Having rejected three favorite goals—reduction of incarceration, reconciliation, and rehabilitation—what might be appropriate goals for a VORP? There are three specific goals which VORP projects might reasonably be expected to accomplish. First, VORPs might be held accountable for increasing citizen participation in the justice system. Increased citizen participation will occur in two ways. Citizen victims will participate directly with their offenders in negotiating restitution agreements. In addition, citizens will be involved as VORP volunteers to facilitate the negotiation process. In a society with values emphasizing citizen participation in the affairs of state, increasing citizen participation does not require further justification; it is a goal sufficient in its own right and does not need to be conceptualized as leading to some more long-term benefit. The specific measures of citizen participation will be the proportion of victims who agree to participate as citizen victims in the VORP process, the number of volunteer citizen negotiators, and the proportion of the total victim-offender agreements which are negotiated by citizen volunteers.

A second goal for VORPs is to hold wrongdoers directly accountable for their wrongdoing. Directly accountable means accountable to the persons they have harmed. Accomplishing personal accountability in this way is a goal which inherently makes sense and does not further require justification in any society which holds values supporting concepts of individual freedom and individual responsibility. Measures of personal accountability will be the proportion of offenders who are able to negotiate agreements with their victims and the extent to which the negotiated agreements are completed. A final goal will be to conduct the VORP process in such a manner that the key participants—victims and offenders—report that they have been treated fairly. Citizens' perceptions of fairness on the part of governmental agencies (including private agencies cooperating with government) is also a goal which is acceptable as not requiring any further justification.

These three goals—citizen participation, offender accountability, and fairness—all relate to VORP programming activities, are relatively easily measured, and are more appropriate goals for VORP projects than abstract concepts such as reduction of incarceration, reconciliation, and rehabilitation.

The Role of Reconciliation

The concept of reconciling (or perhaps conciling) victims and offenders through process of resolving disputes and restoring peace has been one of the central philosophical notions for victim offender reconciliation programs. VORPs may be tempted to established reconciliation as a program goal even though conditions necessary for reconciliation may not be within the control of the program. While reconciliation is not a reasonable goal, a VORP might reasonably be expected to administer the program in a manner to provide maximum opportunities for reconciliation. Victims and

offenders would then be free to accept or reject the opportunities. Evaluating a project in terms of whether opportunities are provided for reconciliation is an entirely different question than evaluating a project in terms of whether reconciliation has occurred. This type of evaluation would involve an examination of program activities to determine if the program is being administered in such a way that the opportunities are presented to victims and offenders. Thinking of reconciliation in this way does not diminish problems of operationalizing the concept, but one might begin developing standards for program performance that are thought to associate with provision of opportunities for reconciliation. Minimally, VORPs can be expected to provide an opportunity for victims and offenders to meet, for how can reconciliation occur except in a process of communication? Further, providing opportunities for reconciliation may have implications for how staff and volunteer mediators carry out their duties; their activities would be directed toward encouraging communication directly between victim and offender rather than assuming responsibility for settling any difference.

The Utility of Evaluations

Evaluations are conducted to be useful to someone. Thus, questions are to be framed and information sought to aid the client of the program evaluator in carrying out duties. The context in which VORPs operate offers relatively clear guidelines as to the type of information useful to VORP program managers. The notion of bringing victims and offenders together and of negotiating a settlement to a dispute are relatively ancient ideas but ones which have been largely lost by modern criminal and juvenile justice. Despite accumulating evidence in support of these practices (Galaway, 1985), the attitudes of practitioners in criminal and juvenile justice systems tend to range from skepticism to outright hostility. VORPs are unlikely to be able to survive without some degree of support from individuals within the justice system. Those which have started have relied upon a patron—a supportive judge, probation officer, or other person—within the justice system who may be a bit out of step with the prevailing view and willing to try the idea. Evidence is needed to either convert the skeptics (and perhaps diffuse some of the hostility) or to challenge the viability of VORP.

The most useful evaluations for the present stage of VORP development will be directed toward answering some very practical questions. How many victims participate in the system? Most of the skeptics claim the victims will not participate. Are the negotiated agreements reasonable given the circumstances of the offender? What is the reasonableness of the negotiated agreements compared to restitution ordered without the benefit of negotiation? Are the negotiated agreements completed? Comparisons might be made of the completion rates of negotiated agreements with the completion rates of agreements simply ordered by the judge at the sentencing hearing. Answers to questions such as these will provide documentation from which to assess the viability of the VORP concept. If the answers are in the direction that present research and practice experience suggest, then the data will provide useful information to help VORP program managers deal with the skepticism and at times hostility they encounter.

Information Formats

Creativity is needed in developing formats to present information regarding a particular VORP. The presentation of information is made complex by the fact that data can be presented regarding three different units of analyses—offenders, victims, and victim-offender pairs. The straightforward one offender one victim combination is a rarity; more frequent patterns are one offender and several victims, several offenders and one victim, or several offenders and several victims. For example, a situation in which three offenders burglarized six houses yields three offenders, six victims, and eighteen victim offender pairs. Developing report formats to present information on all the possible variations in a readable and understandable fashion is difficult.

