

**Face to Face: A Reflexive Thematic Analysis of Victim-Offender Mediation**

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By

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### Abstract

Restorative justice (RJ) practices have become increasingly accepted as viable alternatives to the retributive justice system in Canada and the world as a whole. RJ has been appropriated from Indigenous knowledge, which is important to recognize. One example of RJ in our present colonial system is victim offender mediation (VOM), which involves the offender(s) meeting the victim(s) in the presence of a trained mediator. I utilized reflexive thematic analysis as described by Braun & Clarke (2022) to study nine cases of VOM in Minneapolis, USA, and Winnipeg, Canada. My analysis aimed to discover what participants say about their experiences with VOM. By analyzing interviews with victims and offenders both prior to and several months following mediation, as well as observing the mediations, I constructed a model of the mediation process. This model consisted of what happens prior to mediation (i.e., what motivates victims and offenders to participate), processes that occur during the mediation, and two types of satisfaction that may be present following mediation. Motivations to participate were found to be of two different orientations: self-focused and relationship-focused. Within the walls of the mediation room, expected as well as unexpected themes were discovered. Participants of course attempted to satisfy their pre-mediation motivations, an apology often occurred, and a healing connection was forged between the parties. However, sometimes a previously self-focused or unengaged offender was able to be pulled into a more relationship-focused orientation by having a compelling experience with the victim. This shift involved the challenging of one's expectations about the mediation or the other involved party, whereby a corrective emotional experience occurred. Finally, two outcome themes were delineated: simple satisfaction, and healing through relationship. My findings were compared to previous research, and areas for potential future study as well as implications for practice were discussed.

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## **Dedication**

For Byron Patrick Slade,  
who taught me about forgiveness and love,  
and will never not be missed,

Uncle John Melnyk,  
one of the good ones,

and victims and offenders who are working towards healing.

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## Prologue

My name is Cailey Strauss and I was born to Bambi and Steven Strauss in a hospital in Winnipeg, Manitoba during a full moon in November 1985. My heritage is Ukrainian and Czech from my mother's side and Eastern European Jewish from my father. My mother was born and brought up in Winnipeg and my father hails from Montreal, Quebec. I have a younger brother named Teagan. I present this prologue to my reader because this project has been a qualitative investigation of a relational process. Who I am and where I come from has influenced what I saw and heard when I engaged with my participants and their stories (Kovach, 2021). Just as knowing the demographic and background information about my participants is important, so too is understanding where I come from and how it shaped my assumptions and beliefs.

My family is a lot like other families – complicated, founded on generational trauma, but full of people doing the best they can with what they have. The two sides of my family are radically different from one another, and in some ways that inspired my interest in conflict resolution. My mother is creative and loves the written word as well as spiritual pursuits. My father is a scientist who values stoicism and facts. In a pursuit to become fluent in both of my parents' languages, I became a writer, a musician, and the kind of student who excelled in Chemistry, Math, and Physics. I credit my well-rounded interests to my parents who not just planted the genetic seeds but cultivated my talents.

I was always a psychologically curious child – focused on analyzing why people around me spoke and acted the ways they did. In Grade 5 I was nominated by my peers to be a “conflict manager.” This duty involved donning a blue and grey vest, carrying a clipboard for note taking, and patrolling the playground at recess to intervene in any conflicts that arose between the school's Kindergarten to Grade 6 students. It was a job for which I was seemingly specifically

bred – I possess an arguably naïve belief that human beings want to resolve their issues (internal, interpersonal, or otherwise). Further, I believe that when an individual is avoiding conflict it likely stems from a discomfort with one’s own emotional reactions to it. In other words, one can learn to be “better” at resolving conflict, by learning to tolerate one’s own reactions to it thereby lessening avoidant tendencies.

Considering my pre-existing beliefs about human relationships and attachment, it felt natural to research attachment style in romantic relationships at the University of Manitoba (my mother’s alma mater), where I received an undergraduate Honours degree in Psychology. I moved on to the University of Saskatchewan (where my father had received his Doctor of Veterinary Medicine degree) and began my PhD in Clinical Psychology. Although I knew my end goal was to work as a Psychologist with criminally-involved individuals, I did not anticipate that restorative justice would be the focus of my research. Unlike some perhaps wiser graduate students, using an existing data set from my supervisor’s laboratory research did not interest me. I wanted to embark on a project that would feel like my own creation from start to finish. I pitched some ideas to my advisor, but they all had logistical or theoretical issues that seemed insurmountable. In addition, through a series of events related to departmental timing, I was only able to access coursework in qualitative methodologies rather than the quantitative methods with which I was already familiar. In search of something that could be accomplished using a qualitative approach, I remembered a piece of investigative journalism that I had recorded on VHS in junior high. The topic had been about Victim-Offender Mediation – victims of crime meeting those who had perpetrated against them. The notion intrigued me, and I was excited to discover that it seemed to be a nascent area of research in the literature.

I wrote my proposal for a mixed-methods research project involving victims, offenders, and mediators. I planned to administer questionnaires measuring attachment style, trait empathy, shame, and guilt, as well as the risk of reoffending, and I would interview the participants. This data collection would occur both prior to mediation, as well as several months following it. The ethics board at the University of Saskatchewan required me to give a verbal presentation to them given that my proposed research included victims of crime. After completing my coursework, successfully proposing my ideas to my committee, and obtaining ethics approval, I was ready to find cases.

I have always been someone who fears the passage of time and as a 21-year-old PhD student in 2007 I felt desperate to develop a program of research and just “get in and get out.” As you will see in my Results section, this initial attitude about my project parallels that of some offenders heading into mediation. However, just as some offenders get “pulled” into finding deeper meaning in the process via a compelling experience, so too did I. After mediation centers in Canada did not reply to my requests to collect data, I found myself on vacation in Minneapolis, Minnesota. I remembered there being a large mediation center there and sent an email. Two hours later I was heading there for a meeting, and my data collection began the next week. For the better part of six months, I drove to and from Minneapolis, meeting victims, offenders, and mediators, and observing mediations. I also completed mediator training to better understand the process. After several trips that ended in no-shows, I reached out again to the mediation center in Winnipeg and received a reply.

Data collection then happened at both centers, until I felt buried under hours of interview recordings and stacks of questionnaires and field notes. With each case I became more convinced that important and valuable work was happening in the mediation rooms –not just by the

mediators, but by the participants themselves. I watched people who would have been adversaries in a courtroom reach out and shake hands or hug during coffee breaks. I heard apologies, saw tears, and wondered about the difference it can make when someone believes you can make better choices in the future and treats you as such. If this was what restorative justice aimed to accomplish, I was hooked.

There were challenges along the road of data collection – one case withdrew before their post-mediation interview, an offender abruptly left the continent rather than completing his restitution agreement, and sometimes the youth were hard to locate six months after participating. But the biggest challenges came during data analysis. I was unfamiliar with qualitative analysis and although I knew wholeheartedly it was the right way to approach my research question, the task of learning how to do it properly felt overwhelming. This has been called “analytic paralysis” in the literature (Braun & Clarke, 2021). Eventually, my analysis gained momentum and I began to make progress. Then, my research advisor, Dr. J. Stephen Wormith passed away in March of 2019. Almost immediately, Dr. Jorden Cummings offered to take over supervision of my research, and her wealth of knowledge about thematic analysis was invaluable. However, it meant that after looking at my data and existing results, she suggested that the best course of action would be to drastically cut down the data I was analyzing and organize it differently. The mediator interviews, pre- and post-mediation questionnaires, and risk assessments were all banished to a drawer, and I began analyzing my victim and offender interviews one case at a time.

In doing analysis this way instead of separating all the victims and all the offenders, I began to see the magic behind what was happening in the mediation rooms. Victims and

offenders were affecting each other in a relational way, and this was sometimes accompanied by sustained positive changes and feelings of satisfaction.

Although the entire process of completing my dissertation took several years longer than I would have anticipated or preferred, I have accomplished my goal of having a project that feels like my own. From the development of my research questions to data collection, transcription, and analysis, I have been immersed in the stories of the participants and often find myself wondering what they are doing now that nearly a decade has passed. Do they remember the mediation? Did it change them in a way that they would be able to articulate? These are the questions that will never be answered, but I know that their stories have changed me. Any interpersonal relationship is vulnerable to conflict, but I now have hard evidence of something that I have always believed – that talking about feelings can change a person and changing a person can change a relationship. No matter how overwhelming a conflict (or dissertation) feels, change is always possible. An unengaged offender can be capable of plugging in to the right experience. A victimized person can find healing in sharing their story. In this way, my dissertation is a story of connectedness, perseverance, and hope.

While the project's content feels like my own, my understanding of who owns the rights to restorative justice ideas has evolved over the years. As I have described in my document, the roots of restorative justice date back further than the colonization of North America. I came to the study of restorative justice blissfully unaware of the appropriation that has occurred, or the rebranding of ideas that do not belong to colonial society. The idea of healing through relationship and discussion is not a new one, and I am now incredibly grateful for the opportunity to study Indigenous ideas and wisdom that existed long before victim offender mediation had a name.

## Introduction

Two principal philosophies exist within the present criminal justice system in North America. The dominant view since colonization has been retributive and focused on the laws that have been broken, the identity of the perpetrators, and defining their punishment (Choi, Green, & Kapp, 2010b). In contrast, restorative justice focuses on repairing harm, communicating needs, and negotiating solutions. Support for a restorative justice system has grown over the last few decades (Choi, Gilbert, & Green, 2013; Mahajan, 2017; Nugent, Williams, & Umbreit, 2004; Umbreit & Bradshaw, 1997).

My dissertation investigated victim and offender experiences of one such restorative justice practice, victim-offender mediation (VOM). I utilized a multi-case study approach and exploratory thematic analysis to address the question of what VOM participants say about their experiences – particularly their experiences of the process and its potential link with various desired outcomes immediately following VOM. The offenders ranged in age from 13 to 22 years old, and victims ranged from 13 to 60 years old. As such, most of the offenders were classed as juvenile offenders (or young offenders; these terms are used interchangeably). In my literature review, some studies pertain to adult offenders, some to young offenders, and some considered both of these groups. When the articles have specifically stated that they looked only at youth crime, I have specified this in the review. In some cases, literature pertaining to adult offenders has been included if no suitable studies of young offenders were available.

Data for my research was collected at two mediation centers – one in Minneapolis in the United States and the other in Winnipeg, Canada. By exploring the themes contained within participants' narratives, information was learned about the experience of mediation. These findings included details about what happens prior to mediation (i.e., what motivates victims and

offenders to participate), processes that occur during the mediation, and finally the various types of satisfaction that may be present following mediation. But first, to understand where VOM comes from, one must first be aware of the state of the current justice system and how alternative dispute resolution systems came to be recognized as legitimate options.

### **The Present State of Justice**

Regardless of the type of justice (i.e., retributive or restorative) that addresses a crime once it has been committed, the victim of any crime faces the task of overcoming the experience of having their safety, property, or personal rights taken away or damaged (Wemmers & Canuto, 2002; Zehr, 2004). Difficulty navigating that recovery can lead to symptoms of post-traumatic stress disorder (PTSD), disruption of interpersonal relationships, and depression (Kobak, Cassidy, & Ziv, 2004; Zehr, 2004). Victims also sometimes experience social withdrawal, isolation, self-blame, guilt, and difficulty trusting others (Bolivar, 2012). Given such potential outcomes, it is important to evaluate the effectiveness of any justice program, whether restorative or otherwise. Programs must be examined both in terms of impact on the offender, as well as to the victim. All too often, the victims of crimes are forgotten within the retributive framework as it focuses on crime desistance and punishment (Choi et al., 2013; Golash, 2005).

Irony lies in the fact that without victim cooperation, the police and courts would not be able to effectively address crime. However, despite being an integral part of the justice system, the victim is seldom treated as such. At best, victims are relegated to the outskirts of the court system. At worst, they experience revictimization by the trauma of reliving the crime in the absence of adequate support (Murhula & Tolla, 2020). One must also remember that the labels of “victim” and “offender” represent a false dichotomy. In fact, many offenders were once victims themselves, and many violent acts can be traced back to the perpetrator experiencing violence



either as the victim or as a helpless child witness (Zehr, 2004). In this way, crime and its associated trauma have a way of sustaining themselves in an unfortunate and cyclical way. When there are alternatives that may benefit victims more than the current system does, they should be investigated and considered.

In the following review of the literature, I will first discuss the shortcomings of the current retributive justice system. After introducing its increasingly popular counterpart, restorative justice, I will provide an overview of its roots in Indigenous justice. VOM will be defined and described, including the research pertaining to individuals' motivations to participate. Finally, the various ways in which "effectiveness" has been operationally defined and studied will be reviewed which will lead to a conceptualization of what I investigated in my dissertation.

### **The Shortcomings of Retributive Justice**

Retributive justice is the main paradigm used in the world of crime and punishment in Western society, but it is not without its flaws. The concepts of incarceration, fines, and penalties are all elements of retributive justice. Although retribution might work in some situations and in fact a lack of retribution may be viewed as unjust (Lenta, 2019), it also leaves some victims feeling like they have not received the emotional restoration they desire after the court has decided the fate of the offender(s) (Deset & Szabova, 2020). Retributive justice has contributed to a lack of trust in policing and law enforcement, degradation of family ties in communities that experience high rates of incarceration, and a failure to target criminogenic needs (Krinsky & Phares, 2020). Also, the healing of victims ranges from being an afterthought to completely absent from consideration (Deset & Szabova, 2020; Fosse, 2020; Krinsky & Phares, 2020). Rather than being the panacea it was intended to be, the colonial justice system has created what

Krinsky & Phares (2020) refer to as a “legacy of harm” that has promoted racial inequality and splintered communities. Even though crime has decreased globally, rates of incarceration have not decreased at the same rate (Peleg-Koriat & Weimann-Saks, 2021). In fact, although the incarceration rate in Canada (114 incarcerated individuals per 100,000 residents in 2020) is lower than the US, Britain, or Australia, it remains higher than in other developed nations (John Howard Society of Canada, 2020). The US has the highest incarceration rate globally, with 537 incarcerated individuals per 100,000 residents (Kang-Brown, Montagnet, & Heiss, 2021). In addition to incarceration rates remaining high despite crime decreasing overall, the retributive system has been accused of being both racially biased and unnecessarily financially draining for society as a whole (Goldbrum, 2017).

In an article discussing punishment, Canton and Padfield (2019) explain that the current retributive and punishment-focused system operates under three main assumptions: punishment makes society safer, ensures the moral responsibility of the offender, and expresses solidarity with the victim. They argue that these assumptions are generally regarded as true without being tested because they sound compelling when discussed and upheld by politicians. However, despite retributive punishment failing to make us safer, governments and lawmakers have often *increased* its use (Canton & Padfield, 2019).

According to Canton and Padfield (2019), the current justice system is intended to deter crime by presenting a looming threat of incarceration. However, deterrence likely works best for those individuals who do not need it anyway (i.e., individuals who are unlikely to commit crimes become even less likely to do so due to deterrence). The notion of incapacitation (i.e., putting an offender in jail to prevent further offending) presents an ethical quandary that faces our justice system on a daily basis. Decisions might be made based on emotions such as fear and disgust

rather than true risk. For instance, an individual who commits a crime that society judges to be especially heinous may receive a lengthy sentence despite being actuarially low-risk to re-offend. Even the notion of rehabilitation in our prison systems presents an ethical dilemma because of the ethics of treating non-consenting individuals (Canton & Padfield, 2019).

Compared to restorative justice, retributive justice in North America regards crime as an offense against abstract rules rather than specific people (Harris, 2003; Sharpe, 1998; Zehr, 2009). The responsibility falls onto the shoulders of judges and juries to determine the best method for punishment and/or retribution. These methods are often determined by what is judged to be the “seriousness” of the crime rather than the extent of harm that the victim(s) experienced. Judging the “seriousness” of the crime often involves looking at precedents and current beliefs within the justice and political systems. (Gromet & Darley, 2009; Sharpe, 1998; Willemsens, 2003). This process results in lengthy trials, unresolved problems, and victim frustration when the judged “seriousness” is incongruent with the victims’ own beliefs about the severity of the crime.

Although punishment is aimed at incapacitating offenders while they are incarcerated, it has its own costs. Incarceration of offenders is a financially taxing practice (Golash, 2005). In Canada specifically, the cost to maintain an individual in a federal prison averaged \$130,000 per year in 2017-2018 (John Howard Society of Canada, 2019). Managing an offender in the community, in comparison, averages \$31,000 per year (Elizabeth Fry Society of Northern Alberta, n.d.). For such an expensive endeavour, the benefits have proven to be arguably lackluster.

As for punishment’s effect on crime prevention, retributive justice might fall short in this area as well. Studies in both Canada and the USA have shown that the threat of punishment does

little to deter those who would otherwise commit crimes, and in fact, it sometimes has the opposite effect (Golash, 2005; Sharpe, 1998). Some offenders may commit crimes while incarcerated that they would otherwise not have committed were they not imprisoned (Golash, 2005). A cost-effective alternative that is able to address crime prevention is highly desirable. The Canadian justice system in particular has been described as “ripe terrain” for a shift towards restorative justice (Dickson-Gilmore, & La Prairie, 2005).

As many have articulated, punishment is not the same as accountability (Krinsky & Phares, 2020; Sharpe, 1998; Waltman-Spreha, 2013). In fact, the retributive system may reward a lack of accountability, given that offenders must deny responsibility in order to plead not-guilty and potentially avoid punishment (Waltman-Spreha, 2013). Retributive justice is concerned primarily with offenders “repaying debts” in the form of monetary settlements or time spent incarcerated, and as such, the focus tends to be on the offenders rather than the victims. In this way, retributive justice may inadvertently exclude the victims from being agents in their own recovery from victimization (Choi et al., 2010b; Deset & Szabova, 2020; Golash, 2005; Tracy, 1998). Restorative justice may be able to provide a sense of effective accountability for offenders, as well as agency and healing for victims.

### ***Retributive Justice and the Young Offender***

Incarceration is especially problematic when considering young offenders who are at a critical point in their emotional and psychological development. Young offenders might be particularly vulnerable to peer pressure, and thus incarceration presents a dangerous environment whereby first-time young offenders may be influenced by their more prolifically offending peers (Goldbrum, 2017). This phenomenon has been called “peer contagion” by Richards (2011). The same vulnerability to peer pressure can also contribute to bullying within incarcerated young

adult populations, according to Farrant (2001). Overcrowding, lack of purposeful activity, disconnection from positive social supports, as well as institutional racism have all been shown to contribute to negative mental health effects of young adults while incarcerated (Farrant, 2001).

Incarceration also affects young offenders by interrupting their education, potentially removing them from prosocial family connections, and exposing them to abuse at the hands of other incarcerated individuals or even staff members (Solomon, 2004). Further, the retributive justice system has not proven itself to be effective – over half of young offenders who served custodial sentences in the United Kingdom were found to reoffend within one year, and the number crept to two-thirds by two years following initial incarceration (Prison Reform Trust, 2012). Considering these findings, it seems that the retributive justice system might be ineffective at reducing reoffending, and harmful to youth who might otherwise benefit from alternative measures.

There have been attempts to improve the ways in which youth crime is currently handled. In fact, in Canada the Youth Criminal Justice Act states explicitly that a custodial sentence should only be imposed on a young offender when all other available alternatives have been considered and deemed insufficient or inappropriate (Thorburn, 2009). In the UK, the Prison Reform Trust (2012) recommended that first-time and low-level offenders be diverted from the retributive court system into alternative programs. However, these mandates require that effective alternatives be available and accessible, otherwise custodial sentences become the default despite legislation that attempts to prevent that from happening.

Adolescents are at a unique developmental stage compared to adults, and this must be considered when discussing crime perpetrated by young offenders. Their amount of life experience as well as emotional maturity is understood to be less than their adult counterparts

(Richards, 2011). In an unfortunate twist of evolution, the juvenile brain also experiences a number of changes that occur in curious order – while puberty brings about emotional arousal and motivation, it occurs before the development of risk/reward analysis or response inhibition (Richards, 2011). One of the most robust findings is that a large proportion of young offenders “grow out” of their offending behaviour by adulthood (McMahon & Jump, 2018; Richards, 2011). One thematic analysis of young offenders’ experiences with crime desistance in the UK by McMahon and Jump (2018) showed that those who were able to desist from crime relied on being engaged by prosocial activities and relationships, internalizing a shift in their identity, cutting ties with crime-related aspects of their life, and having confidence in their ability to live lawfully. One of the most important themes was found to be a young person’s enthusiasm for a “hook for change” which could be employment, school, a prosocial interpersonal connection, community activity, or hobby. If these elements of lawful life are the important antecedents to crime desistance, they seem unlikely to be provided by incarceration. Rather, a program that gives youth the opportunity to work on changing their perceptions of themselves as “offenders” as well as potentially hooking them in to prosocial activities or connections may provide a welcome change.

### **Restorative Justice**

Some experts argue that since the current system of incarceration has failed victims, offenders, and society alike, restorative justice should be used instead to respond to offending behaviour as well as to prevent future crime (Choi et al., 2013; Deset & Szabova, 2020; Krinsky & Phares, 2020; Shank, 2019). Restorative justice focuses on identifying who has been affected by the crime, the needs of the victims, offenders, and communities, and determining who holds the obligation for restoring the affected lives to their pre-crime state (Bloom, 1999; Mahajan,

2017; Roach, 2000; Suzuki & Yuan, 2021; Tracy, 1998; Waltman-Spreha, 2013; Zehr, 1990). Restorative justice has been described as an understanding of crime that is needs-based rather than “just-deserts” based (Zehr, 2004). It emphasizes repairing harm rather than exacting punishment, repositioning victims as key players instead of passive observers of justice, and replacing the adversarial setting with negotiation and communication (Tracy, 1998; Waltman-Spreha, 2013; Zehr, 2004).

By participating in restorative solutions, offenders can maintain membership in their communities rather than being removed from them (Goldbrum, 2017). For example, when restorative justice programs are set up as an alternative to court proceedings, offenders are able to maintain clean criminal records and avoid jail time after the successful completion of a restorative resolution agreement (Mediation Services Winnipeg, 2021). Restorative justice supporters believe that humans are all in a relationship with one another, and restorative practices allow this belief to be recognized and respected (Llewellyn & Howse, 1999; Waltman-Spreha, 2013). Indeed, even when a crime occurs between strangers it can be conceptualized as creating a relationship that is immediately in need of repair (Murhula & Tolla, 2020). These attributes of restorative justice have helped to bring it to the forefront of an important debate about how best to handle crime, punishment, victims’ rights, and treatment of offenders.

The Criminal Code of Canada was amended in 1996 to encourage alternate sentencing options to incarceration. Similar alternative measures had already been mentioned in the Young Offender Act of 1985 (Johnson, 2003). The Youth Criminal Justice Act was introduced in 2003. It again called for the use of alternative measures when available (Tompsonski, Buck, Bargen, & Binder, 2011). Entry into the Canadian or US restorative justice systems for young or adult offenders and their victims may occur through referrals by police, crown, courts, corrections,

parole, or through the victims and offenders themselves. Participation can occur at any point, from pre-charge to sentence, parole, or post-revocation (Dickson-Gilmore, & La Prairie, 2005; Tomporowski et al., 2011). A program called Restorative Opportunities operates through Correctional Service Canada (CSC) and aims to help adult offenders understand the human cost of their crimes, address the harm that was caused, and repair some of the damage. While some requests get denied due to either party having inappropriate motivations or being inaccessible or unwilling to participate, others have the opportunity to participate in face-to-face meetings, shuttle communication (i.e., through a caseworker), or letter/video exchange (Correctional Service Canada, 2018).

