

WCBEM 2013

Factors influencing participant's satisfaction in a victim-offender program

Miguel A. Soria Verde ^{a *}, Rita Berger ^b, Montserrat Yepes ^c, Virginia Garcia Ortiz ^d, Ines Lovelle ^e

^a University of Barcelona, Passeig de la Vall d'Hebron, 08035 Barcelona, Spain

^b University of Barcelona, Passeig de la Vall d'Hebron, 08035 Barcelona, Spain

^c University of Barcelona, Passeig de la Vall d'Hebron, 08035 Barcelona, Spain

^d University of Barcelona, Passeig de la Vall d'Hebron, 08035 Barcelona, Spain

^e University of Barcelona, Passeig de la Vall d'Hebron, 08035 Barcelona, Spain

Abstract

This paper analyses the relationship between external factors, internal factors and satisfaction level of participants in an adult victim-offender mediation (VOM) program. The validated “Criminal Mediation Satisfaction Questionnaire” (CSM-P) was administered to 103 offenders and 110 victims. Analysis explored in the entire sample variables related to satisfaction and the relationship between socio-legal variables, criminal record and mediation process with satisfaction level for victims and offenders as well as for participants with low and high satisfaction scores. Results show high satisfaction among victims and offenders. Victim' age and absence of aggravating circumstances were related to higher satisfaction levels.

© 2013 Published by Elsevier Ltd.

Keywords: Restorative justice, victim-offender mediation, criminal mediation, mediation satisfaction;

1. Introduction

This paper analyses the relationship between external (socio-legal characteristics and criminal record) and internal factors (structure of the mediation process) and satisfaction level of participants in a victim-offender mediation (VOM) program in a descriptive way. The reasons for this study are diverse: Although there is a fairly widespread agreement that participating in VOM programs increases the degree of satisfaction with the legal process among both, victims and offenders, (Umbreit, 1995a 1995b; Braithwaite, 2006, Marshall, 1990; Umbreit and Roberts, 1996; Umbreit, 1994a 1994b). There is little scientific literature on the communicative process used by the mediator (Szmania, 2006). Even less scientific literature can be found on how the communicative process is related to other important factors of the mediation process, and whether these additional variables are exclusively or indiscriminately related to low or high participant's satisfaction levels

While some recent studies in Australia and Great Britain (Strang et al., 2006) highlight the importance of social contexts of the offence type addressed during the mediation process, other studies outline the difficulties of interpreting the exact impact of restorative justice on victim satisfaction (Bazemore and Green, 2007) and of

* Corresponding Author name. Tel.: +0-000-000-0000

E-mail address: author@institute.xxx

evaluating all relevant aspects of the mediation process (Braithwaite, 2006). Following Kleinkernecht (2000) the main reason can be found in a lack of controlled studies and the statistical inconsistency of the measurement systems employed.

An additional reason for conducting this study lies in the fact that measuring satisfaction in victim-offender mediation (VOM) programs is a relatively recent area of study. Thus, in this field, the studies conducted have been mainly descriptive, therefore research on the relationship between external and internal factors and participants' satisfaction, as well as on construct-based validated instruments, is still insufficient.

2. Method

The present study, analyzes the different factors, traditionally associated in descriptive studies with satisfaction in VOM participants, in relation to their role in the program (victim or offender) and the mediation process; thus, we used a specific concept-based instrument (Criminal Mediation Satisfaction Questionnaire). The present study, analyzes the different factors, traditionally associated in descriptive studies with satisfaction in VOM participants, in relation to their role in the program (victim or offender) and the mediation process; thus, we used a specific concept-based instrument (Criminal Mediation Satisfaction Questionnaire).

2.1. Survey procedure and sample

The analyses were performed using a sample of 888 victims and offenders who had participated in an adult VOM program conducted by the Justice Department of the Generalitat de Catalunya (Catalonian Parliament) between 2000 and 2005. The Criminal Mediation Satisfaction Questionnaire (CSM-P Spanish) (Manzano, Soria and Armadans, 2008) was administered to a randomly chosen group of 213 participants, 103 offenders and 110 victims who had completed the VOM program. The sample is composed by 68.5% of the male offenders with a mean age of 36.73 years, and offences mainly against people (71.2%), absence of aggravating circumstances in the offence (84.12%), no previous criminal record (12.5%), and where the offence affected mainly only one victim (73.4%). The victims (50.4% male) with a mean age of 38.83 years knew the offender prior to the offence (84.6%). The variables associated with the VOM process were obtained from an exhaustive analysis of the legal mediation reports, and were divided in three main groups: *socio-legal characteristics* (legal status, gender and age), *criminal record* (past offences, type of offence, aggravating circumstances, number of victims affected by the offence, and recidivism), and the *structure of the mediation process* (time period in days from the crime to the beginning of the mediation process, the source of the request for VOM, duration of the program, type of mediation conducted, suspension of VOM by request of the offender, and reached agreements). Randomly chosen participants, who had completed the VOM program at least two years prior to our evaluation, were interviewed. In order to measure the satisfaction levels of participants regarding the mediation program, the Criminal Mediation Satisfaction Questionnaire (CSM-P, Manzano, Soria and Armadans, 2008) was administered.