The Minnesota VORP has been handling this problem by presenting information in flow charts. One flow chart (Report A) traces the movement of offenders and victims through the VORP process from the point of referral (offenders are referred first and then victims are linked to the offenders) through to securing or not securing an agreement. A second flow chart (Report B) tracks agreements to completion or noncompletion, provides sums regarding the contents of the negotiated agreements, and shows the extent to which these commitments are completed. Information on each flow chart relates to an annual (calendar year) cohort of cases which have been involved with the VORP. Flow charts allow for presentation of the richness of the possibilities but may be confusing, especially at first sight, and may require effort to follow the flow of cases. Whether the flow chart is a useful mechanism for presenting information in an understandable format is unclear. The complexities of the VORP process will create a challenge for the evaluator to find a way of presenting information to capture the various possibilities and yet present summary information in a usable format.

Summary

The evaluation of VORP projects will present interesting challenges to program managers and to evaluators. The process will require careful thinking regarding appropriate goals for VORPs, the place of reconciliation in the program design, the need to design evaluations which will be helpful to program managers, and the development of report formats which can present VORP information in a clear and easily understood manner. The process of resolving some of these questions will result in useful evaluations and strengthened VORP programs.

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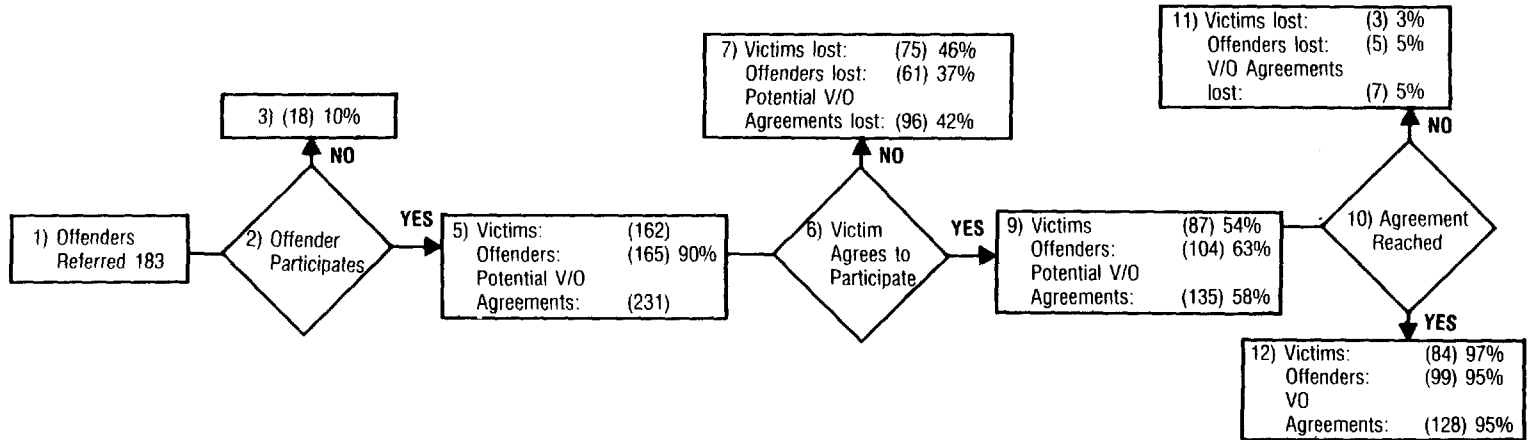
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REPORT A: Vorp Case Flow from Referral to Completion of Negotiation

Report for January 1, 1985 through December 31, 1986 (1985-1986)



- Notes:
- 1) Total number of offenders referred to the VORP project.
 - 3) Number and percent of total offenders who do not participate.
 - 5) Number and percent of offenders who participate; total number of victims; total number of potential victim/offender agreements.
 - 7) Number and percent of victims, offenders and potential victim/offender agreements lost because victims decline to participate. Base of percentage is box 5.
 - 9) Number and percent of victims who agree to participate; number and percent of offenders and number and percent of potential victim/offender agreements remaining because of victims agreement to participate. Base for percentage is box 5.
 - 11) Number and percent of victims, offenders and victim/offender agreements lost because of inability to negotiate an agreement. Base for percentage is box 9.
 - 12) Number and percent of victims, offenders and potential victim/offender agreements for which agreement is reached. Based for the percentage is box 9.
 - 13) Number and percent of victims, offenders, and potential victim/offender agreements for which negotiations are pending at end of report period. Base for percentage is box 9.

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REPORT B: Terms of Vorp Agreements and Output of Completed Agreements

Agreements reached for referrals between January 1, 1985 and December 31, 1986 (two years)