Restorative justice programs in North America aim to provide victims, offenders, and the larger community with resolution. In order to accomplish this goal, they ideally provide the following five things: 1) an invitation for full participation and consensus of all involved parties, 2) an opportunity to heal what was broken, 3) full accountability that is directly addressed, 4) a reunion of all things divided by the crime, and 5) a strengthened community that is better able to prevent future harm (Sharpe, 1998). Four components that have been identified as characterizing ideal restorative justice approaches are: 1) encounter (meeting, communicating, and agreeing), 2) amends (an apology, restitution, and change moving forward), 3) reintegration (with respect and assistance), and 4) inclusion (the ability to participate meaningfully in the justice system) (Van Ness & Strong, 2015). The three most common restorative justice practices in Canada that accomplish those five objectives are: victim-offender mediation (VOM), which is the focus of my dissertation, community conferencing which involves the larger community in which the crime happened and/or in which the victim and offender belong, and community peacemaking circles which incorporate Indigenous healing into the restoration of peace (Sharpe, 1998).



It must be acknowledged, however, that restorative justice has received its fair share of criticism from researchers. Gerkin (2009), a professor of Criminal Justice in the USA argues that while many programs *claim* to be restorative in nature, they simultaneously exist in opposition to and as part of the retributive justice system and therefore experience a crisis of identity. Even the terms “victim” and “offender” come from a retributive paradigm. These sentiments were echoed by Wood & Suzuki (2020) in Australia, who expressed concern over present restorative justice looking much less radical than originally proposed. They argue that restorative justice has been institutionalized by the already unfair retributive justice system, to such an extent that it now runs the risk of perpetuating the same inequalities. In other words, Wood and Suzuki (2020) posit that in being too friendly with the existing system of justice, restorative justice has itself taken on the very systemic issues that it originally sought to remedy.

In addition, some restorative justice opportunities might still neglect an offender’s emotional needs, focusing only on the victim’s emotional restoration and more practical issues for the offender such as housing, employment, and education. Bright (2017) from the UK, asserts that restorative justice has been hindered by programs that limit the kinds of cases that can be accepted, inadequate partnerships with referral bodies, a lack of public and professional awareness of restorative justice initiatives, and the methods through which victims are offered and offenders are engaged in mediation opportunities. For instance, victims might not always be aware that the process is free, voluntary, and confidential. They might also not be adequately informed of how restorative justice can meet their needs. Offenders might be engaged in restorative justice before the important work of gaining insight into the impact the crime had on the victim(s), or before they have addressed any existing addiction issues that might hinder any exchange of emotional dialogue (Bright, 2017). To some extent, restorative justice has remained

at the margins of the current system and public opinion still sometimes views restorative interventions as being “soft on crime” (Murhula & Tolla, 2020; Waltman-Spreha, 2013). However, others have asserted that even when restorative justice fails, the failures wreak less havoc than the “tough on crime” retributive justice approaches do, historically (Wood, 2016). Johnstone (2017) argues that society is now faced with a decision – to settle for this marginalization or continue to fight for a paradigm shift by using research to understand obstacles and identifying potential solutions. My dissertation strives to support this paradigm shift.

### ***Success of Restorative Justice Efforts in Youth Crime***

Restorative justice has shown great potential for positive impact in youth justice. In a paper evaluating the appropriateness of restorative justice approaches to youth crime, Suzuki and Wood (2018) express that restorative justice is often seen as preferable to retribution given a number of unique factors. First, youth tend to commit less serious offenses than adults. Second, they are considered to be less culpable for their actions given that they lack life experience and have not yet fully developed their skills of reasoning and processing of potential consequences for their actions. Third, juveniles are often viewed as being less cognitively and emotionally developed than adults and thus may be at a critical point in their trajectory toward building prosocial bonds and behaviour. Restorative approaches might therefore be appropriate during this critical period of development. The authors also note that there has not been research aimed at comparing the efficacy of restorative justice with young offenders compared to adult offenders and suggest that this is an area for future investigation (Suzuki & Wood, 2018).

Wilson, Olaghere, and Kimbrell (2017) conducted a meta-analysis of restorative justice programs involving young offenders in the USA. Their results indicate a reduction in recidivism

compared to the retributive court system. Youth who engaged in restorative justice programs also tended to be more satisfied with the process and had less supportive attitudes toward criminal behaviour. Their associated victims reported greater perceptions of fairness, feelings of satisfaction, and positive attitude toward the offenders than victims who did not participate in restorative justice. They were also more willing to forgive the offenders, and were more likely to feel as though justice had been served, compared to those who participated in the court-based justice system. The authors do note that the effect sizes for young offenders seem modest compared to those found by meta-analyses involving adult offenders. They theorize that this may be due to the juvenile court system already involving a more rehabilitative focus than the adult system, thereby decreasing the theoretical distance between court-based justice and restorative justice in the realm of crime perpetrated by young offenders (Wilson, Olaghere, & Kimbrell, 2017).

### ***A Tale of Two Justices: Marriage, Friendship, or Divorce?***

The literature presents a variety of ideas about the extent to which retributive and restorative justice could or should work together. Arguments have been made for a complete replacement of the current retributive system (Llewellyn & Howse, 1999), and some claim that as long as restorative justice is part of the current system it runs the risk of being ineffective or even harmful (Johnstone, 2017; Wood & Suzuki, 2020). For instance, sometimes preparatory information about an upcoming restorative intervention is intentionally withheld from offenders in order to intimidate them and make the experience more aversive (Choi & Severson, 2009). This practice, unfortunately, perpetuates the erroneous belief that punishment alone can decrease reoffending and pulls restorative justice into retributive justice's shadow.

Peran (2017) asserted that restorative justice is an inherently abolitionist movement, but that ending incarceration altogether is not currently realistic or pragmatic. Thus, they argue, if it is to be used inside prisons (as it often currently is), we must also work simultaneously to decrease rates of incarceration before truly restorative prisons can be created. It has been suggested that incarceration can still occur within a truly restorative system, so long as the door is never shut on the possibility of restoration. Imprisonment therefore could take on new goals – education, training, therapy, and protection of society rather than punishment (Llewellyn & Howse, 1999; Weitekamp, 2002).

A midway position holds that restorative and retributive justice are not at all mutually exclusive. According to some, these two systems can exist alongside each other (Mirsky, 2004; Ward & Langlands, 2002). Adopting a “punitive restorative justice” approach can make the restorative justice movement more mainstream and palatable to conservative critics (Gade, 2021). There is also perhaps a more colonial view that restorative justice will never be able to replace the “traditional criminal justice system,” as there will always be victims/offenders who choose not to participate in the necessarily voluntary process (Wemmers & Canuto, 2002). As is about to be discussed, the notion of calling the colonial retributive justice system “traditional” brings up questions of the origins and appropriation of restorative justice and Indigenous knowledge.

### **An Appropriate but Appropriated Idea**

The restorative justice literature often fails to acknowledge its roots in Indigenous justice practices. The Kitchener Experiment (a court case from 1974, described below) is often lauded as being the “first” instance of restorative justice in Canada (see Hansen & Umbreit, 2018; Johnson 2003; Llewellyn & Howse, 1999; Namuo, 2016; Tomporowski et al., 2011; Zehr, 2004

for examples). However, Indigenous communities around the world were using restorative justice long before colonization (Zehr, 2015). In fact, Tauri (2014) refers to the story of the Kitchener Experiment as restorative justice's "origin myth." Rarely, authors give a brief nod to the Indigenous origin of restorative justice (see Hodgson, 2019; Johnson, 2003; Mahajan, 2017). It is crucial for researchers to do better by acknowledging both that restorative justice is rooted in Indigenous practices, and the ways colonization has appropriated these concepts.

Unfortunately, it is still sometimes argued that restorative justice is an original Western idea, not an appropriated one. Daly (2002) wrote a paper about what she considers to be the "real story" of restorative justice in Australia and New Zealand. While she admitted to not being an expert on ancient justice practices, she asserted that describing restorative justice as having roots in Indigenous and/or ancient justice was a "myth" itself. Similarly, a statistical review of restorative justice programs in Canada was conducted by Johnson (2003) for the Canadian Centre for Justice Statistics. Johnson (2003) noted that gathering an "Aboriginal perspective" on definitions and data collection regarding restorative justice in Canada would be useful. However, they stated that this endeavour would have taken significant time and resources and as such, the Indigenous perspective was absent from the survey. Indigenous sources have asserted, however, that their ideas were stolen and plagiarized by the colonial system (e.g., Hansen 2009; Hansen & Antsanen, 2012) and it is my view that we must believe the victims of appropriation when they say they have been harmed.

### ***Indigenous Roots of Restorative Justice***

Before colonization, Indigenous groups held practices that parallel those of modern restorative justice (Hansen & Antsanen, 2012). An example of this was found in Navajo peacemaking. When conflict arose or a crime was committed, the complainant met with the

perpetrator and was able to make demands that consisted not just of material restitution but also relationship repair between the parties. The Navajo believed that an individual could not be coerced into anything. In fact, they considered coercion to be a practice of “witchcraft” (Fosse, 2020, p. 2) and thus, a respected leader in the community was called to mediate. Rather than acting as a judge would in the retributive system we know today, this leader called upon the family and close loved ones of the two parties to help reach an acceptable conclusion to the matter. By repairing not just the monetary but also the relational harm, the perpetrator was able to restore their dignity and standing in society (Fosse, 2020).

Another example of Indigenous conceptualizations of justice is the Cree idea of *opintowin*. This word translates roughly to “lifting each other up.” It indicates that repairing harm, mending relationships, furthering healing, taking accountability, and being involved in community are of the utmost importance in Cree society. By discussing what led to crime and how to prevent it, the community not only heals itself but emerges strengthened against future conflict (Hansen, 2009).

In an interview with Mirsky (2004), the Honorable Robert Yazzie of the Navajo Nation Supreme Court characterized the North American court system as responding to crime after the fact rather than working to prevent it. By engaging in restorative dialogue, an offender can take responsibility and be accountable for their actions which bolsters his body, mind, and spirit. Subsequently, this individual goes back into the community less likely to re-offend. Yazzie also voices the opinion that peacemaking should remain pure, rather than being mixed with the retributive court system. He asserts that peacemaking should be the *default system* and that in cases where one or both of the parties refuses to participate, then (retributive) courts can be used as a last resort. In the same article, Judge Joseph Flies-Away of the Hualapai Nation in Arizona

stated that when someone commits a crime the community says, “He acts like he has no relatives” (Mirsky, 2004, p. 6). That is, the Hualapai Nation views crime as a disconnection from one’s familial and community ties. It is also Judge Joseph Flies-Away’s view that the appropriation of Indigenous justice practices may have not been intentional – but rather ideas were borrowed without knowing where they originated (Mirsky, 2004). Regardless of intent, now that the sources of the restorative ideas have been identified they must be given due credit.

### *The (Re)Discovery of Restorative Justice Practices*

The original inhabitants of numerous continents operated under the view that crime was a social wound to be healed through communication between those who caused harm, and the individuals or communities that were harmed (Mahajan, 2017). According to Hansen and Antsanen (2012), the North American Indigenous worldview focuses on cycles and patterns and emphasizes that all things are equal as well as connected to each other. However, when White settlers first arrived in North America, they viewed the inhabitants of the land as savages lacking government or organized justice. Thus began a concerted effort to colonize them which included the forceful replacement of Indigenous justice systems with colonial retributive practices. Many Indigenous justice practices included restorative as well as preventative principles (Hansen & Antsanen, 2012). As restorative justice, as well as awareness of the atrocities of colonization, came to light, elements of Indigenous justice began to resurface. These practices were repackaged as novel ideas. As the practices were appropriated by colonial society, the principles of kinship, connectedness, and spiritual healing were neglected. Along with the practices associated with Indigenous justice, these very values were not just appropriated but also diluted to fit into a colonized society. The practices of resolving conflict through discussion are still occurring, but in many cases the understanding of relationality as described by Mirsky (2004)

has been absent, which means that a key ingredient in the recipe for relational justice has been omitted. Further, given that incarceration continued to be used as a threat, the concept of taking responsibility for one's wrongdoings was incompatible with the colonial system (Gray & Lauderdale, 2007).

Tauri (2009) discussed the reasons for what he called a "(re)discovery" of restorative justice in the neo-colonial world, specifically in New Zealand and Canada. These reasons include the rising cost of retributive justice, a rapidly expanding restorative justice movement, as well as increasing awareness of Indigenous activism and over-representation in the court system. Canada specifically found a convenient way to appear culturally sensitive by employing hybrid programs aimed at incorporating Indigenous justice practices into the retributive system. However, standardizing (i.e., colonizing) Indigenous justice has meant that the groups who own the knowledge no longer have control over their own practices (Tauri, 2009). Fitting Indigenous justice into the colonial system in Canada has arguably stripped it of its real, original value and meaning (Baskin, 2002). While restorative justice purports to strengthen and empower communities, the colonial government still controls it through standardization. Unfortunately, by replicating the surface components of Indigenous healing and neglecting the deeper core of it, some meaning has been lost. The "restoration" that is sought through Indigenous healing refers to connection to oneself as well as one's community, not just restoring life to the way it was before the crime occurred (Zion, 2002). As will be discussed in my Results section, these relational connections appear to be core to effective victim-offender mediation.

### **Victim-Offender Mediation Defined**

Under the umbrella of restorative justice, there are numerous kinds of programs. One approach (and the focus of my dissertation) is Victim-Offender Mediation (VOM), but it should



be noted that this is just one kind of restorative justice intervention. VOM is the process by which victims of crime (and/or their family members) meet the involved offenders in the presence of trained mediators to process and address the emotional and practical ramifications of the crime. VOM has also been known as victim-offender reconciliation, conferencing, and dialogue (Umbreit, Coates, & Vos, 2004). The terms may be used interchangeably but it was noted by Zehr (2004) that some agencies prefer to use the term “conferencing” in order to better describe their victim-focused lens. (i.e., the term “mediation” may imply neutrality and some groups find this objectionable when dealing with victims of crime). For my dissertation, I have chosen to use the label victim-offender mediation (VOM).

VOM as we know it today (i.e., as an alternative measure within the colonial system) was first implemented in 1974 in Elmira, Ontario (Johnson, 2003; Mahajan, 2017). The offenders were two juvenile males who pleaded guilty to twenty-two counts of vandalism. While intoxicated one night, the two young men had smashed windows and slashed car tires. A probation officer named Mark Yantzi was assigned to complete the pre-sentence reports. He was also part of a group of volunteers through Mennonite Central Committee that met regularly to discuss the justice system. During one of the group’s brainstorming sessions, he came up with the idea of having the two offenders meet their victims. After receiving positive feedback from the group, he decided to write the idea as an addendum to his formal report to the judge. He proposed that he felt the meeting would have therapeutic value for the offenders. Although the judge was initially concerned that there was no precedent for such a practice, he eventually ruled that the two teens should meet their victims in the presence of Mark Yantzi in order to find out how much of the damage had been covered by insurance and what was still left to be paid. This order was carried out by the teens, and when they returned to pay the outstanding debt Mark

Yantzi noted that sometimes pleasant conversations occurred, and the participants were able to find common ground. One of the victims even remarked that she had been anxious about revictimization as a result of being vandalized, but meeting the offenders had put her fears to rest (Community Justice Initiatives Waterloo Region, 2011). This is sometimes referred to as the Kitchener Experiment, given Elmira's proximity to the city of Kitchener, Ontario. As often happens once a precedent is set, VOM programs have expanded both in number and scope, and they have proliferated in many countries (Maryfield, Przybylski, & Myrent, 2020).

VOM aspires to achieve positive transformation of both victims and offenders. In other words, individuals should be restored to their emotional state that existed prior to the crime (Sharpe, 1998). While attempting to reach this goal of healing, VOM stresses the importance of sensitivity to the needs of victims as well as their right to have a voice in the judicial process (Choi et al., 2013; Jonas-van Dijk, Zebel, Classen, and Nelen, 2020; Umbreit et al., 2004; Umbreit, Greenwood, Fercello, & Umbreit, 2000). Although the practices involved in individual VOM programs might vary in terms of dialogue structure and "rules" implemented, the goals tend to be quite similar: VOM aims to give offenders the opportunity to express remorse, victims to express forgiveness, and both parties to experience reconciliation in an environment in which the guilt and loss of offenders and victims, respectively, are not disputed (Jonas-van Dijk et al., 2020; Umbreit et al., 2000).

VOM has progressed from its start with juvenile property crime. Although the majority of VOM programs still focus on young offenders (Umbreit et al., 2000), adult offender mediation programs have grown (Maryfield et al., 2020; Nugent, et al., 2004; Umbreit & Bradshaw, 1997). VOM has traditionally been used in cases of property crime such as vandalism and theft, but it has also been successfully implemented in cases of more "personal" crime such as assault, rape,

and homicide (Mahajan, 2017; Szmania, 2006; Umbreit et al., 2004; Umbreit & Vos, 2000). Although the idea of victims meeting offenders (especially in situations where violent crime has occurred) can seem controversial, a number of requirements are often put into place in order to protect both victims and offenders. For instance, the offender must admit guilt and responsibility, neither the victim nor offender should feel pressured to participate, and trained facilitators must be available (Choi et al., 2013). Whether the case involves juvenile property crime or adult violent crime, the encounter serves as a stepping stone to making amends (CRCVC, n.d.; Umbreit et al., 2004).

### **The Decision to Participate**

Why might individuals who find themselves the victims or offenders of crime participate in mediation? Wemmers and Cyr (2006) hypothesized that perhaps victims participated in VOM in order to be able to make demands of the offenders. Their study consisted of interviews with 59 victims of both personal and property crime perpetrated by youth in Canada. The victims ranged in age from 12 to 82. The researchers theorized that asking the offenders to say or do certain things would fulfill victims' innate need for fairness. However, their interviews showed that in fact the ability to make demands was not related to satisfaction with VOM. Rather, the feeling of being "heard" and having their views taken into consideration were found to be the most important parts of VOM for victims of crime. Since then, sources in the Netherlands, Australia, and Canada have echoed that the feeling of being acknowledged or "heard" is of the utmost importance to victims of crime (Bosma, Groenhuijsen, & de Vries, 2021; Holder, 2014; Ministry of Public Safety and Solicitor General, 2009)

Victim participation might at first be motivated by a desire for apology or restitution, offender accountability, ability to tell one's story, opportunity to gain information regarding why

the crime was committed, to oversee punishment, encourage the offenders to change their behaviour, or even assist the offenders in improving their own lives (Choi et al., 2010a; Coates, Burns, & Umbreit, 2004; Mohammad & Azman, 2021; Van Camp & Wemmers, 2013). Underlining the importance of VOM program availability, Amstutz (2015) asserts that after being the victim of a crime, some individuals' needs can *only* be met by those who caused the harm. Johnstone (2017) posits that a victim may decide to participate in order to help themselves heal, and/or to help the offender. In support of this assertion, a report by the Restorative Justice Council in the UK (Bright, 2017) found that victims' motivations for participating indeed included feeling better and helping the offender. Daly (2003) suggested that victims and offenders can be described as either holding self-focused or other-focused motivations following a crime. In discussing that statement, Suzuki (2020) theorized that perhaps those victims who are other-focused may be more interested in restorative programs, while self-focused individuals may be less interested.

Time elapsed since the crime and level of subjective harm also appear to interact to predict victim motivation. When victims experience more subjective harm from a crime, they become more willing to participate in VOM as time elapses. The opposite seems to be true when they experience less subjective harm, according to one study from the Netherlands (Zebel, Schreurs, & Ufkes, 2017). There is research from the USA that found simply exposing victims to information about restorative opportunities or presenting them with the option of participating in VOM can shift their justice system goals from retributive to more restorative in nature following victimization (Paul & Schenck-Hamlin, 2017). In summary, researchers have noted multiple motivations that victims weigh when considering participating in VOM.

Fewer researchers have examined offender motivations for VOM, but they have documented a desire to express remorse as well as to repair harm (Bright, 2017). Choi et al. (2010a) reported that juvenile offenders in the USA mentioned motivations that included keeping a clean criminal record, moving forward from the crime, explaining their behaviour to the victim, offering an apology, and helping the victim to move on. They found that the more self-focused motivations of a clean record and moving on with their lives were mentioned more frequently by the juveniles than were those motivations that focused on the victim. An individual's motivation (and perceptions) can also change as they progress through the mediation experience (Gade, 2021; Urban et al., 2011). It has also been observed in adult offenders in Israel, that if they were able to reframe their actions as guilt-inducing rather than shame-inducing (i.e., "I am not bad, but I did a bad thing), they became more willing to participate in restorative interventions (Peleg-Koriat & Weimann-Saks, 2021). Understanding motivation to participate in VOM by conducting more research may provide ideas for developing more programs, diverting more cases from the retributive system, and delivering quality VOM experiences that meet individuals' wants and needs.

### **Effectiveness of Victim-offender Mediation**

Numerous studies have investigated the effectiveness of VOM (e.g., Gomis-Pomares, Villanueva, & Garcia-Gomis, 2021; Latimer, Dowden, & Muise, 2005; Umbreit et al., 2004). These studies have provided promising information about the utility of VOM and its ability to achieve tangible goals in the criminal justice world. It is important to note that "effectiveness" has been operationally defined in the literature in varying ways. For example, researchers and policymakers have examined constructs such as participant satisfaction, restitution compliance, recidivism and crime desistance, diversion from incarceration, as well as improvement of various

mental health indices and labelled them all “effectiveness.” The concept of “success,” however, is difficult to define in regard to restorative justice interventions (Rypi, 2017) because it is inherently a multifaceted concept. Given that restorative justice interventions aim to be responsive to individuals’ unique needs and circumstances, the already complicated concept of determining “success” becomes even more multidimensional in practice. Individuals’ views of what makes a “good” mediation are likely to be diverse (Jacobsson et al., 2012). In the sections below, I review literature on multiple ways of conceptualizing success: participant emotions, mental health and wellness outcomes, legal concepts such as restitution compliance, risk, recidivism, and return to custody, and finally, participant satisfaction.

### ***Participant Emotions, Mental Health & Wellness***

Victims experience varying levels of distress following crime. While the colonial retributive justice system often endorses the “eye for an eye” philosophy, research in social psychology suggests that individuals who punish wrongdoers feel worse afterward and this effect occurs despite the individuals predicting that they will feel better by exacting punishment (Carlsmith, Wilson, & Gilbert, 2008). After participation in restorative justice programs, victims experience less anxiety, fear, anger, and desire for revenge (Bolivar, 2010). As such, feeling “better” after the experience of victimization might be more successfully achieved through restorative means than retributive justice approaches (McGeer & Pettit, 2015). Indeed, participants appear to consistently report a sense of closure and empowerment following participation in VOM for juvenile crime. (Choi et al., 2010a; Choi et al., 2010b). Some individuals even show signs of post-traumatic growth, according to a study of adult victims in Canada and Belgium (Van Camp & Wemmers, 2013).