2.2. Instruments

To measure the satisfaction levels of the mediation programs' participants, we administered the Criminal Mediation Satisfaction Questionnaire (CSM-P) developed by Manzano, Soria and Armadans (2008), where users are asked to rate five aspects of the VOM program: mediator impartiality, fear of suffering a new crime, mediation effect on the conflict, understanding the crime's motivation, and the motivation of the other part involved to participate in the VOM process. The CSM-P has an internal consistency of .88 (Cronbach's α) and the questionnaire's dimensionality is structured in a single factor that accounts for 61.45 % of the variance (Manzano, Soria and Armadans, 2008). Satisfaction was rated by adding the scores given by participants to each of the five aspects. Scores ranged between 0 and 50 points, where the higher the score higher level of satisfaction.

2.3. Statistical analysis

Three different analyses were conducted: In the first study we analysed the relation between the socio-legal variables, criminal record and structure of the mediation process with the level of satisfaction in the entire sample. In the second study we took into account the same variables but divided the sample in two different groups: offenders and victim. In the third study we chose only those cases with high or low satisfaction levels in order to assess the differences of the extreme groups (above 75th percentile and below 25th percentile in each group – offenders and victims).

3. Results

The first study shows a mean satisfaction level across the whole sample (n=213) of 33.20 of a total score of 50 points in the CSM-P scale, with a standard deviation of 11.30. The Kolmogorov-Smirnov test did not confirm the normality criteria for the data, therefore non-parametric tests were performed (Mann-Whitney ranges test and Spearman correlations). Analyses showed that only two variables were related to satisfaction: victim’s age ($r_s=.184$; $p=.012$; the higher the victim’s age, the higher the satisfaction) and aggravating circumstances ($U=880.5$; $p=.001$; higher satisfaction when aggravating circumstances are not present). Other variables were not significantly related to satisfaction (table 1).

In the second study we analyzed separately victims’ and offenders’ satisfaction levels finding no significant differences ($U=5470.5$; $p=.665$). Overall, few variables were related with satisfaction in both groups. For victims, only aggravating circumstances were related with satisfaction ($U=265.5$; $p=.015$). In this sense, victims’ satisfaction was higher when no aggravating circumstances were present. We obtained the same results regarding aggravating circumstances ($U=175$; $p=.037$) in the offenders’ group,. Furthermore, we found a statistical significance between aggravating circumstances and victims’ age ($r_s=.219$; $p=.039$) (see table 1).

Table 1. General satisfaction in CSM-P

Criteria	Victims and aggressors (n=213)	Victims (n=110)	Aggressors (n=103)
	P	P	P
Social characteristics			
Victim sex	NS	NS	NS
Aggressor sex	NS	NS	NS
Age victim	.012	NS	.039
Age aggressor	NS	NS	NS
Criminal Record			
Aggravating circumstances	.001	.015	.037
Type of offence			
Past offences	NS	NS	NS
Number victims affected by offence	NS	NS	NS
Re-offence	NS	NS	NS
	NS	NS	NS

NS= non significant

In the third study we choose participants with low (25th percentile, n= 51) and high (75th percentile, n=52) satisfaction scores. When we analyzed the 104 cases (victims and aggressors), only aggravating circumstances showed differences between satisfaction level groups ($X^2=4.64$; $p=.031$). In light of the results, we divided again the sample in two groups, victims and offenders, in order to study the differences between them in low and high satisfaction levels. No differences were found (see table 2).

Both victims and offenders showed very high levels of satisfaction after completing the mediation process, although no significant differences were observed between both groups. This shows that VOM is a useful tool for bringing justice closer to society, thus equally satisfying both parties. Furthermore, high satisfaction levels are

consistent with most of the previous studies in literature (Umbreit, 1994a, 1994b, 1995a, 1995b, Umbreit and Coates, 1993), whereas the slightly higher satisfaction levels found among offenders, although not statistically significant, contradict the results of previous studies (Clarke, Valente and Mace, 1992; Dignan, 1990; Perry, Lejeunesse and Woods, 1987; Roberts, 1998; Umbreit, 1995a, 1995b; Umbreit, Coates and Vos, 2001; Umbreit and Bradshaw, 1997, 1999; Warner 1992). Nevertheless, one should note that most of these studies did not establish whether the difference between both groups was statistically significant. The absence of aggravating circumstances (factor of criminal records) and victims’ age were related to satisfaction. When offenders and victims were separated, high satisfaction was found to be related with the absence of aggravating circumstances during the offence in both groups. Additionally, for offenders, we found a positive significant relation with victim’s age (higher age, higher satisfaction).