One meta-analysis evaluated post-traumatic symptoms in victims of crime following either a restorative justice intervention or a “customary justice intervention” (Lloyd & Borrill, 2020). The authors included studies of adult and juvenile-aged victims that were published in English-language journals. Across seven studies, the authors found that participation in VOM (referred to as victim-offender conferencing in that article) was associated with a lessening of anger as well as improvement in victims’ mood and negative cognitions such as self-blame and “bitterness” compared to the customary justice procedures. This finding held true in both adult and young adult samples. Some of these effects were found to last more than 10 years. Victims allocated to the restorative justice condition also reported less hyperarousal, reactivity symptoms, intrusion symptoms, and avoidance symptoms than those in the customary intervention. Similarly, Suzuki and Yuan (2021) conducted a qualitative meta-synthesis that included studies mostly in the US and UK, with both adult and juvenile victims and offenders. They found that victims reported diminished negative feelings towards the offenders following participation, and offenders were able to restore feelings of dignity via offering an apology.

### ***Restitution Compliance***

Some individuals might conceptualize the success of VOM in terms of its ability to encourage compliance with restitution. In addition to the practical/financial considerations, having an offender complete restitution might also give victims the sense that the offender has taken accountability for their actions (Wemmers & Canuto, 2002). Deset & Szabova (2020) state that while material reparation is important to victims, they desire symbolic reparation to a greater degree. This symbolic reparation involves an offender expressing sincere regret (Deset & Szabova, 2020).

In terms of restitution being completed, Umbreit (1994) reported that mediation was associated with completed restitution following juvenile crime in Minneapolis. This assertion was followed up by an in-depth review of the literature on adult and juvenile VOM conducted by Umbreit et al. (2004) who reported that 80-90% of mediations resulted in completed restitution (monetary or otherwise). Similar results were reported in a meta-analysis by Latimer et al. (2005) and a review of four decades of literature by Hansen and Umbreit (2018), both of whom considered both adult and juvenile crime.

### ***Risk, Recidivism & Return to Custody***

Many researchers have reported that participation in VOM decreases the risk of recidivism in both adult and juvenile offender samples (Correctional Service Canada, 2018; Gomis-Pomares et al., 2021; Nugent et al., 2001; Stewart, Thompson, Beaudette, Buck, Laframboise, & Petrellis, 2018; Umbreit et al., 2004). However, they did not account for a potential self-selection bias that could be influencing this result. In order to investigate this potentially confounding variable, Jonas-van Dijk et al. (2019) compared reoffending rates of offenders who completed VOM, offenders who were willing but whose victim declined to participate, and offenders who declined to participate. In total, there were 1275 cases of adult and youth crime analyzed, and the study was conducted in the Netherlands. The researchers found that participating in VOM predicted lower recidivism rates and concluded that the finding was not due primarily to self-selection bias (Jonas-van Dijk et al., 2019).

In their review of 50 studies involving adult and juvenile crime across five countries, Umbreit et al., (2004) found that most studies reported a significant reduction in recidivism following VOM participation compared to control groups that went through the retributive court system. In an article assessing the results of four studies on juvenile recidivism following VOM



participation in the USA, it was stated that recidivism was 32% lower in the VOM participants (Nugent et al., 2001). Among a group of Canadian adult violent offenders, the rate of revocation of conditional release (and thus return to custody) was lower in those who participated in VOM than a matched control sample (Stewart et al., 2018). In addition, a large research initiative by CSC (2018) determined that 1 year following release, adult offenders who had completed VOM had fewer returns to custody even when controlling for reintegration potential and/or motivation. In fact, of the 257 offenders who were studied from 1992-2018, only 10% reoffended. Of that recidivating group, 69% of the new charges were for lesser offenses than the VOM index offense. Notably, most of the offenders who had their risk evaluated at intake were assessed as high risk, moderate-needs individuals (CSC, 2018). Of course, less recidivism/returns to custody also mean less cost to the justice system long-term, and thus VOM also provides a lower-cost option than the retributive court system (Hansen & Umbreit, 2018). In fact, the benefits in terms of crime prevention have been estimated to be eight times more than the cost of delivering restorative programming (Strang, Sherman, Mayo-Wilson, Woods, & Ariel, 2013).

One specific area of crime that has been discussed is the issue of hate crimes. VOM has been conceptualized as being especially effective at addressing this type of crime. By participating in mediation, an offender may find it more difficult to maintain their biases about the individuals against whom they offended. By challenging these assumptions and held beliefs, the likelihood of future hate crime perpetration can be decreased (Goldbrum, 2017). Similarly, the qualitative meta-analysis of adult and juvenile offenders in the USA and UK by Suzuki and Yuan (2021) found that participants reported having “opportunities for humanization.” In other words, offenders learn to view victims as living, breathing humans whose lives have been impacted by the crime. The researchers add that mediation can be a life-changing healing

journey that triggers desistance because of an offender coming to understand the impact of their actions (Suzuki & Yuan, 2021). Given that their findings included an observation that antecedents of the crime are usually discussed during mediation, perhaps these discussions also serve to target dynamic risk factors. Andrews, Bonta, and Hoge (1990) assert that dynamic risk factors (i.e., details about an offender and/or their life that can be changed over time) are the ones that should be targeted for treatment (as opposed to static factors) in order to decrease risk over time. Perhaps one of the most promising findings is that through participating in VOM, juvenile offenders appear to be able to cultivate empathy for their victims which in some cases led them to change from viewing their actions as “cool” or “fun,” to regrettable causes of harm (Choi et al., 2010a).

The question of recidivism is unfortunately a complicated one, and it has also been found that as a young offender’s risk level increases, the effect that VOM has on reduction of recidivism decreases (Gomis-Pomares et al., 2021). In the same vein, other researchers have reported that the recidivism rates following VOM participation were statistically similar to those of young offenders who were subject only to case closure, reprimand, or community service. The researchers also discovered that VOM was more effective (in terms of being associated with a lower recidivism rate) when the young offender was originally low risk, as opposed to high. The authors note (importantly) that one can commit a serious crime (such as homicide) but be low risk to reoffend (Villanueva, Jara, & Garcia-Gomis, 2014).

Some authors have argued that to expect VOM (aimed at acknowledging and repairing harm) to reliably achieve rehabilitative goals (i.e., risk and recidivism reduction) is conflating the two approaches to justice (Ward & Langlands, 2009). Rather, they suggest, restorative intervention should work alongside rehabilitative endeavors. Others (Jacobsson, Wahlin, &

Andersson, 2012) argue that restorative programs can indeed aim to specifically reduce recidivism and very much have a place in the rehabilitative sphere. It has also been suggested that individuals who feel coerced into participating in VOM (i.e., through court-ordered sanctions) show less reduction in recidivism than do those participants who participate of their own volition (Bonta, Jesseman, Ruge, & Cormier, 2006).

### ***Participant Satisfaction***

VOM exists under the umbrella of restorative rather than retributive justice, and as such it aims to address the needs of victims as well as offenders and ideally produces high levels of satisfaction for both. Indeed, researchers looking at both adult and youth crime consistently find that after participating in VOM programs, victims and offenders report feeling personally satisfied (Latimer et al., 2005; Umbreit, et al., 2004).

Tamarit and Luque (2016) found that even when a VOM experience did not include compensation or apology, victims (all of whom were adults living in Spain) reported being satisfied with the outcome. Indeed, one review of mediation agreements conducted in the UK found that only 50.8% of mediations involved an apology (Dhami, 2016). Unfortunately, it was not reported whether these agreements involved adult or youth crime. However, the same researcher published an earlier piece on a similar subject using a dataset that included mediation agreements in the UK involving mostly adult victims and offenders but some juveniles in both groups as well (Dhami, 2012). In that article, it was reported that when a full apology was offered (i.e., one that involved admitting responsibility, acknowledging the harm done, expressing regret or remorse, offering to repair the harm, and promising not to repeat the behaviour), even higher levels of victim satisfaction and forgiveness were present than when these elements were absent (Dhami, 2012).

A study conducted with juvenile offenders in Malaysia indicated that in VOM cases involving family members (i.e., where a high degree of emotional intimacy but also conflict may be present), juvenile offenders were satisfied with the process and outcome (Mohammad & Azman, 2018). Umbreit (1994) studied young offenders and their victims in Minneapolis, and found that after engaging in VOM, the majority of victims and offenders reported that they were satisfied with the process. Interestingly, victim satisfaction was higher than that of offenders. Even though only 66% of young offenders in one investigation in Utah reported that they felt their participation in VOM had been “their choice,” both victims and offenders reported high levels of satisfaction with the mediator and the mediation experience as a whole (Poulson & Elton, 2002).

Researchers have acknowledged that the existing literature has sometimes conflated satisfaction and restoration (Bolivar, 2010). It is of course possible that one can be satisfied with the process of VOM without feeling as though one has truly been “restored” and/or that harm has been repaired. However, Van Camp and Wemmers (2013) reported that even if the outcome of a VOM experience was not what adult victims wanted, they were often still satisfied with the process due to procedural fairness (i.e., perceived neutrality, trust, respect, and the opportunity to have a voice). It is also true that satisfaction does not automatically equate with emotional impact. It is possible to be satisfied with a mediation that was not necessarily emotionally impactful. Choi et al. (2010a) found that the degree of emotional impact to juvenile offenders was correlated with the severity of the crime, and thus there may be a ceiling in situations that involve crimes of lesser severity.

Achieving “satisfaction” through VOM is not an all-or-nothing goal – Choi et al. (2013) noted that most cases fall short of perfect adherence to VOM principles and while some needs

get met, others might not. There is a delicate balance between meeting the needs of victims as well as offenders, and bureaucratic pressure or subpar mediation training also sometimes leads to degradation of the VOM process. As long as efforts are made to preserve the integrity of VOM as a restorative practice, it stands to provide all parties with reasonable levels of satisfaction (Choi et al., 2013).

In summary, the most robust and commonly replicated finding has been that victims and offenders report higher levels of satisfaction with the VOM process, outcome, and fairness than do those who proceed through the court system (Hansen & Umbreit, 2018; Latimer et al., 2005). However, fewer researchers have examined *why* victims and offenders generally report high levels of satisfaction with mediation. My dissertation aimed to address this gap, by examining victims' and offenders' experiences of the mediation process and the links between that process and perceived satisfaction. Combining a case study and reflexive thematic analysis approach, I interviewed victims and young offenders at multiple time points, assessing their experience of the mediation process and their perceived satisfaction (or dissatisfaction) with that process.

### **What is Left to Investigate?**

The use of VOM has grown exponentially since its start with juvenile property crime. The majority of VOM participants report satisfaction with the experience and restitution is often completed during the process. My literature review has described that VOM may be associated with lowered recidivism, an increase in mental wellness due to a lessening of post-traumatic symptoms, and has the potential to provide a cost-effective strategy for reducing incarceration rates. What has yet to be addressed is what contributes to the satisfaction that victims and offenders report (Bolivar, 2010; Maryfield et al., 2020; Suzuki & Yuan, 2021; Umbreit et al., 2004), and how they conceptualize themselves as having experienced positive emotional change

(if at all). What exactly constitutes “healing” has not yet been defined by the research (Bolivar, 2010). There has also been a call to investigate whether VOM provides offenders with more than just accountability – are the other needs of offenders overlooked in favour of a victim-focused process, or can VOM consider all parties simultaneously? (Zehr, 2004). The restorative justice world also needs more information about what contributes to the effectiveness of programs – the first round of research indicated that it does work, and now we must know why and how this occurs (Suzuki, 2020).

The research on VOM has thus far been overwhelmingly quantitative, and several sources have called for an increase in qualitative inquiry in order to further understand the VOM experience (e.g., Tamarit & Luque, 2016). A qualitative investigation can provide detail-rich data in terms of how participants travel through and make meaning of the VOM process. It has been argued in the literature that each VOM case must be treated as unique in order to respect individual differences, and must therefore be researched on a case-by-case basis (Bright, 2017), in the way that qualitative research provides (and exactly as I did with my dissertation). The importance of interaction and the dynamic nature of it has been discussed in the literature, and it has been suggested that more information is needed to understand how motivation (for example) may change as interaction occurs (Suzuki, 2020). The qualitative nature of my dissertation as well as the specific methodology and detailed observation of the mediations (as discussed in the Methods section) can provide some preliminary information about these queries.

It must also be noted that when my current research was proposed, virtually nothing was known about victims’ or offenders’ motivations for participating in VOM opportunities. At the time of proposal, the current study was aimed to fill this gap. Given that nearly a decade elapsed between the proposal and completion of data analysis, the study now serves as a way to add to

the existing information that has recently been gathered. There has also been a call for more research about the factors that contribute to an individual's participation in VOM (Choi, et al., 2010a; Hansen & Umbreit, 2018; Mohammad & Azman, 2021; Paul & Schenck-Hamlin, 2017). As will be discussed, the results of the current study both validate some previous researchers' findings, and provide new insights.

The value of my dissertation lies in its ability to provide information about VOM, which addresses the shortcomings of retributive justice and repositions victims as active participants in their own lives. By collecting qualitative records of how an individual experiences VOM and how this unique experience might be shaped, we may be able to better understand for whom VOM will be particularly successful. Conversely, there might be those for whom VOM is less likely to provide desirable outcomes and by learning more about this we can allocate resources more appropriately. We might also be able to suggest ways in which existing mediation programs can be improved in order to deliver a service that can better serve the needs of both victims and offenders of crime. Qualitative research will allow participants the opportunity to describe their experiences in a way that respects the uniqueness of their individual situations. In this way, a qualitative approach mirrors the concepts upon which restorative justice approaches were created.

## Methods

The study was approached as an exploratory thematic analysis to address the main research question: What are the common themes regarding what VOM participants say about the VOM experience? Put another way, the research question was quite simply: What is happening here? This research question was born from my curiosity about the existing literature. While a large body of quantitative research suggests that the overwhelming majority of VOM participants report “satisfaction” with the VOM process, little is known about how or why this is the case. The following methodological outline describes a qualitative multi-case study design which addressed the above questions and introduced new ones as well.

### Choosing a Qualitative Approach

The research investigated VOM through a qualitative lens for several reasons. First, a qualitative approach is useful when little is known about an issue (Hancock & Algozzine, 2006), as it can address the question of what is going on within a phenomenon (Morse & Richards, 2002). VOM is still in the early stages of being researched and exploratory studies providing qualitative information can guide further study. Second, qualitative research allows the participants to describe their experience in their own words, explain the meanings that they assign to the experiences, and provide their interpretations (Morse & Richards, 2002). Given that qualitative research gives individuals the opportunity to have their own voice heard, it parallels the exact principle on which restorative justice was created. Not only the offenders but also the victims had an opportunity to share their experiences and tell their stories. Finally, qualitative research is appropriate in the criminal justice field because it leads to a great appreciation of the social world from points of view (i.e., victims and offenders) that are seldom experienced by others (Noakes & Wincup, 2004). A qualitative approach to the proposed research allowed rich,



descriptive data to surface which led to important findings with practical implications for the success and support of VOM.

### **Research Design and Sampling**

A multi-case study design was utilized. According to Mason (2002), this approach is appropriate when one wants to understand intricate aspects of data, social processes, or complex practices which are likely too complicated to be understood in another way. Mason also notes that the case study approach is appropriate when context is important to understanding a phenomenon. Case studies provide rich information about the meaning that certain situations have for those involved (Hancock & Algozzine, 2006). This research design allows components of the larger context to remain unseparated, which is useful when a holistic examination is appropriate (Jorgensen, 1989). Given that VOM is a complex experience with multiple key individuals, strong emotions, and a complicated context, a case study approach was a justified option for this research endeavor.

As articulated by Hancock and Algozzine (2006), case studies come in a variety of categories that refer to what, how, and why cases are being studied. Psychological case studies involve a focus on personal experiences and discovering the ways in which individuals look at the world. A collective case study involves an investigation of multiple cases that allow a researcher to theorize about a larger body of cases. Finally, an explanatory design aims to answer questions related to cause-and-effect situations, such as why or how something occurs (Hancock & Algozzine, 2006). The current study involved asking individuals about their experiences with VOM. More than one case was sampled in an attempt to understand VOM as a whole, and the research question involved a question of how/why VOM is effective. The multi-case study is therefore classified as psychological, collective, and explanatory in nature.

The issue of sampling in multi-case study designs has been discussed in the literature. Creswell (1998) maintains that a researcher should choose no more than four cases as a general rule-of-thumb, as a larger number dilutes the depth of information that can be achieved. He asserts that generalizability is of little meaning for qualitative research. Instead, a qualitative researcher should be concerned with what kinds of cases are selected, rather than how many. For instance, he discloses that he prefers to select cases that show different perspectives but sometimes chooses cases which are ordinary, accessible, or unusual in some way if there seems to be a reason to do so. Aiming for maximum variation in sampling multiple cases can allow the researcher to identify important and interesting patterns that are common across cases (Creswell, 1998). However, given that investigating VOM in this way is new and uncharted territory, more than four cases were deemed preferable in order to obtain meaningful information. Experts also state that sampling for qualitative research should be purposeful and cases should be chosen based on their ability to add new information to the data (Hancock & Algozzine, 2006; Mayan, 2009; Noakes & Wincup, 2004). This perspective was kept in mind while choosing cases for inclusion. Ultimately, there was such a variety of cases that presented to the mediation centers that almost every available case was selected. The exception was one case in which the pre-mediation interviews were conducted but the participants chose to withdraw from the study prior to the mediation occurring and asked that their existing data be removed.

Cases that were included had various configurations. In some cases there was one victim, one offender, and two mediators. Some cases had one mediator or more than one offender. In three cases, no victim was present (either by virtue of the nature of the crime or because they declined to participate). In these cases, a “proxy victim” was utilized, which was an individual

who had been trained as a mediator and agreed to participate in the capacity of a member of the offender's community.

Recruitment of the cases occurred at two mediation centers. The first one was in Minneapolis, Minnesota in the United States through the Conflict Resolution Center (CRC). The second center was Mediation Services (MS) in Winnipeg, Manitoba in Canada. Both centers conduct mediations with young offenders (i.e., ages 12-19), and the victims are both youths as well as adults. MS also conducts mediations with adult offenders. Both male and female victims and offenders were available. Willingness to participate as well as suitability of the cases took precedence over purposeful gender sampling. Ethnicity of victims and offenders included Caucasian, Hispanic, African American, and Indigenous Canadian. Full demographic information of participants can be found in Table 1. All participants received a \$15 gift card to Walmart or Target as an acknowledgement of their time and effort.

**Table 1.** Description of Cases

| Case # | Victim  | Offender(s)  | Offense  | Mediator(s)                                    | Other Info   |
|--------|---|--|--|--|--|
| 1      | Kiwi (13, Caucasian)<br>Accompanied by mother and father                | Jeremy (15, Caucasian)<br>Accompanied by father                | Receive or possess stolen property (Minnesota)<br>Stolen skateboard parts  | 1 male 1 female, both 30s and African-American | Three boys had stolen the skateboard parts from Kiwi at a skate park, but only Jeremy was willing to participate in mediation.   |
| 2      | Petey (34, Samoan)<br>Principal of the school<br>Jon Doe used to attend | Jon Doe (14, Biracial)<br>Unaccompanied                        | Knife in school (Minnesota)  | Female (20s, Asian)                            | Jon Doe was from a rough neighbourhood in Minneapolis, stated he carried the knife for protection. Father not in the picture, mother working a lot, mostly living with grandmother.                                |
| 3      | Ursula (60, First Nations)  | Noelle (15, First Nations)<br>Accompanied by group home worker | Assault (Manitoba)<br>Ursula was manager at Noelle's previous group home, and after being AWOL Noelle shoved Ursula into a wall, injuring her arm. | 1 male 1 female, both 30s and Caucasian        | Noelle was in a group home because her parents were battling addiction and she had been placed in foster care off and on throughout her life. The group home was in a rural part of Manitoba approximately 7 hours |

|   |   |  |   |  |   |
|---|---|--|---|--|---|
|   |   |  |   |  | from Winnipeg, and Ursula drove in to participate in the mediation. Noelle had been transferred to a group home in Winnipeg.  |
| 4 | Marie (26, Caucasian)                                 | Marshall (14, Caucasian)<br>Accompanied by grandmother; Dave (13, First Nations)<br>Accompanied by father and grandmother; Josh (15, Caucasian)<br>Accompanied by mother; Joe (13, Caucasian)<br>Accompanied by father | Theft (Minnesota)<br>The boys had stolen Army dog tags, a watch, a camera, and a cell phone from Marie's car. They had all belonged to her recently deceased husband.   | Male (50s, Caucasian)<br>Female (30s, Caucasian) | Marshall's parents were battling drug addiction and he was also in rehab at the time of the mediation. Dave's mother was incarcerated. Josh was from a strict religious family with two parents, as was Joe.  |
| 5 | Lenny (40, Caucasian)                                 | Sean (22, Hispanic)  | Assault (Manitoba)<br>They were strangers at a salsa dancing event. Lenny asked Sean where he got the cake he was eating, which Sean interpreted as a sexual advance. He shoved the cake in Lenny's face and stated that he would "see him later in the parking lot." | Female (30s, Caucasian)                          | Lenny had been the victim of other hate crimes in the past, one of which resulted in assault charges over a decade earlier. He worked as a librarian at a University in Winnipeg. Sean was in Canada from South America on a work visa and was hoping to apply for permanent residency ASAP as he was preparing to marry a Canadian woman. He worried that this charge would impede his ability to do so. |
| 6 | Chad (60, Caucasian)                                  | Jorge (17, Caucasian)<br>Accompanied by father; Perry (17, Caucasian)<br>Accompanied by mother and father  | Theft over \$5000 (Manitoba)<br>The boys stole the keys to Chad's truck from his daughter's locker, and took it for a joy ride during which they crashed it.  | Female (20s, Caucasian)<br>Male (40s, Caucasian) | Both Jorge and Perry had been friends with Chad's daughter prior to the incident, and they had grown up with her. All of the participants were from a middle-class suburb of Winnipeg.  |
| 7 | Male Proxy (30s, African American)<br>Not interviewed | Darnell (17, African American)<br>Unaccompanied.   | Theft of motor vehicle (Minnesota)<br>Stole a bait car.   | Male (60s, Caucasian)                            | Darnell's parents were both incarcerated, and his step-mom was unsupportive of mediation. He walked over an hour to attend by himself. Two of   |

|   |  |  |   |                                |  |
|---|--|--|---|--------------------------------|--|
|   |  |  |   |                                | his best friends had recently been murdered in gang-involved shootings.  |
| 8 | Female Proxy (40s, Caucasian)<br>Not interviewed | Jasmine (15, African American)<br>Accompanied by mother and infant niece | Theft (Minnesota)<br>Shoplifted yoga pants from a clothing store.   | Female (40s, African American) | Jasmine was being raised by a single mother who was also raising Jasmine's niece and presented as extremely stressed and impatient. Jasmine had experienced regular race-based discrimination which she talked about as having been relevant to her offending (i.e., "people always expect me to steal anyway, so I decided I may as well do it.") |
| 9 | Female Proxy (50s, Caucasian)<br>Not interviewed | Nelly (16, Biracial)<br>Accompanied by his aunt                          | Truancy<br>Damage to Property (Minnesota)<br>Punched a glass window at school and left. Stole \$200 from someone's purse on the bus (for which no charges were laid), then was picked up for truancy. | Male (50s, Caucasian)          | Nelly was being raised by his mother and stepfather who both worked a lot and his aunt was very involved in his upbringing. He had been assessed by school several years prior, and had been diagnosed with ADHD, OCD, and anxiety.  |

The mediation centres were provided with a copy of the research proposal and had the opportunity to ask questions. Once permission to recruit was granted, potential cases were identified. In order to protect all individuals' privacy, the case manager contacted the victims, offenders, and mediators involved in each potential case and asked if they were interested in participating. If all parties in a given case agreed, permission to contact them was requested. Written consent was obtained from all participants prior to the pre-mediation interview (see Appendices A, B, C, D, & E).

### Data Collection

Once the case study approach to answering a research question is chosen, one is still in the position of having to choose the method(s) through which the case(s) will be understood

(Mayan, 2009). Appropriate methods for conducting case study research include interviews, observations, and document review. Case study research should ideally use a variety of approaches for data collection in order to provide rich data and allow for triangulation (Hancock & Algozzine, 2006). The current multi-case study employed all three of the above methods for data collection.

Semi-structured interviews (using predetermined questions that led to further questioning as the interview naturally progressed) are often the best method of interviewing for case studies (Hancock & Algozzine, 2006). This statement is especially true when the researcher knows enough information about the topic being discussed that he/she can generate thought-provoking initial questions (Morse & Richards, 2002). Any researcher who engages in semi-structured interviewing must possess skills in asking probing questions, establishing rapport with the interviewees, and understanding the context of the project. The most effective way to conduct a semi-structured interview is by asking about less sensitive and emotional issues first, ending with a neutral topic, and embedding the heart of the research content within the middle section of the interview (Noakes & Wincup, 2004). This rule was reflected in the construction of the interview questions for this multi-case study (see Appendix F).

Victims, offenders, and trained mediators involved in each case participated in semi-structured interviews. These interviews occurred individually and each participant was interviewed pre-mediation and post-mediation. The mediator interviews were an exception to these guidelines, as they were sometimes interviewed in pairs for their convenience. Mediators were also only interviewed once (i.e., following mediation) rather than pre/post mediation). Each interview was audio taped and transcribed. Questions posed to the victims and offenders were aimed at capturing narrative information about their goals, thoughts, and feelings before

mediation. Post-mediation (3-9 months following the mediation, depending on individual availability), victims and offenders were interviewed again and asked questions about the meeting of goals within mediation, their thoughts and feelings about the experience, as well as what they believed contributed to the outcome. The mediators were interviewed immediately after mediation and were asked about how the mediation process went, what they believed worked or did not work in the particular case, and how it compared with other mediation experiences. Mediators were also prompted to share any information they had from their experience in the field about what contributes to VOM effectiveness. All participants were asked in each interview to give a definition of what they believed “effectiveness” meant in the context of mediation.

Participants gave consent for me to observe the mediations (see Appendices A, B, C, D, & E for the appropriate sections regarding consent to observe). I attended the mediation meetings and made field notes describing key happenings during the process such as content, as well as verbal and nonverbal responses. Observation in the context of qualitative research is appropriate when certain parameters are met, according to Jorgensen (1989). These parameters are: little is known about the phenomenon of interest, important differences may exist between the views, beliefs, or experiences of insiders and outsiders, and the phenomenon occurs away from the public view. VOM satisfies these criteria in that it is in a relative infancy in terms of being researched, insiders are likely to have first-hand knowledge that leads them to hold different views than those who have not experienced VOM, and mediation occurs in a very private setting. Therefore, observing the actual instances of mediation provided information that contributed to a holistic understanding of the cases.

The last method of data collection used was document review. Documents of several types can be used in qualitative research including questionnaires, file information, surveys, and previously written reports. (Hancock & Algozzine, 2006). For the purposes of the present research, questionnaires, scales, and file information were used. File information included any materials housed at the mediation offices which included mediation referral information and case worker notes. The purpose of file review was to flesh out details about history and the circumstances surrounding the mediation that might not have come up during the interview. Although questionnaires were administered that measured attachment style as well as trait empathy, shame, and guilt, this data was ultimately not utilized as it was believed to be superfluous to the research question and beyond the scope of the current study.

### **Approach to Data Analysis**

Numerous experts have explained the various ways in which case study data can and should be analyzed (i.e., Creswell, 1998; Noakes & Wincup, 2004; Rothe, 2000; Yin, 1989), and this information guided the analysis of the multi-case study's data. Yin (1989) perhaps allowed for the greatest amount of freedom, by asserting that the analysis of case study data depends on the researcher's thinking style, ability to consider other interpretations, and presentation of the evidence. According to this source, the primary concern is to ensure that the research question guides the analysis in order to answer the "how" and "why" questions that arise from case studies (Yin, 1989). Rothe (2000) outlined a step-by-step recipe for coding case study data which begins with a surface analysis and ends in finding themes and patterns of behavior within the data. This guide is especially helpful given that other sources such as Noakes and Wincup (2004) state that data must be coded (finding common themes, meanings, and understandings) before the true analysis begins. Analyzing the coded data then consists of thinking about the linkages



between themes that became apparent through coding. It is stressed that transcription and analysis should be done by only the researcher as it allows them to become steeped in the data and therefore more readily pick out common themes (Noakes & Wincup, 2004). The current multi-case study utilized Yin's (1989) advice for allowing the research question to focus analysis, Rothe's (2000) step-by-step instructions for coding data, and Noakes and Wincup's (2004) suggestion to take analysis further than simply coding the data.

The literature outlined above guided the design of the case study data. However, by the time the project reached the analysis stage I had more knowledge about qualitative research as well as a different supervisor, and thus the framework most closely adhered to was described by Braun and Clarke (2006) and elaborated in Braun et al. (2018). Their particular guide for analysis involves a six-phase process.

Phase One is the familiarization phase, during which I became further immersed in the data by reading and rereading the data. Given that all interviewing and transcription was done by me, this phase was easily completed. By the time all interviews had been transcribed, I felt familiar with all of the cases and participants.

Phase Two, the code generation phase, involved becoming more engaged with the data by attaching labels to chunks of it (i.e., coding). Braun et al. (2018) suggest that there are two approaches to coding – inductive coding (which looks at the data to find ideas for the codes), and deductive coding (which uses ideas to look at the data in search of specific things). Although I expected to find that most participants were satisfied with mediation based on previous literature, virtually nothing was known in terms of why that might be the case. As such, coding was done in a relatively “blank slate” way, and it fell into the category of inductive coding.

Given that my data consisted of numerous interview transcripts, my initial sweep of them resulted in a large number of codes. Some initial codes (such as “giving a gift”) eventually became final themes, while others (such as “mediator failed to provide validation”) were interesting but ultimately deemed superfluous to the model of mediation that I constructed from the data. Sometimes, initial codes (like “restoring normality”) contained useful information that turned into a final theme under a different name (in this case, “relief”). “Expecting to face anger” was an initial code that underwent numerous name changes such as “violated assumptions,” until finally serving as the basis for “corrective emotional experience.” Almost immediately upon starting coding I noticed that individuals talked about self-focused motivations or relationship-focused motivations, and this observation served as a powerful influence in the construction of my model. The coding phase of analysis was overwhelming and felt chaotic and at times unmanageable, but with some consultation with my supervisor who was more familiar with qualitative analysis (and a healthy dose of tolerance for uncertainty), my data reached the point of being fully coded.

In Phase Three, themes are constructed. Codes are turned into candidate themes either by grouping them into clusters of meaning, or “promoting” them directly from codes to themes. A “good” theme tells a story that is coherent, provides insight, and relates to the research question. This phase involved thematic mapping which is when a visual representation of the connections between themes is created. This thematic mapping generated several diagrams which were later developed into the model of VOM that is included in the Results section.

The theme construction and thematic mapping of Phase Three was both exciting and intimidating. Multiple days were spent in front of a whiteboard, writing and erasing parts of what would become my model of mediation. There existed a pressure to find the “true” model of

mediation that would accurately depict what my participants had really experienced. This is what Braun and Clarke (2022) refer to as “positivism creep.” Reflexive journaling was a vital part of this phase in order to process this positivism creep, and resulted in a reminder to myself that my beliefs, values, and assumptions influence the data analysis in such a way that my model’s value lies in it being unique to my research and participants.

Once themes were constructed, Phase Four began and consisted of revising themes. Some themes were discarded due to being “weak” or unnecessary. Others were deemed to be overlapping and were therefore combined. It was during this stage that subthemes were created, and some original themes were moved to subthemes (or sub-subthemes). As outlined in Braun et al. (2018), writing a paragraph about each theme and subtheme served to check that they were generally “good.”

The process of writing about each theme and subtheme in Phase Four naturally led to Phase Five which is defining themes. In this phase, thematic maps from Phase Three became more refined and complete and were eventually turned into a model. Braun et al. (2018) note that this phase often involves renaming themes to be more descriptive and analysis moves from a more semantic focus to a latent focus. In this way, the researcher works with the data to see the meaning behind the words. By this point of analysis, a researcher is telling a compelling story about the data and the model begins to feel complete.

Finally, Phase Six involved producing the report that became the Results section. This phase is a final test of how well the themes “work” together. Braun et al. (2018) note that a researcher should remain flexible in this phase, even though an emotional attachment to the themes and maps/model may have formed. Phase Six is still part of the analysis process, and

things can (and should) change if analytical observation suggests it is necessary. During this phase, some changes to theme labels and organization occurred even at this late stage.

### **Legitimacy and Rigor**

As with any research, it is important to ensure the legitimacy of the results. One way of confirming findings is to share the analyses and conclusions with participants. Member checks allow participants to view the information gleaned from their experience and provide comments and opinions about it (Creswell; 1998; Hancock & Algozzine, 2006; Noakes & Wincup, 2004). Member checking occurred during the current research, at the time of post-mediation interview. Individuals had the option to waive their right to review transcripts when they provided consent to participate.

Before data collection began it was decided that should an individual from a case no longer be available (or consenting) to finish the study including the member checking process, the case would either be retained without that data, or discarded. The decision was made based on factors such as how much information was collected from the case up to the point the individual became unavailable, and the specific conditions under which the individual became unavailable. In one case as previously stated, the participants asked that their data be removed and the entire case was therefore purged from the study. In another instance, the offender left the country prior to his post-mediation interview and neither I nor the case manager from the mediation center could get ahold of him. He had not withdrawn consent for his existing data to be utilized, however, and the victim in the case remained eager to participate. The case (which became known as Case 5) was retained without the offender's post-mediation interview being possible.

Another important step is having the report reviewed by other researchers (Creswell, 1998; Hancock & Algozzine, 2006). Peers/colleagues as well as my supervisor and research committee members served in this function. It is mentioned in the literature that peer reviewers should act as “devil’s advocate” and pay particular attention to how well the research provides a vicarious experience through the descriptions as well as showing empathy for all sides (Creswell, 1998).

Another way of ensuring legitimacy and rigor is to articulate personal biases, explain how they may have shaped the study, and describe how they were addressed within the research design (Creswell, 1998; Hancock & Algozzine, 2006). Known biases and counter-transference reactions were noted and recorded as they occurred during the multi-case study. Journaling counter-transference as well as internal biases was done throughout the data collection and analysis, and every effort was made to be transparent about biases while reporting the findings of the study.

Lastly, appropriate preparation and skill helped to ensure legitimacy and rigor. Aspects that were important included conducting an extensive review of the literature, selecting the correct design and methods, using appropriate sampling, being responsive to pitfalls, and having the qualities necessary of a good case study researcher (Morse & Richards, 2002; Yin, 1989). A literature review was conducted and continued to be updated throughout the duration of the study. Other research designs and methods were considered and a collective case study was found to be the most appropriate in this instance. Purposeful sampling was employed, using guidelines outlined in Morse and Richards (2002). They suggest that good informants have vast knowledge about the experience of interest (in this case VOM), are willing to reflect on it, have time to do so, and are willing to participate in the study. Responsiveness to pitfalls was achieved

by remaining flexible. Finally, according to Yin (1989), a good case researcher has the ability to ask good questions, listen effectively, be adaptive and flexible, understand the issues at hand, and be unbiased. Before beginning data collection, I had reached the senior years of clinical psychology training and completed all coursework and practicum experience, which is likely to have cultivated the abilities that make a good case researcher.

### **Analyzing the Data**

The road through data analysis was by no means linear. At first I began by grouping all victim transcripts, offender transcripts, and mediator transcripts together and analyzing them in those groups. When analysis was approximately 75% complete, Dr. Steve Wormith my supervisor passed away. This unexpected event meant that there was an abrupt transfer of the project's supervision to Dr. Jorden Cummings. She suggested that by analyzing each case one by one, the relationship between parties would become the focus which is more in-line with restorative justice ideals. Case 4 (Marie, Marshall, Dave, Josh, and Joe) was selected as the first to analyze due to it having the most participants and complexity. Given that VOM is purported to revolve around the victim, the analysis began with the victim pre-mediation transcript, then the post-mediation transcript. This process involved reading through the transcript and highlighting/labeling anything that might be a potential theme. The same was then done for each of the four offenders in the case. After the transcripts were coded for the victim and offenders a memo was written to expand on each observed and coded theme. The mediator interview was then coded but at this juncture the decision was made to leave the rest of the mediator interviews unanalyzed. Given that they were describing their own views of how mediation works they could potentially influence how I viewed victim or offender transcripts. The data set was also already large and complex with just the victims and offenders, and a frequent sentiment among the

participants was that the mediator had not influenced the experience in a significant way in most cases. Therefore, although the mediators' views were seen as interesting and valuable to VOM in a larger context, for the purposes of the current study they were decidedly outside the scope of interest.

From Case 4 a preliminary model of the mediation process began to take shape, bearing in mind the importance of keeping early conceptualizations flexible, and guarding against confirmation bias when analyzing other cases. This preliminary model addressed expectations, choosing mediation, the relationship in the mediation room, and outcomes. The model was then put aside so as to limit its influence on coding of the later cases. What had become evident from Case 4 was that there was a strong theme of the victim giving a "gift" to the offender(s), and the relationship that formed in the room appeared to be an integral part of the process. The notion of the gift being given in Case 4 was so central to how this case operated that I wondered if it would become apparent in the other cases as well. (In this way, my analysis was potentially influenced by the order in which I analyzed my cases. If I had started with an unsuccessful case I may have noticed something other than the gift and as such may have "missed" this theme later). Given that the relationship seemed to carry such weight, it occurred to me that the behavioural observations from each mediation could be coded as well, to obtain more information about the interpersonal dynamics. This was completed and led to further understanding of what happens in the mediation room between participants. Once coding the observations was finished for Case 4, Case 6 (Chad, Perry, and Jorge) was selected as the next one for analysis due to its straightforwardness.

Coding Case 6 led to the discovery that victims and offenders can have either self-focused or other-focused goals (described further in the Results section), and hypotheses began

to form about why some cases “felt” more successful than others even though everyone said they were happy with the outcome. Perhaps there was more than one definition of a successful outcome, and a transformative process was not the only way to end up satisfied. Satisfaction could be on a continuum and what determines where one ends up is the extent to which they are open to or primed for the transformative/relational process. A corrective emotional experience seemed to be happening for some of the offenders – someone they had harmed was willing to sit and talk to them without anger, which offenders seemingly found both surprising and healing.

In memos to myself after considering both Case 4 and Case 6 I reflected on how qualitative research addresses the notion of  $n=1$ . Each case was becoming an example of what happens under certain circumstances. Rather than aiming for generalizability (with which quantitative research is concerned), valuable and interesting observations could be made from my cases as they were different from each other in various ways (demographics, type of crime, self/other focus, depth of satisfying outcome).

The next case selected was Case 3 (Ursula and Noelle), because it was an example of the victim being very invested and other-focused while the offender was purely self-focused. From this case more information was gathered about what “success” really means. To some offenders it appears that simply not going to court or jail is considered highly successful. There remained some questions that the data could not answer, such as whether there was deeper meaning to some statements than just what the participants said. The transcripts could unfortunately only provide hints from each narrative and enough time had passed that finding the participants again was not an option. However, this potential angle of inquiry provides an opportunity for future research.



The findings from Case 3 supported the idea that what one expects from mediation is important, but one does not necessarily need to get it in order to feel satisfied with the outcome. In situations where an individual's expectations are not met, it was still possible to end up satisfied, but the satisfaction is qualitatively different than that which is experienced when everything one hoped for has been achieved. Another paradox from this case is that the relationship was important and influential but did not need to be perfect. Some flexibility within the participants seemed to help move things towards a desired outcome.

After analyzing Case 3, attention was turned to Cases 1 and 2. Case 1 (Kiwi and Jeremy) provided an example of a victim and offender who were both engaged and invested in the process with both self-focused as well as relationship-focused motivations. They walked away from the mediation feeling both satisfied and transformed. Case 2 (Petey and Jon Doe) was similar to Case 3 in that the victim was relationship-focused going into motivation, but the offender was less engaged. Despite this, the victim was again able to find satisfaction (and indeed transformation) following the mediation.

At this juncture in the analysis process, the cases that remained to be analyzed were Case 5, as well as 7 through 9. Case 5 (Lenny and Sean) was a case where mediation had been discontinued after several hours given that the mediator felt it was not progressing and should be revisited at a later date. The separate parties had come to an agreement through phone calls with the case worker afterwards, but the offender then chose to leave the country rather than fulfill his restitution agreement (which was a letter of apology). The fact that this mediation had been discontinued made this case in some ways more complicated. This case was coded like the others and information was learned from it (such as how a victim sometimes has needs that cannot be

fulfilled through a mediation approach). However, it was also viewed as a divergent case which is discussed further in the results section.

Cases 7, 8, and 9 involved proxy victims who met with the offenders. Because of this difference in configuration they were also generally viewed as divergent cases but were also coded. There was less relational information in these transcripts (given that there is inherently less meaning in the relationship between an offender and a proxy than an offender and an actual victim).

Once all cases were coded and themes were gathered, I set about creating a graphic model representation of how mediation works. Several iterations of this model were created, and the process consisted of trying to make sense of how the themes fit together. Some themes seemed inarguably linked with each other, while others were quite different. There was a circular process of reviewing cases, refining the model, reviewing cases again, and further refining the model. Meanwhile it became clear that there were gaps in information about how the relationship forms, so transcripts and behavioural observations were checked for this information specifically. Unfortunately, the interview questions had not led to deep enough responses to glean more information from them in this area, so this was noted as an area for potential future research. Finally, a model was produced that seemed to fully represent what I had observed in all nine cases of mediation. A saturation check was conducted, and the model and themes were sometimes amended or further developed as the results were written and my understanding of the mediation process continued to evolve.

## Results

### Overview

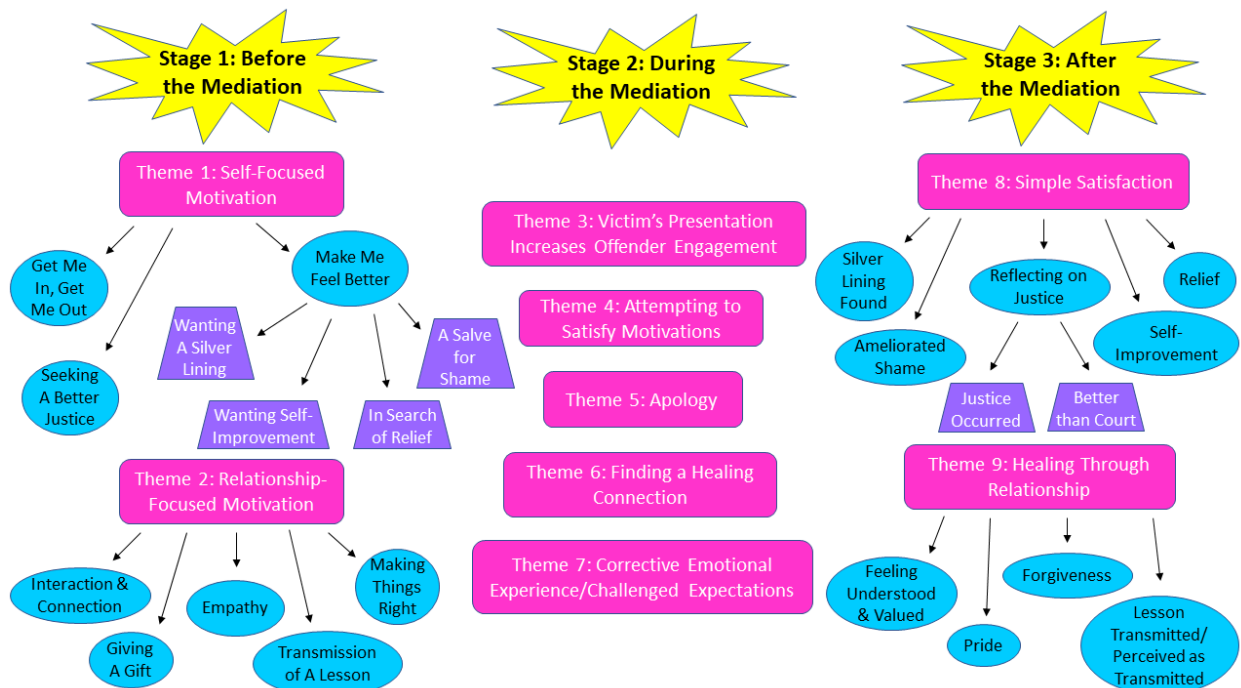
Consistent with previous research, victims and offenders in my study all experienced satisfying outcomes following mediation. My analyses revealed a distinct qualitative difference in the *type* of satisfying outcome for victims and offenders (see Figure 1, below). While almost all victims and offenders described experiencing a satisfying outcome, for some victims and offenders this outcome seemed to be accompanied by a potentially long-lasting personal impact from the mediation process that could lead to meaningful, transformative change. As will be discussed, victims and offenders who experienced this type of change described the same satisfying outcomes as those who did not, but also reported additional outcomes that appear likely to predict a longer-term impact of mediation. For victims this included a sense of pride for having participated in mediation, feeling valued, and a healing connection.

The main focus of my analysis was to explore participants' journeys from mediation to satisfying outcome, as well as to understand what might influence a participants' likelihood of experiencing transformative change along with a satisfying outcome. Victims and offenders who participated in my dissertation began the mediation process with one or both of two potential types of motivation: relationship-focused mediation (i.e., motivated by the possible interpersonal repair of mediation) or self-focused motivation (i.e., motivated by potential personal outcomes only). For victims, choosing to do mediation from the relationship-focused stance was a necessary requirement for experiencing transformative change along with their satisfying outcome. For offenders, the relation between motivation and outcome was more complicated: Although relationship-focused motivation also led to satisfying outcomes with positive change, offenders who entered the process with self-focused motivation could also experience

transformation, depending on the quality of the connection with the victim during mediation. Thus, the victim, relationally, had the power to alter the offender's outcome.

The connection formed between the victim and offender *during* mediation was also a crucial ingredient for transformative change. Formation of healing connection during mediation had two components, one for victims and one for offenders. For victims, it involved the perception that their "gift" to the offender had been received. For offenders, it involved having a corrective emotional experience during mediation, particularly one that challenged their expectations. Victims and offenders who experienced these components during mediation experienced transformative change with their satisfying outcome, indicating that the connection between victim and offender is a core ingredient for such an outcome. The victim was an important driver of this interpersonal connection during mediation. For example, victims who possessed relationship-focused motivations were able to exert influence to help the offenders "change paths" and move from self-focused motivation to experiencing transformative change.