Table 2. High and low satisfaction in CSM-P

Criteria	Victims and aggressors (n=104)	Victims (n=54)	Aggressors (n=50)
	P	P	P
Social characteristics			
Victim sex	NS	NS	NS
Aggressor sex	NS	NS	NS
Age victim	NS	NS	NS
Age aggressor	NS	NS	NS
Criminal Record			
Aggravating circumstances	.031	.050	NS
Type of offence			
Past offences	NS	NS	NS
Number victims affected by offence	NS	NS	NS
Re-offence	NS	NS	NS

NS= non significant

4. Discussion

From these, two different conclusions can be drawn. First, the offender does not use violence or unnecessary force when committing the crime, and therefore is closer to a rehabilitation process. Second, the older the victim is, the easier the mediation-communication process is. No study has previously addressed these matters.

In summary, results show that not only victims and offenders express similar levels of satisfaction with the mediation process, but that the same factors tend to influence satisfaction levels in both groups. Only one factor, absence of aggravating circumstances in the offence, was found to discriminate between high and low satisfaction groups in victims, whereas no discriminative factors in the offenders group was found. We can conclude that it would be beneficial to develop a more in-depth understanding of the different variables related to the satisfaction of participants in VOM programs and their role in increasing or decreasing satisfaction levels expressed by both, victims and offenders (Bazemore and Green, 2007; Braithwaite, 2006; Szamania, 2006).

References

Bazemore, G. and Green, D.L. (2007). "Yardsticks" for Victim Sensitive Process: Principle-Based Standards for Gauging the Integrity of Restorative Justice Process. *Victim and Offenders*, 2(3): 289-301.

Braithwaite, J. (2006). Doing Justice Intelligently in Civil Society. *Journal of Social Issues*, 62(2): 393-409.

Clarke, S.E., Valente, J. and Mace, R. (1992). *Mediation of Interpersonal Disputes: An Evaluation of North Carolina's Programs*. University of North Carolina: Chapel Hill.

- Dignan, D. (1990). *Repairing the Damage: An Evaluation of an Experimental Adult Reparation Scheme in Kettering, Northamptonshire*. Centre for Criminological and Legal Research, University of Sheffield: Sheffield.
- Manzano, J., Soria, M.A. and Armadans, I. (2008). Elaboración de un cuestionario para valorar la satisfacción de los usuarios de un programa de mediación penal (CSM-P). *Psicothema*, 20(3): 474-480.
- Marshall, T.F. (1990). Results of Research from British Experiments in Restorative Justice. In B. Galaway and J. Hudson (Eds.), *Criminal Justice, Restitution and Reconciliation*. Willow Tree Press: Monsey.
- Perry, L., Lajeneusse, T. and Woods, A. (1987). *Mediation Services: An Evaluation*. Manitoba Attorney General: Research, Planning and Evaluation: Manitoba.
- Roberts, L. (1998). *Victim Offender Mediation: An Evaluation of the Pima County Juvenile Court Center's Victim Offender Mediation Program (VOMP)*. Frasier Area Community Justice Initiatives: Langley.
- Strang, H., Sherman, L., Inkpen, N., Newbury-Birch, D., Bennett, S., Angel, C., and Woods, D. (2006). Victim Evaluations of Face-to-Face Restorative Justice Conferences: A Quasi-Experimental Analysis. *Journal of Social Issues*. 62(2): 281-306.
- Szmania, S.J. (2006). Mediator's Communication in Victim Offender Mediation/Dialogue Involving Crimes of Severe Violence: An Analysis of Opening Statements. *Conflict Resolution Quarterly*, 4(1): 111-127.
- Umbreit, M.S. (1994a). Crime Victims Confront Their Offender: The Impact of a Minneapolis Mediation Program. *Research on Social Work Practice*, 4(4): 436-447.
- Umbreit, M.S. (1994b). *Victim Meets Offender: The Impact of Restorative Justice and Mediation*. Criminal Justice Press: New York.
- Umbreit, M.S. (1995a). Restorative Justice Through Mediation: The Impact of Offenders Facing Their Victims in Oakland. *Journal of Law and Social Work*, 5(1): 1-13.
- Umbreit, M.S. (1995b). *Mediation on Criminal Conflict: An Assessment of Programs in Four Canadian Provinces*. Center for Restorative Justice and Mediation: St. Paul.
- Umbreit, M.S. and Bradshaw, W. (1997). Victim Experience of Meeting Adult vs. Juvenile Offenders: A Cross-National Comparison. *Federal Probation*, 1(4): 33-39.
- Umbreit, M.S. and Bradshaw, W. (1999). *Victims of Severe Violence Meet the Offender: Restorative Justice Through Dialogue*. Center for Restorative Justice and Mediation: St Paul.
- Umbreit, M.S. and Coates, R.B. (1993). Cross-Site Analysis of Victim-Offender Mediation in Four States. *Crime and Delinquency*, 39(4): 565-585.
- Umbreit, M.S., Coates, R.B. and Vos, B. (2001). *Juvenile Victim Offender Mediation in Six Oregon Counties*. Oregon Dispute Resolution Commission: Salem.
- Warner, S. (1992). *Making Amends: Justice for Victims and Offenders*. Avebury: Aldershot.
ronic age (pp. 281-304). New York: E-Publishing Inc.