**Figure 1.** Graphic representation of entire model



Below, I discuss this model in more detail, providing an overview of each stage and its subthemes. I also illustrate these themes and subthemes with appropriate exemplar quotes from my participants' interviews.

### **Stage 1: Before the Mediation**

As mentioned, each victim and offender approached mediation with particular motivations for engaging in it. My thematic analysis indicated two subtypes of such motivation: Self-focused motivation and relationship-focused motivation. Self-focused motivations were primarily focused on what the individual could gain or avoid by engaging in the mediation process. Individuals who held relationship-focused motivations had reasons to participate in mediation that considered the potential interpersonal connection. As shown in Figure 1, each motivation type contained several subthemes of specific motivators that could be involved in a victim's or offender's choice to pursue mediation.

It is important to note that these types of motivation are not mutually exclusive. For example, participants who reported experiencing forms of relationship-focused mediation also often held self-focused motivators as well.

#### ***Theme 1: Self-Focused Motivation***

All participants talked about self-focused aspects of participating in victim-offender mediation to varying degrees, even in cases where the participants' main focus was on relationship-driven concepts. This Self-Focused Motivation theme consisted of three subthemes, or specific self-focused motivators: Get Me In and Get Me Out, Seeking a Better Justice, and Make Me Feel Better. The subtheme of Make Me Feel Better was further broken down into: Wanting A Silver Lining, A Salve for Shame, Wanting Self-Improvement, and In Search of Relief. In some cases, self-focused goals were a welcome bonus or "cherry on top" of the

process. For others, self-focused goals made up the primary (or sometimes sole) reason for the individual choosing to participate in mediation. Below is a description of each sub-theme, including participant quotes that illustrate each.

**Get Me In, and Get Me Out.** Get Me In, and Get Me Out represented offenders who were not enthusiastically choosing to participate in mediation. Rather, in some cases someone (i.e., a parent, lawyer) had told them to do so. There were numerous examples of this in the interviews:

*Um, well my parents decided that this would be a better choice than going to court. (Joe, offender, Case 4)*

*I didn't choose. My parents did. If I had a say I would have gone to court. I told them, but they said we're coming here. So I'm here. [...] I've got nothing better to do. I may as well be here. I'm not happy about it but I'm not that mad either. Well I guess a little, like this seems like a pain. But whatever I'm here. To get my grandma and my dad off my back. (Dave, offender, Case 4)*

*Well I dunno man I mean it was really my stepmom. Yeah she like basically decided for me and told me to show up. [...] I guess I also just want to get it all over and done with you know what I mean? [...] I guess like maybe four months ago or some shit. My stepmom got a call from my lawyer and he said this was something I could do you know because its my first court case, so she told me to get on board with it. (Darnell, offender, Case 7)*

In some cases, the offenders had other self-focused interests (such as avoiding court, as discussed below) and were viewing mediation as a necessary hurdle to get what they wanted. Offenders whose narratives fit in this theme expressed a recurrent sentiment of “let’s just get this

over with.” As will be discussed later, this attitude sometimes evolved in the mediation room, based on the relationship formed with the victim during mediation.

*The court system told me that I could do a program so that I don't have a warrant. I could avoid custody that way. (Nelly, offender, Case 9)*

Only one victim described experiencing this subtheme. In this instance he was the youngest victim of the group (13 years of age) and his perception was that his parents had told him to participate. Although he viewed this decision as having not been his own, he also stated that he was “fine” with their decision and had never considered refusing.

**Seeking a Better Justice.** One of the primary reasons for the restorative justice movement was the inadequacy of the colonial retributive justice system (Zehr, 2015). It therefore comes as no surprise that one of the recurrent concepts in the narratives of both victims and offenders was the desire to find an alternative to the court system (e.g., finding “better justice”). This subtheme came up numerous times despite none of the interview questions specifically addressing it, suggesting that it was particularly salient for participants.

Participants identified a number of reasons they felt VOM provided “better justice.” VOM seemed easier, less scary, or more flexible than court. Some individuals liked the face-to-face nature of the experience, or the fact that they would be able to both hear and be heard. For some offenders, attending mediation was merely a means of avoiding retributive justice procedures, whereas others believed mediation was a more appropriate method of addressing their actions.

*Well like how much can you really learn by going to court and doing a few community service hours or going to jail or something? Like this way you get to sit with the person*

*you actually did something to, and say you're sorry and hear their story and it hits you a lot more like that I think. (Marshall, offender, Case 4).*

*There are better ways to deal with charges than going to court. (Noelle, offender, Case 2).*

Another way in which VOM was viewed as a pathway to a “better” kind of justice is in scenarios in which the crime was likely to slip through the cracks of school-based discipline or court-based retribution. Sometimes the victim wanted to see the offenders “brought to justice” but anything the colonial court system could provide seemed inappropriate, ineffective, or unlikely to happen. The victim therefore viewed VOM as a way to ensure that the offenders had to face the consequences of their behaviour. VOM was therefore paradoxically viewed as both “friendlier” and “stricter” than the systems to which it was compared.

*I didn't want to take anything from Noelle. Honestly I think I just wanted an apology and some acknowledgement. (Ursula, victim, Case 3).*

*So to have somebody that just sort of nonchalantly takes a set of keys, takes my truck, does \$13000 damage to it and without any real repercussion to speak of okay, that's a little bit disturbing to me. So I wanted to see that there were some real consequences for this. (Chad, victim, Case 6).*

*I just don't know if um I'd be likely to feel like the system valued my experience. So I think that's why like I chose this path. [...] I guess there's also um if I'm really honest I'm hoping that Sean learns that like, you can't treat people like that. Um at least not without having to pay for it. And even if that means he's gotta sit there for a few hours when he'd rather be somewhere else you know, that might be good enough. [...] I want to walk away from it feeling like Sean took responsibility and acknowledged what he did*



*wrong or like even that he did do something wrong. Yeah I think that's the biggest part right now. (Lenny, victim, Case 5).*

**Make Me Feel Better.** One of the ways in which both victims and offenders talked about self-focused motivations for participating in mediation was through the concept of feeling better. What “better” meant differed from person to person, but there was a common idea that discomfort would be lessened and positive feelings or experiences would take its place. The concept of feeling better was generally grouped into four distinct ideas: Wanting A Silver Lining, Wanting Self Improvement, In Search of Relief, and A Salve for Shame.

*Wanting a Silver Lining.* Some individuals talked about a desire to find a silver lining through the experience of VOM. Participants who discussed Wanting A Silver Lining described the negative consequences of the crime and how they wanted something positive to come from the experience. This desire seemed quite important to some of the participants and appeared to be an integral part of how they viewed the mediation as having meaning. In other words, the mediation was the vehicle by which they could attempt to reach a positive outcome from what they considered to have been a negative experience (i.e., the crime). Without such a process, for those participants, a silver lining was difficult or impossible to find. From what the victims and offenders shared about this concept, they seemed to take comfort in the belief that something good could come from something bad. They may have suffered as a result of the crime or felt uncomfortable during the mediation process but seeing a silver lining was a way to view the experience as not having been for “nothing.”

*From the minute it was offered to me I thought “hey this is a great idea, what a great alternative to dealing with everything in court. Because court isn't going to bring my*

*husband back, or pay for those pictures, or any of the stuff that was lost. But here maybe something good can come out of something awful. (Marie, victim, Case 4).*

It is important to note that Wanting A Silver Lining involves the internal process of hoping that at the end of the experience, one can view it as having served a purpose, for oneself. It does not involve the other party and is solely about one's own desire not to continue to view the experience as a purely negative event.

*Wanting Self-Improvement.* This subtheme refers to how individuals talked about wanting to undergo a transformation process, have a learning experience, or reach a turning point. While some individuals described these improvements as happening to them as a result of the crime itself, others explicitly hoped mediation would provide the opportunity for growth.

*Me and my good buddy Perry will just like benefit from like gaining more like common sense basically and just being more responsible. (Jorge, offender, Case 6).*

Many offenders talked about wanting the experience to get them "back on track." They seemed to view themselves as having been headed down a less-than-desirable path such as having negative peers and not thinking about the future. Then they committed a crime and by virtue of needing to answer for their actions (or seeing the consequences of them), they had become motivated to make better choices.

*Oh I think it's going to help me change my behaviour so I don't make a mistake like I made, it's going to give me like help me out like think through my actions before I do it. That's been a big problem for me and like it's gotten me in trouble before but this time is really big. Um, well I'm going to mediation so that I don't forget it but I learn from it. Maybe this can be something that pushes me in a better direction than like what I was you know, what I was going in. (Nelly, offender, Case 9).*

Interestingly, this subtheme was not just limited to offenders, although it was less commonly heard from victims. One victim talked about being in the process of learning to “roll with the punches” more because of mediation, while another said that he was proud of himself for being about to speak in front of strangers. A third victim viewed his participation in mediation as a way of aligning his actions with his personal views about how to care about students in his role as Principal of a school. He also explained that making the time for mediation was helping him stave off the jadedness that often plagues others in his position. It seems that some victims are able to view themselves as improving in some way by going through the experience of mediation. This occurrence is also thematically linked to the subtheme of Wanting a Silver Lining, given that the self-improvement is sometimes the silver lining of the situation.

*In Search of Relief.* The majority of participants talked about wanting something they called “closure.” When this word came up in interviews it begged the question – what exactly does closure mean? Most individuals described wanting to be relieved. Participants described hoping that relief would mean not having to expend cognitive energy on the situation anymore, not feeling the emotional turmoil that resulted from the crime, or simply not having to lose any more time to dealing with the issue. Participants talked about wanting life to return to “normal,” or being able to “move on.”

*I won't feel better until I apologize. [...] Like this is the first time I did something that hurt someone and I just feel really badly about what I've done and like I wish I hadn't done it. I think about that a lot. [...] I want to go back to before it happened. Like if this mediation thing could erase it, that would be perfect for me. (Joe, offender, Case 4).*

*Well I'm just looking forward to finally putting closure on this thing and we can say this is what we want and if it's something that everyone agrees to it's up to the courts to make*

*sure it happens. I'm actually looking forward to this because it's been hanging over my head for so long and once it's over maybe we won't have to talk about it at the dinner table anymore. (Chad, victim, Case 6).*

*Closure is something that's different for everyone. It's just a feeling that yeah okay its over now and I can move on. It's about getting unstuck and being like well maybe I wish that hadn't have happened to me but it did and it's not the end of the world and you stop thinking about it every day because other things become more important. (Ursula, victim, Case 2).*

*I'm glad the day is finally here because it felt like forever. I'm looking forward to feeling better after it's all over, you know? I think it will be a relief. [...] I'm worried that maybe he won't take this seriously or that I won't get the closure I need. Closure means that like I walk away from this feeling like okay good, I said what I needed to say and I heard what I need to hear and it all makes sense and I can move on now. [...] I think it's about undoing as much of the negative experience as you can. It's like you hope that it can make up for some of the pain and emotion and everything that happened you know as a result of someone's actions. (Lenny, victim, Case 5)*

For victims, searching for relief often meant wanting to feel like the scales had been rebalanced. For one victim who had been physically assaulted, relief meant hopefully feeling safe in his own skin again. For offenders, this subtheme manifested in a variety of ways. The variety included wanting to feel better about oneself (related to the next subtheme A Salve for Shame), being able to go about one's business again, and being glad that the situation was about to come to an end.

*A Salve for Shame.* This concept was seen only in the narratives of some of the offenders, and none of the victims. The offenders who talked about shame were motivated to attend mediation to ameliorate it. Shame involves a lens turned inward and was unrelated to the experience of the victim. Offenders described shame in terms of feeling badly, regretting their actions, and stating that their behaviour had not been consistent with the kind of person they believed themselves to be.

*I'm not a bad kid. I don't do stuff to hurt people. This is really not like me, so I guess you could say I have a guilty conscience now. [...] When I see Kiwi I just feel so sorry. Almost like you want to cry or something. I regret it a lot and wish I could go back in time and not do what I did. (Bobby, offender, Case 1).*

*Well what I was going to say is that this whole thing like it came with a guilty conscience, you feel me? I know how it looks like oh this young black kid he tried to steal a car. But I do feel bad about what I did. Today it'll be a good day if I leave feeling better about that. Like if it relieves my guilt. (Darnell, offender, Case 7).*

A number of the offenders used somatic metaphor to describe their feelings of shame. Descriptions such as there being a “weight on one’s shoulders,” “a pit in one’s stomach,” or “wanting to disappear” were given. One participant noted that shame was a deeply internal process for him and that his outward expression of stoicism did not mean that he wasn’t feeling ashamed.

*I felt really guilty and sorry. Like why I did it, and how it made her feel. That was weighing on my mind for sure. Especially why I did it. So I got to get that stuff out I guess. [...] Like maybe I wasn't crying or something but I was sitting there and like thinking about how badly I felt. (Dave, offender, Case 4).*

Although shame was overwhelmingly discussed as a negative feeling, participants described facing it during mediation as a way of “getting it out.” It seems that although participating in mediation meant feeling more shame *in the moment* by virtue of experiencing and discussing the consequences of one’s actions, it provided an opportunity for catharsis. In the narratives of offenders, shame ranged in intensity from being viewed as a worthwhile side-effect of participation in mediation, to the very reason for it.

### ***Theme 2: Relationship-Focused Motivation***

Whereas all participants talked about self-focused motivation, relationship-focused motivations were less frequently discussed. In fact, not all of the offenders had these particular motivations (but all victims did). Participants could hold both self-focused motivations and relationship-focused motivations at the same time, and relationship-focused motivation appears to represent an “optional” path. These motivators focus on the interpersonal benefits that both victims and offenders might receive from the mediation process. In various ways, all of the subthemes that will be discussed focus on the other person or people in the mediation, or one’s relationship to those other parties.

As will be discussed later, an offender may arrive at the mediation with no relationship-focused motivation at all (for instance, an offender who participates purely for the sake of avoiding a criminal record). However, offenders can be “pulled” into valuing relationship-focused aspects of mediation via the “gravitational pull” of victims during mediation. That is, not every offender needed to *begin* mediation with a relationship-focused approach to end up experiencing one. Motivations for mediation could change during the process of mediation itself. This process will be discussed more in Stage 2.

There are several different relationship-focused motivations that were discussed by participants. These motivations consist of: Interaction and Connection, Giving A Gift, Empathy, Transmission of A Lesson, and Making Things Right.

**Interaction and Connection.** One aspect of relationship-focused motivation was the desire for interaction and connection. This includes an individual's desire for communication - specifically the desire to give and/or receive information. Within this subtheme, there are a variety of ways participants could meet this need. For example, some victims wanted to know why the offender(s) had committed the crime. Often both parties wanted to share their feelings about the crime, including the impact it had on the victim, or the remorse that the offender felt. Sometimes offenders wanted to be granted forgiveness, and sometimes they just wanted to apologize. Some victims wanted to receive an apology, while others felt it was unnecessary.

*Um, basically just an opportunity to state my case", "I'd much rather be like hey you guys, here it is, now you can deal with it. I was violated", "Sorry is just a word but really having to face what you did is bigger than that", "I can see that there's going to be a lot of talking. I've been around for 62 years so sorta been there done that. I'm just ready for it", and "Once this is done I'm going to consider it done, and if they want to be over at my house with my daughter that's probably fine. (Chad, victim, Case 6).*

Interestingly, one offender voiced a desire to share that she felt she had been treated unfairly by the victim. Aside from having other self-focused motivations for participating in mediation, she saw the meeting as an opportunity to interact with the victim and get her point across as well.

Individuals also talked about a desire for positive interaction with the other party going forward. If there had been a pre-existing relationship between the victim and offender, they

hoped for a repaired one and if they had previously been strangers they sometimes hoped to open the door to interaction in the future.

*I expect this will be a pretty friendly experience. [...] Well that's the irony about this situation – sometimes you don't know students as individuals until there's a problem. So now that I know Jon Doe, I would expect that we'd have friendly exchanges with each other if our paths ever cross again. (Petey, victim, Case 2).*

It was also noted that several offenders expressed worry about being on the receiving end of anger from the victims or proxies. They hoped for interaction and connection but feared (and in some cases expected) that they would be faced with barriers in the form of anger directed at them for their actions. An offender who had expected a victim to participate while showing anger sometimes had the experience of being surprised at how kind and understanding the victim actually was, as discussed more in Theme 7.

Although there were found to be multiple facets to this subtheme, it all boils down to an exchange of words, ideas, and feelings. Some participants further shared that this interaction was part of “closure” to them. Notably, this is a piece that is often missing from retributive court proceedings, where lawyers and judges speak for the parties. Mediation allows participants to use their own voices; victims and offenders have the opportunity to speak to one another. Indeed, as evidenced by this subtheme, this seems to be part of the draw for many participants.

**Giving a Gift.** An interesting finding that arose from the transcripts was the notion of altruism. Some participants discussed wanting to provide something for the other party in mediation, without expecting to receive anything in return. For example, several victims talked about wanting to provide the offender(s) with a positive experience, usually in the form of showing them that “someone cares enough to show up.” They discussed showing the offender



that someone supports them and wanting to help them feel valued enough to make better choices in the future. For example, one victim explicitly stated, “I’m here for their benefit, not my own.” In this way, participating in mediation was seen as a favour that the victim was doing for the offender(s).

An example of this subtheme was found in the narrative of Petey in Case 2, who made numerous statements about helping Jon Doe by participating in mediation:

*I just thought about it some more, and thought about what would have made a difference for me as a kid if I had been in Jon Doe’s position. Then I realized I had to make this a priority because it’s so important. I want to be part of turning this kid’s life around.*

*I’m hoping, I guess, I don’t know that I’m really hoping to get anything myself personally from this, I’m hoping that this can bring some closure to Jon Doe’s experience at First High School and if in some way it helps him either get the criminal charge dropped or whatever it may be, then I think that would be what I’m looking for.*

*Hmmm, well I guess I’m thinking that he might think he got a raw deal here with having to leave the school. So I hope by me doing this he can see that some people really do care and that we don’t think he’s a bad person or anything like that.*

*Um, just to be able to look Jon Doe in the face and have him look back at me and say you know I respect you and I don’t harbour any ill will toward you and I never really did in the first place and it was just one of those situations where you know, move forward.*

*I want Jon Doe to know that we still support him.*

*Yep, I’m here to let him know that just because he doesn’t attend the school you know, that there are still people at First High School who care about him and want to see him be successful as a young person and as a student and as a future citizen.*

Given that the literature talks about mediation as a setting in which the victim's needs take priority, it was noteworthy that quite a few victims chose to view themselves as participating for the benefit of the offender(s). The way they described the offender(s) suggests that they conceptualized them as being deserving of their time and effort. There was sometimes a stated belief that "kids do things without thinking," and that mediation was a way to help the individual get back on a more prosocial path in life. Some victims appeared to see themselves as the "white knight" who was there to put their own needs to the side for the sake of helping a younger, less fortunate individual. They sometimes talked about how they imagined that showing how much they cared about the offender(s) might help them overcome obstacles in their lives.

*I just wanted to help a kid that nobody has really cared about like they should. (Ursula, victim, Case 2).*

**Empathy.** Several individuals expressed empathy in their narratives. For the purposes of my dissertation, empathy was defined as the ability to put yourself in another person's shoes and imagine what their experience might be like. For a few victims it seemed that their ability to feel empathy for the offenders enabled them to humanize the offender and understand what their motives for their crime may have been. This in turn made it possible for them to want more for the offenders than simple punishment. When offenders discussed empathy, they made statements that required them to put themselves "in the victim's shoes."

Although offenders often expressed remorse and guilt, this was coded differently than empathy and only statements that directly expressed insight into the victim's experience were coded under this subtheme.

An example of a victim expressing empathy is when Ursula (the victim in Case 3) made the following two statements:

*There's a lot of good in Noelle.*

*Most, every time I think of Noelle I think of what could have happened here? What happened to you? Because this is a tiny little girl who's carrying a ton of anger. There's a tragedy here.*

Empathy is closely linked to the other interpersonal motivator subthemes of Giving a Gift, Transmission of a Lesson, and Making Things Right. Empathy is linked with both Giving a Gift and Transmission of a Lesson, because the victims must be able to view the offender(s) as being worthy of receiving a gift, in order to want to give one. For offenders, Empathy is linked to Making Things Right because in order to view themselves as having something to make up for, they needed some level of understanding and awareness of the other person's needs.

**Transmission of a Lesson.** Several of the victims talked about wanting to be part of a learning process for the offenders. To these victims, participating in mediation involved a desire to be part of a “turnaround” for the offenders. They had expectations that the offender(s) would face them and listen to the impact of their crime, thereby realizing the error of their ways and behaving differently in the future.

*Just watching the reaction of the kids. I'm hoping I'll see in their eyes that it's making a difference. I want to see something “click” like “hey, I need to make smarter choices from now on” or “that really wasn't worth the few minutes of fun. [...] I think they will get the consequence of their actions, you know thinking about how it's going to affect people before they do something. Imagine what a difference it could make if they got that now instead of years down the road after something else happens. That's why this is important to me. (Marie, victim, Case 4).*

Whether or not the offender indicated they would learn a lesson was irrelevant to this subtheme; this theme is regarding the participants' *intentions* regarding lesson transmission. One offender did state that he felt he would learn a lesson directly from listening to the victim in his response to being questioned about what he felt he would be getting from the interaction of mediation.

*Just re-thinking and knowing how she feels and learning from it basically. [...] I just hoped that what I had to say really put her heart at ease and that it really helped. (Josh, offender, Case 4).*

Giving a Gift and Transmission of a Lesson seem similar, as they both involve transmission of something from victim to offender. However, Transmission of a Lesson involved an expectation placed on the recipient of the lesson that they would change something, learn from the lesson, alter their behaviour, or otherwise experience some type of outcome from the lesson. In contrast, no such expectations were placed when Giving A Gift.

**Making Things Right.** Offenders talked about making things right by means of listening to something (for example, the victim's story about how they had been impacted by the crime), saying something (such as an apology), or doing something (like favours for the victim or community service). They appeared to view these behaviours as their way of restoring balance and "making up" for their transgressions.

*Well I know that I needed to make it right, what we did. So if I get charged and have to do jail time or something, how does that make anything better for Chad? So this way I'm able to face him and say I'm sorry and sorta show him that I'll do whatever it takes to make him feel better about what we did. [...] I want to feel like I've repaid them as well as I can and as well as they would like me to. For them to be happy. [...] I guess its more*

*important just for me to show him how sorry I actually am. Like by doing something to help out. (Perry, offender, Case 6).*

This subtheme differs from the self-focused subtheme of A Salve for Shame, because rather than being inwardly focused on making oneself feel better, the offender is concerned with righting the wrong that they have done.

## **Stage 2: During the Mediation**

During the mediation process itself, participants brought their unique thoughts, beliefs, feelings, and fears to the room. What happened during mediation often surprised one or more of the parties present and sometimes the difference between expectation and reality led to interesting and unexpected experiences.

Themes that relate to the mediation can be conceptualized as falling into one of two categories. The first category includes themes that capture participant experiences that occur or unfold during the mediation itself but are completed within the mediation room. That is, by the time mediation ends these themes have ended as well. These themes are: Victim's Gravity Increases Engagement, Attempting to Satisfy Motivations, and Apology. In contrast, the secondary category represents processes that *begin* during the mediation but appear to continue to unfold and impact the participants after they leave the mediation session. Themes that fall into this second category are Finding a Healing Connection, and Corrective Emotional Experience/Challenged Expectations.

### ***Theme 3: Victim's Presentation Increases Engagement***

Even though one's motivation for participating tended to influence how one initially presented in the mediation room, important changes sometimes occurred as mediation unfolded. At times, individuals were observed to become more engaged during the mediation meeting.

Offenders who were initially detached and appeared bored with the process sometimes started making eye contact, actively listening, and even contributing to the conversation. In one case the offender told me in the post-mediation interview that listening to the victim's story had increased his level of empathy and therefore engagement. Sometimes an emotionally open and empathetic presentation by a victim encouraged an initially minimally engaged offender to commit to the process in the room. In this way, one's pre-mediation motivations sometimes shifted via the gravity of another person (usually the victim). Case 4's victim Marie impacted all four of the case's offenders in this way. Prior to mediation, the four boys had varying levels of engagement in the process.

*I didn't expect that when I took the stuff from the car, it was going to mean anything to anybody but hearing Marie talk about her story and stuff, that was hard to sit through. [...] I was just like thinking to myself that it was sad that I had to see what she was going through. It was tough to listen to her story. It would have been easier not to listen but it was like, what she was saying was so sad that I had to listen and realize what she'd been through. (Marshall, offender, Case 4).*

*I just felt the guilt piling on because of just the reality of it because it wasn't as hard when I guess I just knew the circumstances it was just a lot more hard when I actually met the person. (Josh, offender, Case 4).*

*Well it just felt so bad to listen to her story and like see how upset she was and like to remember what we did and that we can't change it because you know like I wish I could because then I wouldn't have hurt her. (Joe, offender, Case 4).*

*And it was cool to listen to her talk because when else is that going to happen where you do this shitty thing to somebody and they want to sit down with you and tell you how you*

*affected their life. It was a cool thing to do. [...] I thought it would be a waste of time but honestly I was pretty interested in it once Marie started talking. [...] Yeah like I got into her story and she was I guess just easy to listen to because she wasn't yelling or saying anything crazy. She was just like hey you guys did this and now this is what happened. [...] Um, I thought it was going to be boring and a waste of time but it was the complete opposite. I went into it like "oh god, I could be doing fun things right now instead of going to this waste of time" but I really enjoyed it. [...] Even if you feel like you're a loser for sitting there and being interested, once you hear the story none of that matters. (Dave, offender, Case 4).*

This theme has practical importance, as it is conceivable that some offenders may initially present to mediation with minimal engagement (supported by the finding of the subtheme Get Me In, Get Me Out). Via meaningful interaction with the victims, these offenders may find themselves "plugging in" to the process and getting more out of the experience than even they initially intended or expected.

#### ***Theme 4: Attempting to Satisfy Motivations***

As discussed in Stage 1, each participant mentioned specific motivations for participating in mediation. These motivations were captured in Themes 1 and 2 (Self-focused Motivation and Relationship-Focused Motivation, respectively). These motivations were also present in the mediation rooms, and some participants told the others in the room what they needed from the experience. (Of note, getting the parties to clearly state their needs during mediation was highlighted as important in mediation training). One example of this was in Case 4, when Marie told the boys that she wanted them to learn from the mediation so something positive could come

from the situation (thereby verbalizing her motivation regarding wanting a silver lining, and transmission of a lesson).

It was also clear at times that participants were being provided with the exact thing they had been needing. In some cases (i.e., Case 4 and 6) a victim had stated prior to mediation that they wanted to be part of an offender learning a lesson, and the offender then stated in the mediation room that they had learned a lesson. These observations were recorded in the mediation notes. I also observed that offenders whose only motivation was to avoid court tended to present as more focused on wrapping up the situation quickly and efficiently, presumably to be closer to their goal. (For example, Noelle in Case 2 and Sean in Case 5). Indeed, these offenders often voiced sentiments to this effect, suggesting that my observations were in-line with the offender's internal dialogue. Some individuals who had expressed relationship-focused motivations were observed making efforts to collaborate, and in some cases, heal their relationship with the other party. This occurred in Case 1, 3, 4, and 6. In this way, self-focused and relationship-focused motivation prior to mediation appeared to influence the presentation of each individual within the mediation room and remain relatively stable, with the exception of offenders who were "pulled" into increased engagement, as discussed in Theme 3.

Sometimes, an individual had difficulty satisfying their motivations in the room, and chose to verbalize this. Again, this may have occurred as a result of this type of communication being encouraged by the mediators who were trained to do so. An example of this occurred in Case 2, when Ursula found herself underwhelmed by Noelle's apology. She said the following to Noelle in the room:



*I was hoping I would be more confident that you understand consequences. What is the next person at risk for? I don't think you genuinely understand what you've done.*

*(Ursula, victim, Case 2).*

After the mediation, Ursula reflected on the experience and had this to say:

*Well I mean it was a lot of different things for me because I think I went into it expecting to make some kind of difference in Noelle's life and about halfway through it became glaringly obvious that that wasn't going to happen the way I wanted it to. So um I guess I had to sort of step back and be like okay, so if I can't make a difference what I can do is just not stand in the way. So I decided that what I needed wasn't that important in that moment and I just hoped that someday she would look back on it and be like oh that woman actually did help me a little. (Ursula, victim, Case 2).*

### **Theme 5: Apology**

In almost every case there was mention of an apology, either because one party felt that an apology was important or, in contrast, because it felt unnecessary. For example, sometimes offenders stated prior to mediation that it was important for them to apologize to victims, other times they said they did not feel they needed to. Some victims reported very much wanting to receive an apology, while others felt it was only important if the offender really meant it, and others described it as unnecessary.

*Only insofar as it's important to Jon Doe to apologize. Um, if it's not important to him or he doesn't think it's necessary then there's no point in him doing it. But for me, personally, he doesn't owe me anything. (Petey, victim, Case 2).*

*Noelle is the kind of girl who will figure out what she needs to say to get out of trouble and she'll say it. But she's also really angry, like I said. So I think if there's a break in*

*that anger and she apologizes in that break, then I'll know she means it and that will actually be quite nice to hear. But if she doesn't, that's fine. (Ursula, victim, Case 3).*

*No, not really. It won't bring my husband back or get the stuff back, and I know they didn't mean to do something as devastating as they did. They just thought they were taking stuff. So no, I don't need an apology today. It's okay. (Marie, victim, Case 4).*

*Oh yeah. Apologies mean something I think because to like apologize you have to put your ego to the side and admit that like maybe you did something wrong. (Lenny, victim, Case 5).*

*I hope that when we apologize to her and tell her how sorry we really are it will maybe not take away the hurt for her but it will help her put it behind her. (Josh, offender, Case 4).*

*I would like to apologize and that's the main thing. I don't want any hard feelings at the end of today. (Sean, offender, Case 5).*

Regardless of how important the victims and offenders said it was for an apology to occur, one happened in every case that involved a real (i.e., not proxy) victim. Interestingly, the apology sometimes occurred during a halftime break where the mediators had left the room and the two "sides" were left alone. Sometimes the words appeared to be more of a token apology that was given for the sake of satisfying an offender's motivation to avoid court.

*I'm sorry, I'm sorry it happened. I know I fucked up. I'm a fuck up, okay? (Noelle, offender, Case 2).*

In other cases, the apology seemed heartfelt and poignant. There was a handshake or hug involved in several of the apologies, and in most cases where it appeared sincere it was met with a statement of forgiveness by the victim.

*I am so sorry. Can I shake your hand? I'm just so sorry. Now I have a better understanding of what you went through. (Jorge, offender, Case 6).*

Interestingly, the apology sometimes accompanied a statement that the offender intended to make better choices in the future. This occurred in 3 of the 4 offender apologies in Case 4. (The exact quotes were not recorded, but case notes were recorded and analyzed). As discussed in Theme 2, some victims had expressed a desire for the offenders to learn a lesson through mediation. It is therefore unsurprising that an apology accompanied by a statement about making better choices in the future was seen by victims as being particularly meaningful.

### ***Theme 6: Finding a Healing Connection***

Mediation is conceptualized as a relational experience. It therefore makes sense that many participants talked about their repaired or new relationship with the other parties, (arising from the mediation experience), as contributing to their feelings of satisfaction with the process. Victims and offenders who had a relationship that existed prior to the crime sometimes mentioned that they were happy about the extent to which that relationship had been repaired.

*I have absolutely no ill will towards them. In fact I guess I like them a little better now because of how they handled themselves. I've actually run into Jorge a couple of times and it's a hey how are you kind of a deal. Grudges only really hurt yourself, so why not just let it go. At least you can say hello. (Chad, victim, Case 6).*

They even sometimes shared that whereas they were acquaintances before the crime, they were able to consider themselves friends after living through the shared experience of mediation.

*Like we're cool now when we see each other because we had the chance to sit down and like talk. [...] It seemed like Bobby and I were going to be cool after so that made me happy. (Kiwi, victim, Case 1).*

*Uh, well it was good that Kiwi and I, we can see each other and be cool now, and I didn't expect that from such a short meeting because what I did was pretty mean. [...] Since then it hasn't been on my mind. Except sometimes when I see him or we hang out at the skate park and I think hey I'm glad I did that meeting thing because now we get to be friends. [...] Like before we barely knew each other, but now we've done that meeting together so it's like hey, we both did that. We've got history now. (Bobby, offender, Case 1).*

In cases where there had not been a prior connection, victims and offenders sometimes found themselves in a position where they were willing to have ongoing contact. One such instance of this dynamic happened in Case 4, where one of the four offenders started to babysit for the victim on an ongoing basis even after his restitution had been completed.

The positive interaction that happens in the mediation room seems to be the catalyst for a newly formed or healed relationship. Victims and offenders who described themselves as building or repairing a relationship also talked about having positive interactions.

### ***Theme 7: Corrective Emotional Experience/Challenged Expectations***

In 1946, Franz Alexander described what he called a “corrective emotional experience” (CEE) for the first time in print. He discussed how an individual can be provided with an opportunity to re-navigate the wounds of the past by engaging in psychotherapy. He theorized that psychotherapy, as a relational process, is a container in which the ego is able to “face again and again, in smaller or larger doses, formerly unbearable emotional situations and to deal with them in a different manner than in the past” (p. 115). Alexander was a psychoanalyst and the concept of CEE was therefore initially couched in analytic language involving repression, ego, and transference.

Hanz Kohut expanded on this work in 1984, by stating that the real benefits of therapy occur when a period of mis-attunement happens and the therapist and client are able to work through the potentially upsetting situation in a way that is productive and respectful (and therefore healing). Kohut's sentiment mirrors the basis upon which VOM was created – a rupture has occurred in the relationship between the victim and the offender (or the world at large if there was no pre-existing relationship) and this rupture provides an opportunity to work through difficult emotions in a way that is incompatible to the maladaptive strategies one might have previously learned elsewhere. Indeed, several participants talked about the experience having a significant impact on them because it differed from how they are used to being treated.

Several victims appeared to instinctively understand the concept of a CEE prior to the mediation. They talked about wanting to provide offenders with a healing experience in which the offenders felt supported and cared about in a way that could challenge the negative messages they had been given up until that point (i.e., Giving a Gift, a subtheme from Theme 2: Relationship-Focused Motivation). This message seems to have been transmitted at least some of the time, as offenders sometimes talked about this very occurrence after mediation happened.

*It was uncomfortable um 'cause like it's hard to face someone like that you know you did something bad to, but I came away from it feeling like it was a good experience. I guess 'cause she was so nice about it. [...] I thought she was going to be a lot more angry. I was like scared of what she was thinking but she ended up being really nice about it too. I actually couldn't believe that as I was sitting there. Like this woman had been through so much and we just made a bad situation worse, and she was still able to sit there and smile and say she wants the best for us and she knows we didn't mean to hurt anybody like that. [...] It made me feel like oh okay, this woman thinks I can do better. And you*

*know I don't hear that a lot from like my family and stuff, so that was cool. (Marshall, offender, Case 4).*

An important part of the CEE is challenged expectations, where an individual's experience in the mediation room was contrary to what they expected. In many cases the offenders expected the victim to be angry, spiteful, or confrontational. Many of them were likely used to being reprimanded by people holding authority over them, and they anticipated that mediation would be no different. In their post-mediation interviews offenders who experienced violation of these expectations and a CEE talked about being surprised that the victim had been warm, welcoming, open, or receptive. This presentation challenged the offenders' expectations and views of both themselves and others. They talked about being different as a result of the experience and it being something that they would remember far into the future.

*I expected her to be a little angry but she was really nice. So that was a bit surprising.*

*Actually she didn't seem angry at all when we were there. (Joe, offender, Case 4).*

*Like not getting yelled at was pretty cool. Because you know I get in trouble a lot or whatever and this was probably the first time that someone listened to me and didn't like tell me I was a fuck up or something. That was cool. And it was cool to listen to her talk because when else is that going to happen where you do this shitty thing to somebody and they want to sit down with you and tell you how you affected their life? It was a cool thing to do. [...] I got into her story and she was I guess just easy to listen to because she wasn't yelling or saying anything crazy. She was just like hey you guys did this and now this is what happened. (Dave, offender, Case 4).*

Victims too had expectations of the offenders that were sometimes challenged. For example, they sometimes expected the offenders to be unremorseful or oppositional but instead

they found themselves interacting with an apologetic and empathetic individual. If the victims and offenders had been kept from interacting with each other (as they often are in the retributive court system), they would have missed out on the corrective emotional experience of violated negative expectations.

*Um, I guess I was kinda surprised that Bobby was so nice. I mean I knew he wasn't scary but I didn't know he was actually gonna feel badly for what happened. That made me feel good. (Kiwi, victim, Case 1).*

*I learned something that I kind of already suspected – that even when these kids you know they act like they don't care and nothing affects them, but sometimes one on one they really can be sincere. So I guess in that way it renewed my faith in my job and what I'm trying to do here. (Petey, victim, Case 2).*

*I was surprised at the level at which these guys took responsibility for what they did. (Chad, victim, Case 6).*

Aside from expectations about the other parties involved, victims and offenders also had expectations about what the experience itself might be like. Both victims as well as offenders sometimes mentioned expecting the experience to be intimidating or awkward. These individuals sometimes found themselves to be proven wrong once inside the mediation rooms. Several participants talked about this occurrence in their post-mediation interviews. They stated that the other parties had been nicer than expected, the process had been more comfortable than expected, or they found mediation more helpful, valuable, or interesting than originally anticipated. These violated expectations came as a pleasant surprise to some of the victims and offenders and contributed to a corrective emotional experience.

*I liked that we each got a turn to speak. Because I mean so often in my line of work I'm just listening to everyone else tell me what's wrong or what's like not working for them you know? And that day I got to speak and say hey this isn't okay with me. It was a nice change. (Ursula, victim, Case 3).*

*I thought it was kind of cool to like get down to solving problems and get everything off my chest. I didn't expect to like it, but I guess I kind of did. (Dave, offender, Case 4).*

*I was surprised by how calm and laid back it was. I thought it was going to be a really intense yelling match like really hostile. That's kind of the impression I had of him before this. (Jorge, offender, Case 6).*

*I guess like I was surprised that it was so easy. Nobody yelled or nothing. (Nelly, offender, Case 9).*

This subtheme can also be connected to Finding a Healing Connection (Theme 6), given that if an individual has a history of not being able to repair or form relationships and then is able to via mediation, it may provide a corrective emotional experience.

### **Stage 3: After Mediation**

When all is said and done and victims and offenders go home and return to their everyday lives, the job of integrating the mediation into one's cache of life experiences begins. Some participants reflect on how it went, what was said, and how they feel long after the mediation day. Other individuals breathe a sigh of relief and the mediation quickly becomes a distant and vague memory. The literature on restorative justice (and indeed criminal justice in general) seems to focus on the issue of recidivism. Thinking about recidivism necessarily places importance on the time following an intervention. However, there is more to "successful" criminal justice interventions than just reducing recidivism. The current data shed light on some



of the additional aspects of the time following mediation. When participants were interviewed after mediation (between 4 and 8 months later), they notably almost all described feeling satisfied with the process and outcome of mediation. Participants described two forms of satisfaction: Simple Satisfaction (Theme 8) and Healing Through Relationship (Theme 9).

***Theme 8: Simple Satisfaction***

Participants who described outcomes that suggested a level of Simple Satisfaction talked about something good having indeed come from something bad (i.e., a silver lining had been found). The hope for this had been discussed prior to mediation as well. Specifically, Simple Satisfaction consisted of participants being happy they had participated in the experience. They reported being pleased with how it had gone, and indicated that they would participate again if faced with a similar situation in the future. What separates this theme from Healing Through Relationship (Theme 9) is that no substantial change occurred in Simple Satisfaction. Participants were pleased, but this kind of satisfaction did not lead to deep transformation.

Simple Satisfaction relies less on the other individuals in the mediation room and can therefore be considered more likely or more easily achieved than Healing Through Relationship. It should be noted that the term “simple satisfaction” does not mean that it is less valid or feels less pleasant than Healing Through Relationship as described in Theme 9. Rather, this type of satisfaction is just qualitatively different than the other type. Within the theme of Simple Satisfaction, there are sub-themes of Silver Lining Found, Ameliorated Shame, Reflecting on Justice, Self-Improvement, and Relief.

**Silver Lining Found.** Prior to mediation, many participants had described wanting something good to come from something bad. This concept seemed to be quite important to those who talked about it, and it appeared linked to the ways in which they made sense of what

had happened, after mediation was over. If before mediation the individuals had been hoping that “everything happens for a reason,” the experience of participating in mediation seemed to provide confirmation of this belief and that in turn led to a feeling of being satisfied.

Finding a silver lining is not an interpersonal process or outcome, although in some cases it did evolve from the interpersonal exchange (but did not depend on it). Finding a silver lining involves being able to walk away from the mediation feeling like a positive experience came from a bad experience, regardless of whether or not the participant was a victim or an offender. For example, participants reported enjoying the conversation or feeling satisfied with having participated. The perception of the mediation as being beneficial to oneself can contribute to a victim or offender describing the experience as finding a silver lining amidst the emotional rubble of the crime.

*I'm happy I did it and I'm not scared at all now. [...] I wish every time something bad happened to people it could be like this. (Kiwi, victim, Case 1).*

*I know it made a difference for a couple of the boys, so that's good enough for me. I just wanted to feel like something, anything good came out of this awful experience and I got that, so yeah. I got my closure. (Marie, victim, Case 4).*

*Something good came out of this bad situation. (Jorge, offender, Case 6).*

It should be noted that finding a silver lining was not dependent on the other party doing, saying, or being anything in particular. This particular aspect of satisfaction was possible even in the absence of a completed restitution agreement or completely engaged parties.

*Sometimes when you set out to do something and you don't accomplish the goal you think you had, you still come out with something useful. [...] Well okay maybe he hasn't been able to maintain his grades on the honour roll like he said in the restitution agreement,*

*but maybe now he has a better understanding of why he can't bring weapons to school. Or maybe he respects authority just a little bit more, or will be less likely to just assume that people don't care about him. So I think those sub-goals are more likely than the one we actually wrote on paper, and that's okay with me. (Petey, victim, Case 2).*

Sometimes the restitution agreement itself was the silver lining, and led to a particularly optimistic outlook. I observed that offenders were often involved in brainstorming ideas for restitution (indeed this practice was strongly encouraged in mediation training). By having the offender contribute to the plan, the hope is that they will be more invested in completing it and may even find it personally fulfilling. One such example was Nelly in Case 9, who shared the following:

*Uh like I was sitting there thinking like this bicycle program sounds interesting. [...] Actually really looking forward to the bicycle program and doing my hours and getting on track. 'Cause like I realized through by like talking about my goals and stuff that if I wanna be money hungry I got to really get to it and focus on that and I don't need to be wasting time getting in trouble. [...] Do it. You might get to do your hours at a place that you really like. (Nelly, offender, Case 9).*

**Ameliorated Shame.** Some offenders talked about their shame having been ameliorated by the mediation. They described feeling like they had expressed themselves (which sometimes included an apology, but not always), and in doing so they were able to forgive themselves.

*Well the fact that I can now see her and like it doesn't feel bad. I don't feel guilty anymore because I told her how sorry I was and she said it's okay and she let me uh she let me like work off the debt I guess. It feels like I made up for it. (Josh, offender, Case 4).*

*Yeah I really felt better after I apologized. It was better than like not telling her and feeling guilty and stuff. Because when I apologized she said it was okay and that she forgave me and hoped I like did good stuff with my life and then I felt better because she forgave me. (Joe, offender, Case 4).*

In some cases, ameliorating shame was contingent on having completed restitution, while others saw “showing up” as being sufficient enough to ameliorate shame. Notably, one identified subtheme in Self-Focused Motivation (Theme 1) was the notion of an offender being motivated to participate in order to alleviate feelings of shame.

**Reflecting on Justice.** Given that mediation occurs within the context of the modern justice system, the concept of justice and the larger system in general was often discussed by victims and offenders. Individuals tended to reflect on justice in two distinct ways: whether or not justice had occurred, and how it compared to that which could be achieved in a more traditional court setting.

*Justice Occurred.* Some victims and offenders talked about their experience in mediation as leaving them feeling as though justice had occurred. Sometimes just by virtue of the offender showing up and participating in mediation (even minimally) individuals on either side of the table walked away feeling like justice (whatever that meant to them specifically) had been present. It is important to note that the definition of “justice” varied by individual. It also appeared to involve a continuum of experience, whereby someone could feel that more or less justice had occurred within the context of mediation. Experiencing a sense of justice was further described as a satisfying feeling that allowed the participants to move forward.

*I mean the only thing there is the unresolved business of the letter that he is supposed to be writing to me. And he had said he was going to ask for an extension. I haven't heard*

*anything about that. It's not crucial to me at this point. It would just sort of help bring more closure to it and I think it would be a worthwhile exercise for him. I don't know what follow-up there has been for him. I don't think it really matters to me to be honest. I'm sure they're doing their best to do something. My understanding was that once the agreement was signed, that kind of severs my involvement with Sean. And yeah maybe he wasn't as receptive or open to taking responsibility as I would have wanted in my ideal mediation but I told myself like you know you have to work with the person who shows up. [...] Gradually I became more satisfied with what had happened. I realized my expectations had been a bit unrealistic and it had gone as well as could be reasonably be expected. The only thing I was really expecting from the mediation was what he had to say and what his feelings were about the incident. So I think I got those answers, even if they weren't necessarily what I wanted. [...] As much as I would like the extra closure in knowing that Sean had to sit down and humble himself enough to apologize and admit that he did something wrong, you can't get blood from a stone. All I can really do is move forward with my own life and maybe take some comfort in knowing that this process was a little inconvenient for Sean, because being assaulted was pretty inconvenient for me you know? (Lenny, victim, Case 5).*

*To be quite honest about it, it was actually my wife's idea. [For the offenders to speak to their school about what they learned from their experience as their restitution agreement]. You have to have some kind of a consequence whereby they're actually going to get something out of it. To make them pay a fine, well okay so the parents pay the fine and the kids pay the parents back. What does that teach them? Absolutely nothing. So this way they have to do something effective. The thing is, I think it was an*

*excellent idea that my wife had and I'm glad I brought it up because this way there's a little bit of reversal on their part and to get up in front of a group of kids. (Chad, victim, Case 6).*

*I ended up being able to volunteer doing some yard work and other stuff at a church near my house. I did 6 hours. (Jasmine, offender, Case 8).*

*Better Than Court.* This sub-subtheme lines up with some participants' expectations of mediation before it occurred. In pre-mediation interviews, both victims and offenders talked about wanting to find an alternative to the colonial retributive justice system, while still receiving justice. They valued the opportunity to hear and be heard. Sometimes the victim viewed the mediation as an opportunity to see the offender(s) held accountable for their actions in a way that the school or court could not be guaranteed to provide.

*You have to sort of face what you did. It's a lot harder than going to court because of that I guess, but you get more out of it. (Marshall, offender, Case 4).*

*I think it was definitely the right decision because I don't think I've sort of you know if this had gone to court for one thing, I'm not sure the outcome would have been that good because his friends could have turned up in droves and just lied for him and then still just retaliated. I'm really glad that I didn't have to go through with that. I didn't feel like I could let this slide, but I thought this was a better alternative because I didn't want it to drag on for a long time. [...] I would say um, that basically um that I think um you know it has the merit of being quicker, and not having to put in as antagonistic a situation as you would face in court. I guess basically for those reasons it was preferable, knowing too that I would very likely face him again. [...] In the future I would also definitely*

*choose mediation in any reasonable circumstance where I thought it would work. It made me aware that this is an option, and I'm glad about that. (Lenny, victim, Case 5).*

*I didn't mind the mediator lady. She was easy to talk to. And obviously it's cool that I ended up not having to go to court. [...] I was surprised it was so easy I guess. Like it didn't seem like it took very long, and I didn't have to say too much or anything. And I was surprised that I kind of got to choose how I wanted to do my hours. [...] If I had to choose again which I won't because I'm not stealing anymore. But yeah I mean if you can do it and just keep not having a record so you can still do things with your life, why wouldn't you? (Jasmine, offender, Case 8).*

**Self-Improvement.** Sometimes participants talked about improving themselves through participation in mediation. Offenders discussed feeling wiser, equipped to make better decisions in the future, and less inclined to think without acting. Although this subtheme can be thought of as quite similar to the subtheme of lessons learned in Theme 9 (Healing Through Relationship) described below, it is different because it involves a less relational kind of improvement. This self-improvement led participants to feeling satisfied with their participation in mediation, regardless of how the actual interaction had unfolded. In this way, even participants who had been disappointed in the interpersonal aspects of mediation were able to walk away feeling satisfied so long as they viewed themselves as having been improved by the mediation experience.

*It's helped pretty good, I'd say that. I'm trying to do the right stuff, and like have a good relationship with the people around me and think about my actions. It was a bit of a turning point in that way. It got me headed on a different path than the one I was going down. (Marshal, offender, Case 4).*

*Um, basically I uh like before it when I just kind of was a little off track and then after like well during the mediation it kind of helped me. It kind of opened my eyes and showed me what the right thing to do is and um helped me steer myself towards the right path. [...] It actually just makes you look at things a lot differently in a positive way. (Josh, offender, Case 4).*

*I haven't been stealing. I've been thinking before I make decisions. (Dave, offender, Case 4).*

*Uh, well it's definitely opened my eyes to a few things and decision making which I think is what it's supposed to do. (Perry, offender, Case 6).*

*I ended up doing that bicycle program and that got me motivated to find part-time work after. (Nelly, offender, Case 9).*

**Relief.** Relief, for my participants, was a complicated concept as it meant many different things to different participants. It was also one of the most frequently discussed subthemes. Relief is therefore often referred to as the general sense that one has received “closure” from the experience of participating in mediation. As long as participants were able to conceptualize themselves as having received something positive from the experience (which all participants did), they described themselves as having received relief by the time they had their post-mediation interview. The interpersonal interactions did not need to have gone perfectly, restitution need not have been completed, and in some cases the mediators didn't even have to be viewed as competent or helpful. This fact is interesting in that it suggests that participants' perceptions are most important. Moreover, it is consistent with the large body of literature describing mediation as an overall positive experience.



Relief was conceptualized in idiosyncratic ways amongst participants. For example, when participants describe feeling relieved, they might be referring to feeling like they no longer need to dedicate emotional or cognitive resources to the incident that occurred, that they no longer feel guilty for having committed the crime, or that they are simply able to move on with their lives.

*I felt like it was over, so it was okay to just move on. (Petey, victim, Case 2).*

*Closure is something that's different for everyone. It's just a feeling that yeah okay it's over now and I can move on. It's about getting unstuck and being like well maybe I wish that hadn't have happened to me but it did and it's not the end of the world and you stop thinking about it every day because other things become more important. And yeah, I guess I did get it from the mediation but only because I decided for myself that the mediation was going to be the end no matter what she did. (Ursula, victim, Case 3).*

*Life has pretty much gone back to normal. (Marie, victim, Case 4).*

*I felt really relieved and just really relieved and um happy that we could just get things sorted out and um yeah. Happy and relieved. Lighter. Like I could smile again after so long. (Josh, offender, Case 4).*

*It's a load off my mind to know I can go to an event and I don't have to face retaliation.*

*It's good, I mean I feel safer. [...] Certainly it set up a situation where I could you know feel safe running into him. I don't have the compulsion to keep talking about it now, and that's good because it's been wrapped up pretty well and the mediation enabled that. I*

*guess that's what people call closure, eh? [...] The mediation I guess has brought my anxiety or anticipation of that kind of recurrence brought it back down to normal levels.*

*[...] I would imagine some people talk about catharsis and that was present for me, but it was slow. (Lenny, victim, Case 5).*

*Oh, I don't think it has affected my life. If it had gone badly it might have, but it was fine so I was actually able to just carry on with life, which is nice. [...] And it just, you know the thing that a lot of people sometimes are a little hesitant about is to you know bring closure to this stuff. As I said to my wife, the only way that this is going to go away is to have the meeting. Because otherwise I'm going to stew about this for the next ten years. That's a lot of energy wasted. It's like I told the mediation staff guy, when I walked out of the building it was like someone took 20 pounds off my shoulders. [...] You know, this was a big deal when it happened and I know I acted like a big tough guy before the mediation and said that it wasn't that important, but it really was. If I hadn't done this mediation I really would have carried some anger around for a long time and this way I get to let it go and that feels pretty great. I just wanted to say that. (Chad, victim, Case 6).*

*Um, I feel as though everybody got closure on the situation. That there's nothing left to be done or said about it. Just, it's over. If I'd left thinking "Oh I should have said something else" I wouldn't have closure, but I didn't feel like that so I do. (Perry, offender, Case 6).*

*Initially I was a little nervous obviously, and uh afterwards it was like halfway through I was pretty confident and calm like it felt laid back and not too stressful. I felt good about it after. Just thinking I was glad it was all behind me. (Jorge, offender, Case 6).*

### **Theme 9: Healing Through Relationship**

For some victims and offenders, participation in mediation went further than simply being satisfied with their experience. When they were interviewed several months after mediation, some individuals talked about the mediation having a significant impact on their

beliefs about themselves as well as others. This kind of satisfaction appeared to involve healing transformation that suggested long-lasting effects of mediation would occur.

It should also be noted that in order for a participant to report that they felt satisfied with mediation, they only needed one or more of the aspects of Theme 8 (Simple Satisfaction) or Theme 9 (Healing Through Relationship) to be present. What “satisfaction” means to each participant varies based on variables such as expectations, perceptions, and personality. Unfortunately, my dissertation is unable to clarify a “cut-off” point between simple and transformative satisfaction; this is an important endeavour for future work in this vein.

Several subthemes of Healing Through Relationship were identified. They are: Feeling Understood and Valued, Pride, Forgiveness, and A Lesson Transmitted/Perceived as Transmitted.

**Feeling Understood and Valued.** One of the transformative outcomes from mediation that some of the participants experienced was a feeling of being understood and valued. This feeling often seemed to be associated with perceiving the other party as receptive and open. At times it was mentioned that the mediator(s) or case worker(s) had made the individual feel understood and valued, but it more often arose from the interaction between victims and offenders themselves. The participants described being given adequate opportunity to express themselves, share their feelings, explain themselves, and ask for whatever they needed. They reported having the perception that the mediation environment had been safe and respectful and put them at ease, even if they had been nervous prior to starting.

*I kind of looked at it like a counseling session, where everybody got to talk. (Marie, victim, Case 4).*

*It's a great experience, mediation. And it helped a lot. (Josh, offender, Case 4).*

*I really appreciated that there was a lot of care a lot of thought was given even to sort of the peripheral circumstances of it. Taking care that I didn't run into Sean by accident, that there was a comfortable amount of space given. It seemed very thoughtful. [...] It seemed like it was allowed to be very open ended. I never felt like I was railroaded into a decision, and at every point it seemed like I was being asked has this been given enough time, are you ready to go onto the next step sort of thing. I appreciated that as well. I think that it was important and I felt like it got enough time as it needed. (Lenny, victim, Case 5).*

*I'd have to say that the whole process I think it was fair because everybody had their say. [...] I can't find anything to complain about. Nothing. I was really happy with it. (Chad, victim, Case 6).*

In some cases, victims reported that they were impressed with an offender's approachability and friendly demeanor, and the extent to which they expressed remorse. This presentation seemed to be relevant for victims in that it made them feel as though the offender valued and respected them. Likewise, offenders talked about experiencing victims as being willing to listen, not automatically assuming the worst of them, and having compassion and acceptance.

*Well I can say this, it has affected me in a positive enough way that I will never miss an opportunity to participate in another one. I will make time I don't care if it happens 20 times. It was an affirming enough process for me to know that I'll continue to go to those as long as they come up. [...] I thought Jon Doe was pretty reflective. He didn't say too much the day he got busted so to hear him speak to it was I thought good. (Petey, victim, Case 2).*

*It felt good I guess to give back. I guess I would um say that I'm grateful for her because she let me babysit. I don't know if I could do that if I was in her situation. But she like gave me a second chance to make up for what I did. I can't believe that. Some days when I'm thinking like am I a bad kid for what we did? I think about how Marie thought I was good enough to come back from it. (Josh, offender, Case 4).*

Connections can also be drawn between Feeling Understood and Valued, and Finding a Healing Connection (Theme 6). The same kind of openness and respectful communication that leads to one of these concepts could also lead to the other. Feeling Understood and Valued is also linked with the Corrective Emotional Experience. Sometimes individuals may not have often had the experience of feeling like their voice, thoughts, or feelings were important, and having the opportunity to be valued can provide a corrective emotional experience.

*I liked that we each got a turn to speak. Because I mean so often in my line of work I'm just listening to everyone else tell me what's wrong or what's like not working for them you know? And that day I got to speak and say hey this isn't okay with me. It was a nice change. (Ursula, victim, Case 3).*

*It made me feel like oh okay, this woman thinks I can do better. And you know I don't hear that a lot from like my family and stuff, so that was cool. (Marshall, offender, Case 4).*

*This was probably the first time that someone listened to me and didn't like tell me I was a fuck up or something. (Dave, offender, Case 4).*

*Yo, the best thing about this thing was that like okay so I'm a black kid from the ghetto, right? And how often do you feel like someone like me can have a bunch of adults in the room not like yelling at them or anything but talking about what I want for my future?*

*Yeah fuckin' right, not that often. And white people too, like that was a trip. And they were like okay so what kind of charity work do you really want to do, instead of just like telling me what I had to do. And they yo man, they actually like thanked me for walking all the way to the mediation. Can you believe that though? I tried to steal a bait car and they're thanking me for showing up to my own thing. (Darnell, offender, Case 7).*

*Yeah like I thought I'd leave there going "well there's some time I'll never get back" but it was um kind of nice to like sit and talk about why I did what I did. And I liked that the mediator lady was African American you know? Because then when I talked about everyone thinking I'm going to steal when I go shopping I felt like um maybe like she probably gets what I'm saying. (Jasmine, offender, Case 8).*

**Pride.** Several participants mentioned feeling proud of themselves for their participation in mediation. Usually this involved an individual saying that they had been nervous to speak in front of strangers and that they were proud of themselves for doing it despite their fear. Some participants had not initially admitted to feeling nervous beforehand but shared in their post-mediation interview that they had been unsure whether they would be able to push themselves to be authentic and interactive in the unfamiliar setting. When they were able to speak about their story and share their feelings after being worried that this would not be the case, participants talked about feeling a sense of accomplishment. The general sentiment was: "it was hard, and I did it anyway." This subtheme of Pride is therefore also related to the Challenged Expectations of Theme 7, given that the reality of mediation was usually exponentially less intimidating and scary than the participants had feared it would be leading up to the encounter. As is so often true of socially-based anxiety, our worst fears very rarely get realized and reality is likely to fall within neutral territory.

*For me it was about knowing okay well I tried. If I hadn't given it a shot I wouldn't be able to say that I tried. (Ursula, victim, Case 3).*

*I was there to tell my story and I got it out and I was proud of myself for talking in there.*

*[...] I did that. I was strong and got through it and told my story. (Marie, victim, Case 4).*

Another form of pride that was discussed by some individuals is when they felt proud of themselves for having helped the other party. This kind of altruistic or other-focused pride was present when victims talked about being part of the offender's turnaround or when offenders talked about making amends and repairing the harm they had caused. There was a common thread that both victims and offenders tended to take pride in feeling that they had "done the right thing." This feeling can be conceptualized as likely having a lasting effect given that having a sense of pride challenges negative self-beliefs. For instance, an offender who believes that they are devoid of potential to accomplish positive goals may find that belief less rigid or entrenched when they also feel proud of themselves for expressing remorse and making reparations to someone they harmed.

*Well I mean, in my line of work I see a lot of this, a lot of kids who just don't have someone in their corner, like someone who believes they can do better. And so those kids they act out sometimes, and it's easy to get jaded or to feel like "Well screw it, why should I care anymore?" so when John Doe expressed that he was sorry it gave me hope I guess... and maybe it helped me feel a little less like I'm pounding my head against the wall at work. [...] Ultimately my job is to support student learning and at the extent I'm able to do that, that's what they're paying me to do. I think it would be somewhat antithetical for me to say well you know what this kid realizes he made a mistake, is asking for forgiveness and I don't have time to come and listen to him. That's not very*

*cool if my philosophy is that I'm gonna support the kids. So I guess what I'm saying is that I felt pretty proud of myself for showing up because then my actions were congruent with my words. [...] If we as adults aren't taking the time to teach the young people then how are they supposed to learn? And even when you go into it thinking that you're helping someone else learn, you might learn something yourself too. (Petey, victim, Case 2).*

*Every time I was over there I knew why I was there in the first place and like it felt good to give back and make up for what I did. (Joe, offender, Case 4).*

*Just to pat myself on the back for doing the right thing 'cause maybe now the lives of these boys will go in a different direction and the next time they're faced with the opportunity to do something idiotic they'll think twice. (Chad, victim, Case 6).*

*I actually felt like I did something that made a difference. (Jorge, offender, Case 6).*

**Forgiveness.** Several participants talked about forgiveness. Offenders discussed feeling “lighter” after they apologized, had their apology accepted, and experienced forgiveness granted by the victim. This notion of forgiveness also sometimes seemed to be tied to restitution, as some offenders mentioned that they felt as though they had “made up” for their actions and as a result had been granted forgiveness. Some victims also stated that because the offenders had expressed remorse and/or completed restitution, they were able to grant forgiveness and therefore release themselves from the burden of resentment.

Forgiveness is conceptually linked to Ameliorated Shame as well as Relief (subthemes from Theme 8). Experiencing forgiveness can indeed resolve feelings of shame and therefore lead to relief. However, forgiveness requires a relational process. An offender can decide on their own that they have “made up” for what they did and can therefore feel relief as well as lessened



shame but perceiving themselves as having been forgiven by the victim is a deep and meaningful experience.

*Well at the end of that mediation if you recall, he asked if he could come back to the school and I told him that it was something we could consider. [...] I don't think he has re-applied yet, but if he does I would welcome him back. (Petey, victim, Case 2).*

*I really felt better after I apologized. It was better than like not telling her and feeling guilty and stuff. Because when I apologized she said it was okay and that she forgave me and hoped I like did good stuff with my life and then I felt better because she forgave me. (Joe, offender, Case 4).*

*I have absolutely no ill will towards them. In fact, I guess I like them a little better now because of how they handled themselves. [...] When I walked out of the building it was like someone took 20 pounds off my shoulders. (Chad, victim, Case 6).*

*It felt good to like redeem myself, and to hear that someone who doesn't even know me believed that I really didn't mean no harm. 'Cause everyone always be like yo that kid man, he's up to no good. But I got like a blank slate in that room and when I said I was sorry they didn't make that face people make like no you're not you punk ass kid. (Darnell, offender, Case 7).*

Alternately, sometimes, an offender's level of remorse was less than the victim wanted, but the victim made a conscious choice to forgive them anyway in order to be able to move forward. Interestingly, in both of these cases the victims used the euphemism "blood from a stone."

*Well obviously Noelle didn't really react the way I would have wanted her to, but that can't be helped. In a perfect world? She would have sat down, said "Ursula I'm so sorry*

*for what happened and I recognize that you've only ever tried to help me" and we could have hugged and left. But that's not realistic for a kid like her who's gone through what she's gone through, and that's got to be okay at the end of the day. [...] Well I mean you have to keep in mind that the people going into the mediation are still the people who had the conflict to begin with, so sometimes you can't get blood from a stone and problems don't magically go away just because you're in a mediation. You have to meet people where they are and just go from there and work with what they bring to the table. [...] Yes I got an apology but it wasn't generated from Noelle herself, it was a bit like "here you want it? Here I'm sorry. There." You know? But that's okay. Like I said it's about managing your expectations. And I think just because Noelle didn't say it the way I wanted her to doesn't mean she didn't feel it somewhere deep down. (Ursula, victim, Case 3).*

*I went home and sat with the experience like I got over the initial shock of my expectations not necessarily being met by the mediation, and I realized that actually I got most of what I needed and sometimes there's more healing in having compassion for your enemy than in fighting to the death. So by the time a few days went by after the mediation, I was pretty satisfied with the experience and I felt like I got as much as I could out of it. You can't get blood from a stone, and Sean just isn't the kind of guy who can necessarily be self-reflective and really express regret unless there's something in it for him. And maybe that's alright, because I can be the bigger person and move forward. (Lenny, victim, Case 5).*

Forgiveness was sometimes marked symbolically, as with what occurred in Case 4 when the victim Marie presented the four offenders with a present. Each boy received dog tags which

bore the name of her deceased husband to whom the stolen objects had belonged. Indeed, her husband's armed forces dog tags had been one of the items the boys had stolen, and so presenting them with replicas was symbolic of forgiveness (and resulted in tears from 3 of the 4 boys).

**Lesson Transmitted (or Perceived as Transmitted).** Prior to mediation, many victims stated that they hoped to be part of a "turning point" for offenders. Offenders similarly stated that they hoped and expected to learn something from participating in mediation. Luckily, many victims and offenders shared after mediation that they perceived a lesson as having been learned. This perception appeared to be quite important to individuals, as it gave victims the feeling that their time and effort had been given for a good reason. Offenders reported feeling confident that they were better equipped to make good choices in the future. They mentioned feeling permanently improved by the experience, and victims talked about enjoying feeling like they had contributed to a positive change in the lives of the offenders.

*It was I'd say it was probably like a learning experience. [...] I know that if I remember what happened I would definitely not do the same thing again. And I'm definitely going to try to stay out of trouble as much as possible. I want to do something good with my life eventually. [...] Even though I left treatment I'm trying to like, live a different life. So I don't want the mediation to have been for nothing, you know? I really did learn from it. (Marshall, offender, Case 4).*

*I've been out of trouble and haven't done anything bad since and um no trouble with the law or anything and I've been me and all my friends have been doing really good and um I just felt healthier and with a better attitude about life. It's like I was at a crossroads and I could have kept going down the bad path but instead I took a few steps back and chose*

*the good path. I'm different now. I learned not to do stuff like that because it doesn't feel good to hurt people. (Josh offender, Case 4).*

*Well now I learned not to do that kind of stuff, so yeah I still think about it. Even now. Like if I see a woman who kind of looks like her or like a car that looks like the car we broke into I think about it. [...] By letting me know what will be the consequences if I did that again. Like that seems simple I know but like I never used to think about all the bad stuff that could happen if I made a wrong decision, but now I definitely do all the time. [...] I learned my lesson. I want to make peoples' lives better, not worse. I never want to do that again. (Joe, offender, Case 4).*

*I was offered to, like I was with some of my other friends not these guys but different ones and they were like hey you broke into a car before do you want to do it again and I just told them hell no and I left. They broke into the car but I wasn't with them because I went home. I didn't want to do that again like be that stupid. No way. [...] Now I know that stealing isn't no big deal because how it can really affect people in a huge way. (Dave, offender, Case 4).*

*I think this should serve the same end you know that he's going to think about his behaviour and not do this again. (Lenny, victim, Case 5).*

*I think society in general writes a lot of this stuff off as well whatever. Well you know what, I think this also showed them you know that there's more to this deal than just going for a joy ride. [...] I felt pleased I guess, that these guys seemed to be getting it. (Chad, victim, Case 6).*

*Now I think about things before I do them, because I learned that even if something seems like a fun joke at first, it can go wrong and you can pay for it for a long time. [...]*

*To make smarter decisions and think about what I do before I do it. (Perry, offender, Case 6).*

*Just I guess you know obviously being more cautious and careful in the future with the decisions I make. (Jorge, offender, Case 6).*

*Well like it was good to sit and figure out what I'ma do with my life. It's not that I wanted to be in trouble all the time, but sometimes when I get upset I can't calm down fast enough and I act crazy ya feel me? So sometimes I think that getting in trouble like that sort of reminded me like oh hey I can't just go punch walls and stuff. (Nelly, offender, Case 9).*

### **Divergent Cases/Unsatisfying Outcomes**

A divergent case is one which does not match the rest of the data or model in some way. An individual in a qualitative data set may have views, feelings, thoughts, or experiences that do not match the themes that are pulled from the rest of the data. While it may be tempting to omit this “outlier” from the analysis (or judge the working hypothesis as faulty), it is important to look carefully at divergent cases. Rather than detracting from a working model, a divergent case can add detail to a concept and indeed make the thematic analysis more rigorous. By asking the question “what makes this case/individual/situation different from the rest?” or “how did this case come to be different?” a researcher can understand their area of study much more thoroughly than if they were to only focus on those cases which “fit” the model (Research with Dr. Kriukow, 2019).

The current research includes some cases which fit the above description of a divergent case. In a straightforward way, Cases 7, 8, and 9 are divergent cases in that they involved a proxy victim rather than a “real” victim. Case 7 involved a youth attempting to steal a bait car. The

police had declined to participate in mediation. In Case 8, a youth shoplifted and the loss prevention officer declined to participate. Nelly from Case 9 had vandalized his school, stolen from a woman's purse on the bus, and received a ticket for truancy during one afternoon's crime spree. His school's administration declined to participate, and the owner of the purse was never found (he had admitted to the crime but was never charged as there was no evidence). In these three cases volunteer proxies were recruited via the mediation center. They resided in the communities in which the youths had committed their crimes and had themselves received mediation training. However, while they were standing in for a "real" victim, the fact that they were not themselves the victims of the crime makes these cases qualitatively different from Cases 1-6. Of note, the offenders in these cases mostly discussed Self-Focused Motivations (Theme 1) for participating in mediation, as opposed to Relationship-Focused Motivations (Theme 2). This finding seems logical given that they had no reason to expect that they would have a meaningful relationship with a proxy. However, sometimes within the mediation room these offenders were able to interact with the proxies in a way that led to important experiences like Increased Motivation (Theme 3), A Healing Connection (Theme 6), or a Corrective Emotional Experience (Theme 7). While these offenders described fewer aspects of Healing Through Relationship (Theme 9) than those offenders who had interacted with a "real" victim, two of the three of them did experience some degree of this theme.

Case 5 is also a divergent case in that Sean, the offender, did not complete his restitution and instead left the country. The mediation between Sean and Lenny (the victim) had been conducted over several hours and was concluded when the mediators decided that the parties had reached an impasse. The decision was made to pause the mediation process so that each party could reflect on their goals, and a restitution agreement was created via the case worker meeting

with Sean and Lenny separately the next week. Although the agreement was that Sean would write a letter of apology to Lenny, the letter was never written (or at least was never presented to the mediation centre or Lenny). When the case worker attempted to send the case back to the courts, it was discovered that Sean had chosen to leave the country and return to his homeland. At the time of the post-mediation interview Lenny knew that the restitution agreement had not been completed, but did not yet know that Sean had chosen instead to leave. Given that Sean was no longer available, he could not be interviewed post-mediation. Lenny, however, talked about the process of coming to terms with the situation in the absence of an acceptable apology or restitution. While he did talk about a journey to forgiveness, his experience seemed similar to Ursula's from Case 2, where an offender is remorseful at a level that is considered insufficient by the victim. The victim therefore has a decision to make between continuing to focus on the motivations that existed prior to mediation (i.e., seeking a better justice, wanting a silver lining, or transmitting a lesson) or "moving on" despite not satisfying them.

## Discussion

The purpose of my dissertation was to explore both victims' and offenders' journeys through VOM, with the aim to understand the *process* of this experience for both parties and how that process might link to their perceived outcomes following VOM. I interviewed victims and offenders prior to and following their mediation session, as well as observed the mediation sessions live. I approached my data analysis using a case study approach (i.e., by analyzing victims' and offenders' data together by mediation case, rather than as individuals) combined with reflexive thematic analysis (Braun & Clarke, 2006; Braun et al., 2018). Consistent with the findings of previous researchers in this area (Choi et al., 2013; Dhami, 2012; Latimer et al., 2005; Mohammad & Azman, 2018; Tamarit & Luque, 2016; Umbreit et al., 2004; Van Camp & Wemmers, 2013), the victims and offenders who participated in my dissertation all reported satisfaction at the end of mediation. My dissertations' rich, deep qualitative data allowed me to then examine the process of mediation and how victims' and offenders' experiences during mediation might relate to these positive outcomes. Indeed, my own motivation for this dissertation was driven by the question "What is happening in mediation that leads to almost universally reported satisfaction with VOM?"

Prior to the mediation, both victims and offenders experienced two different kinds of motivation: self-focused and relationship-focused. These were not mutually exclusive, with some participants experiencing aspects of both. Self-focused motivation consisted of "getting in and getting out" quickly, seeking justice that was perceived as better than the retributive system could provide, and feeling better. Relationship-focused motivation involved empathy, having a connection/interaction, transmitting a lesson, giving a metaphorical gift to the other party, and making things right. For victims, entering mediation from a relationship-focused motivation was



a necessary step to experiencing transformative change as part of their satisfying outcome. For offenders, the relation between motivation and outcome was more complex. As with victims, offenders who began with relationship-focused motivation tended to experience transformative change. Offenders who, in contrast, entered mediation with self-focused motivation could still experience transformative change, if they experienced a high quality, compelling connection with the victim (i.e., the victim's "gravity") during mediation. Despite having minimal emotional buy-in at the beginning, these offenders got "hooked in" to the exchange *during* mediation and emerged having had a meaningful transformational experience.

Participants experienced several important processes during the mediation, as victims and offenders attempted to satisfy their motivations for choosing VOM. In all cases that did not involve a proxy victim, an apology occurred. Sometimes a relational connection was repaired or formed through the mediation process that provided healing. Another form of transformation that sometimes occurred was one of a corrective emotional experience. By virtue of the mediation and people involved in it being or behaving differently (in a positive way) than anticipated, expectations were challenged and mediation unfolded in ways inconsistent with participants' expectations of what would happen. In this way, mediation sometimes provided both victims and offenders with a meaningful experience from which they emerged feeling like they had achieved what they called "closure."

Although all participants reported being satisfied with the experience of VOM, there were qualitative differences in the types of satisfying outcomes that were described. Each person reported generally feeling glad that they had taken part in the mediation, describing elements of what I labelled "simple satisfaction." This kind of satisfaction included having found a silver lining in a bad situation, ameliorating shame, reflecting on justice (i.e., feeling as though it had

occurred or had been better than court in some way), self-improvement, and feelings of relief. Some participants also shared descriptions of a different form of satisfaction that seemed to include a deep and personal impact, which I labelled “healing through relationship.” This form of satisfaction was described as including feeling understood and valued, having a sense of pride, forgiveness, and learning a lesson or perceiving a lesson as having been learned by the other party.

In the remaining parts of my Discussion section, I place my findings in the context of previous literature in this area and discuss the implications of my findings. I then conclude by identifying the limitations and strengths of my research approach and discuss important next steps for research in the field of VOM.

### **Motivating Factors to Participate in VOM**

Daly (2003) noted that victims and offenders can be motivated to choose VOM by self-focused or other-focused motivations; my analysis resulted in a nearly identical dichotomy to which I assigned similar labels (self-focused vs. relationship-focused motivation).

Researchers studying VOM have outlined several motivating factors that contribute to victim participation. These motivations include a desire for apology or restitution, wanting offender accountability, telling one’s story, experiencing healing, gaining information about why one was victimized, overseeing punishment, encouraging offenders to change their behaviour, or assisting the offenders in changing their lives (Choi et al., 2010a; Coates, Burns, & Umbreit, 2004; Johnstone, 2017; Mohammad & Azman, 2021; Van Camp & Wemmers, 2013). The narratives of the victim participants in my research were similar to some of these findings, such as the subtheme of Seeking A Better Justice (under Theme 1: Self-Focused Motivation), which included a desire for offender accountability and sometimes explicitly involved an expressed

wish for an apology. Under the subtheme of Make Me Feel Better (again under Theme 1), victims described a search for relief which included healing and sometimes telling one's story. The subtheme of Transmission of A Lesson (under Theme 2: Relationship-Focused Motivation) included wanting to inspire offenders to make better choices in the future. This same subtheme as well as Giving A Gift (also under Theme 2) coincides with the finding of victims wanting to assist the offenders in changing their lives. Elements of prosocial motivation have also been described by Bolivar (2019) and Van Camp (2017). My findings confirmed what both of these experts found – that sometimes, victims of crime decide to participate in restorative justice opportunities in order to help the offender in some way. Overall, my victim participants' descriptions of their motivations for VOM are aligned with previous results in this area of research (e.g., Choi et al., 2010a; Coates et al., 2004; Mohammad & Azman, 2021; Van Camp & Wemmers, 2013), save for the fact that a desire for restitution was not mentioned.

As discussed in my Introduction, fewer researchers have studied offenders' motivations for engaging in VOM. Established motivations for offender participation in the literature include a desire to express remorse and repair harm, keep a clean criminal record, move forward from the crime, explain their behaviour to the victim, offer an apology, and help the victim to move forward (Bright, 2017; Choi et al., 2010a). Again, my results are consistent with these previous findings. Under Theme 1 (Self-Focused Motivation), the Get Me In Get Me Out subtheme coincides with keeping a clean criminal record as well as moving forward. The subtheme of Make Me Feel Better also involves moving forward from the crime. Theme 2 (Relationship-Focused Motivation)'s subtheme of Making Things Right is related to offering an apology and repairing harm. The subtheme of Interaction and Connection confirms the finding of expressing

remorse and explaining the behaviour. Finally, Giving A Gift encompasses helping the victim to move forward.

### ***Dynamic Nature of Motivation During VOM: The Gravitational Power of Victims***

It had been observed in previous research that an individual's perceptions and motivations can *change* as they progress through mediation (Gade 2021; Urban et al., 2011). Gade (2021) reported that victims, offenders, and even observers can have perceptions that change during a mediation experience. They comment specifically on perceptions of guilt as just one example of cognition that might change during mediation. More relevant to my own findings, Urban et al. (2011) noted that both victims and offenders can need or want different things at different times in the mediation process, from preparation to conclusion. As they gather more information or have their existing questions addressed, both parties may develop new or additional desires and motivations. Urban and colleagues (2011) advise specifically that it must be accepted (or even expected) that victims and offenders may show heightened emotion, uncertain or changing motivation, or even withdraw consent to proceed with the mediation. However, they did not specifically mention that one can become more engaged in VOM, as I found in some of my case studies.

The notion of changing perceptions/motivations is an important observation and was apparent in my own experience of watching victims and offenders participate in the mediation process. Theme 3 (Victim's Presentation Increases Engagement) is an example of how offenders' motivations might change in the mediation room, as the session is unfolding. When a victim presented in a way that was particularly effective at drawing in an offender who previously had only self-focused motivation it sometimes resulted in increased engagement on the part of the offender. That is, captivating victims who form a strong relational connection with

offenders have a strong gravitational pull that can transform offender motivation from self-focused to relationship-focused. In turn, these offenders whose motivations were transformed were more likely to experience transformational change as part of their satisfaction with mediation. Only one previous study even hints at a possibly similar phenomenon: Choi and colleagues (2010a) described some offenders viewing their perpetrated crime as “cool”. The same offenders appeared to have increased levels of empathy following VOM participation, as well as an ability to articulate the harm that had been caused by their actions. It is unclear, however, if Choi et al.’s concept of “cool” overlaps with my “self-focused motivation.”

My result regarding some victims driving change highlight the incredible influence victims can have on offenders who participate in VOM. Moreover, my results are directly contrary to previous work by researchers like Suzuki and Yuan (2021) who assert that offenders cannot benefit from VOM if they only superficially “buy-in” to the experience. Cama (2019) similarly indicates that engagement of all participants is a core requirement for successful restorative justice practices – a belief that was initially put forth by Zehr (2015). Cama (2019) asserts that a lack of engagement is a common pitfall of restorative justice practices, that is often found in instances of unsuccessful or “failed” restorative programs. Unfortunately, very little is published about VOM programs that achieve anything less than satisfactory results, and this could be an area for future study. For now, I put forth a message of potential: even seemingly unengaged young offenders can become “hooked in” to VOM, given the right circumstances, including a compelling experience with the victim.

### **Corrective Emotional Experiences & Transformative Outcomes in VOM**

My results regarding challenged expectations and corrective emotional experiences provide an important piece of missing information as to how VOM can lead to positive outcomes

for victims and offenders. This lends further insight as to what “happens” during the process of VOM. When an offender presents as more (or less) engaged than a victim anticipated, or a victim presents as less (or theoretically more, although this did not occur in these cases) angry or confrontational than an offender expected, important changes can happen. When one’s expectations are challenged, it can lead to a corrective emotional experience whereby one is forced to amend one’s beliefs about self and others. Sometimes during this process, healing and transformation can occur. Mediation can therefore be a therapeutic process in addition to diverting individuals from the costly and sometimes harmful retributive justice system. Bolivar (2010) commented on this by stating that the process of VOM is a transformative experience that creates healing – it is not one specific moment.

As previously discussed in my Results section, corrective emotional experiences (CEE) were first described by the psychoanalyst Franz Alexander in 1946. Franz described CEE as resulting from the relational process of psychotherapy, where individuals can re-navigate (and re-evaluate) past emotional wounds. Alexander described therapy as a space where our ego can “face again and again, in smaller or larger doses, formerly unbearable emotional situations and to deal with them in a different manner than in the past” (p. 115). Kohut (1984) further described the benefits of therapy being CEE, which can occur when therapists and clients work through difficult situations in a way that is productive, respectful, and healing. Likewise, VOM provides an opportunity for victims and offenders to work through a difficult situation in a new way. Indeed, several participants talked about the experience having a significant impact on them because it differed from how they are used to being treated. My results are the first to indicate, to my knowledge, that VOM might also provide a space for CEE, similar to therapy. Indeed, based on my literature review aiming to place my results in the context of previous research, I could

find no documentation of CEE occurring in settings other than psychotherapy. Thus, my dissertation provides novel evidence that CEE can occur outside of therapy and with persons other than a psychotherapist.

CEEs can be particularly important for young offenders given their developmental stage. There are several key developmental targets that a reasonably psychologically healthy adolescent must hit. These targets include learning to think abstractly, predicting and understanding potential consequences of their behaviour, accurately judging danger, and modulating one's behaviour to meet long-term goals or plans (Wright et al., 2016). Moreover, as discussed by Moran et al. (2017), many young offenders might come from background settings that include elements of maltreatment, neglect, or abuse. This history of negative childhood and adolescent experiences places individuals at risk for not being able to achieve these aforementioned milestones. In addition, they may experience a number of sequelae such as emotional lability, self-harm, avoidance, dissociation, substance misuse, poor social judgment, eating disorders, impulsivity, attentional difficulties, delinquency, and offending (Moran et al., 2017; Wright et al., 2016). CEEs might be particularly corrective for young offenders given this critical point in their development and this potential developmental background and context. If a young offender perceives themselves as having been treated with respect during VOM, it has the potential to be a powerful corrective emotional (or relational) experience. Similarly, if they leave the mediation feeling as though someone in the room believes in their ability to do better in the future, this may counteract some of the negative messages they have almost assuredly encountered in the past (by virtue of being young offenders). As discussed later, this is an important avenue for future research with VOM and young offenders.

### *A Corrective Relational Experience?*

In therapy, it can be nearly impossible to separate a CEE from the interpersonal nature of treatment, as therapeutic change occurs in the context of a relationship between therapist and client. That is, CEE might be better framed as corrective *relational* experiences. Indeed, there is a body of literature that contends that the only way to heal relational trauma is through relational healing (e.g., Pearlman & Courtois, 2015), but it also specifies that this relational healing occurs within the therapeutic alliance. Perhaps VOM, under the right circumstances and with the right individuals, can be an example of relational healing that does not require a formal therapy setting. As mentioned, to my knowledge, the existence of CEEs in settings other than the therapy room (and in the absence of a therapist) has not been formally studied or documented in previously published research.

The existence of a corrective relational experience housed within the VOM process was seen frequently in my cases. All but two of the nine cases involved some mention of it by one or more of the parties involved. This finding is a reminder that the relational aspects of restorative justice cannot and should not be ignored. Indeed, focusing on them provides an opportunity for greater healing and transformation, as described by the victims and offenders I interviewed. The proof lies in the narratives of victims and offenders – the magic of restorative justice happens in relationship to one another. However, as discussed in my Introduction, as Indigenous restorative justice has been appropriated by colonial society, there has been a tendency to neglect the fundamental principle that crime is rooted in a disconnection from kinfolk and community (Gray & Lauderdale, 2007; Hansen & Antsanen, 2012). That is, what is “discovered” in Western research (like my dissertation) is arguably already known by Indigenous community, and



researchers (including me) should be careful not to claim knowledge as new when it only appears to be so through the lens of colonization.

### **VOM Effectiveness**

One of the most robust findings from previous research is that participants enjoy various types of positive outcomes from participating in VOM programs. Positive outcomes are nearly ubiquitous in the published research on outcomes of VOM. These outcomes include less anxiety, fear, and anger (Bolivar, 2010; Lloyd & Borrill, 2010), feeling “better” overall (McGeer & Pettit, 2015), as well as a sense of closure and empowerment (Choi et al., 2010a; Choi et al., 2010b). Victims have also been found to report fewer negative feelings toward the offender following VOM participation, and offenders might be able to restore a feeling of dignity by offering an apology (Suzuki & Yuan, 2021).

Another way in which the literature describes VOM effectiveness is in terms of participant satisfaction. According to Tamarit and Luque (2016), even when a VOM experience does not include compensation or apology, victims reported being satisfied with the outcome. These findings are all consistent with my dissertation participants’ outcomes after mediation [i.e., Theme 8 (Simple Satisfaction) and Theme 9 (Healing Through Relationship)]. Relief and Ameliorated Shame, two subthemes under Theme 8 coincide with the above findings, as do Feeling Understood and Valued, Pride, and Forgiveness under Theme 9.

An apology happened in all the cases in my study, although the extent to which they seemed to be genuine varied quite a bit. In cases where the apology was potentially hasty or appeared unaccompanied by high levels of empathy and/or remorse, victims did indeed still report being satisfied with the process.

Satisfaction with VOM does appear to exist on a continuum rather than being binary. Choi et al. (2013) noted that in most cases, reality falls short of perfect adherence to VOM principles. While some needs get met, others may not. However, it was asserted that any reasonable effort to preserve VOM integrity is often met with satisfaction by participants (Choi et al., 2013). This assertion did seem to hold true in the cases involved in my study. While participants held a variety of motivations for engaging in VOM (most of which seemed related to various needs they had), they still experienced satisfaction even when not all of their needs were met during the VOM process. Choi et al. (2013) found that victims often express a desire for less formality, more participation, more information/preparation, respect, fairness, and emotional/practical restoration within the VOM process. VOM is a complex interpersonal experience that can be more or less satisfying depending on a variety of factors and perceptions. Luckily, participants do seem to frequently describe it as satisfying regardless of whether all their needs and wants are met or not. This suggests that VOM can be healing even in the absence of perfect conditions, which is reassuring for proponents of VOM and lends further evidence for its use, as well as its potential advantages over retributive justice.

### ***VOM and the Young Offender – Don't Throw the Baby Out with the Bath Water***

One of the reasons that I was initially drawn to studying VOM is that it comes from a place of hope. VOM (and restorative justice in general) is centered on the theory that there is always hope that out of conflict, healing and restoration can occur. This notion is seldom found in clinical forensic work, where political climate often dictates that there must be a focus on risk assessment, recidivism prevention, and public safety. VOM, on the other hand, comes from the perspective that individuals are capable of lasting positive change. Although an individual has

committed an illegal act, a strengths-based rather than deficit-focused model dictates that mistakes are not fatal flaws but rather opportunities for growth and reconciliation.

The perspective that offenders are capable of positive change is especially relevant to young offenders, given the finding that a large proportion of young offenders “grow out” of their offending behaviour by adulthood (McMahon & Jump, 2018; Richards, 2011). If we view young offenders as having “ruined” their chances of becoming productive, empathetic members of society, we run the risk of throwing the baby out with the bath water and missing the opportunity for them to develop resilience. Who among us has not conducted themselves in a way they later regretted? As with most things, less-than-desirable conduct exists on a continuum, and perhaps a larger mistake is just a greater opportunity for growth and change.

### **But Where are the Mediators?**

In addition to discussing what participants shared about their experiences of VOM, I believe it is important to remark upon notable *absences* from what they shared. One such absence was the role of the professional mediators facilitating the VOM sessions. Before embarking on data collection, I completed the 30-hour Basic Mediator Training through the Conflict Resolution Center in Minneapolis, MN. During this training and in the materials provided to us, mediators were described as being integral to experience of mediation, responsible for maintaining safe space and directing the flow of interaction (Beer & Steif, 1997). In this way, mediators are regarded as being “brokers of apology,” and a fulcrum on which the two sides can balance themselves. I entered my research assuming that participants would discuss the mediators who facilitated their sessions as playing a key role in their VOM experience. To my surprise, however, mediators were rarely – if ever – mentioned by my participants. This lack of discussion of mediators is in stark contrast to previous research that

emphasizes the importance of these facilitators for VOM process and success (e.g., Bazemore & Umbreit, 2003; Umbreit, Coates, & Vos, 2001; Umbreit et al., 1999; Umbreit & Vos, 2000; Umbreit, Vos, & Coates; 2005; White, 2001). When participants in my dissertation did mention the mediator, it was in passing or to say that they had seemed superfluous to the process. This finding challenges existing, arguably deeply held, assumptions about the importance of the mediators in the VOM process.

According to Rypi (2007), there has already been debate in the literature about how involved a mediator should be in the mediation process. Wemmers and Canuto (2002), argued that the mediator is extremely important and must be perceived as “neutral” in order for mediation to be successful. They also assert that the mediators (or case managers) have a responsibility to monitor whether the offender does what they said they would do in the mediation agreement. Several of my cases involved an apology that happened in the absence of the mediator(s) (i.e., during a break where the victim and offender approached one another in the mediation room before the mediators returned). I also found (via post-mediation interviews with the victims) that offender follow-through with restitution was less than perfect in some cases, and the mediation centres did not generally seem to track it effectively. But note that participants in my dissertation still reported what they considered to be beneficial outcomes from their VOM experience – again indicating that the role of the mediator might not be as universally crucial as previous research implies.

Choi et al. (2010a) found that common mediator issues (according to VOM participants) included being too directive, insensitive, hurried, or biased. Despite these shortcomings being relatively frequent, VOM participants still reported finding “closure” and “empowerment” following mediation. In some of the cases in my research, the mediators were described as

ineffective, inexperienced, or in one case disruptive by arriving late and continually interrupting the participants. However, victims reported being satisfied with the process despite an imperfect restitution result, which suggests that the mediators were not terribly integral to the end result. This also bolsters the previously mentioned idea that VOM does not have to be perfect to be effective. Although analyzing mediator traits and influences was beyond the scope of my dissertation, it is a valuable area for potential future research.

The fact that many of the apologies in my case studies occurred in the absence of the mediators leads to a few potential hypotheses. First, perhaps the mediators were so skilled at providing a natural-seeming effect on the mediation environment and individuals within it, that their role went unnoticed. Second, maybe the real work is meant to be done by the victims and offenders themselves, and a mediator's job is to set the stage and get out of the way (in which case the mediators did this quite effectively). Third, it is possible that the mediators simply do not matter all that much, and their skill or lack thereof does little to help or hinder the process of relational restoration. Further study of the mediators and their effect on mediation is needed to address these hypotheses.

In the absence of such research, I can draw on the experience of taking the mediator skills training myself, as part of my preparation for my dissertation. The mediator training handbook states, "The problem is their responsibility. The process is yours" (Beer & Stief, 1997, p. 89). Mediators are urged to remember that their responsibilities include maintaining the direction, flow, and pace of the mediation. It is also indicated that a mediator must establish their role which includes maintaining "control of process decisions" even if certain individuals attempt to "take over" (p. 93). However, this guidance seems incongruent with the finding that meaningful apologies and relational healing seemed to occur when the mediators were being the least

directive (and in some cases were out of the room entirely). If it is true that the real work of mediation is done by the victims and offenders regardless of the mediators' input, it would parallel the values upon which restorative justice was created. Restorative justice aims to reposition victims and offenders as individuals with agency and control over their behaviour and futures (Tracy, 1998; Waltman-Spreha, 2013; Zehr, 2004), and thus it makes sense that they alone are responsible for any healing that occurs. Rather than being brokers of apology, mediators appear to serve as facilitators at most, and casual onlookers at other times. In completing the 30-hour mediation training prior to data collection, I was able to contrast my research findings with the concepts taught to me in training. This immersive experience is an example of how my research represents a unique contribution to the existing literature on mediation.

### **The Problem with Victim Proxies**

Three of the cases in my dissertation involved a proxy victim rather than a "true" victim. Proxies are used as stand-ins when victims are unavailable or unwilling to participate, or there is no victim at all (i.e., in one of my cases a stolen car turned out to be a bait car, designed to be stolen). In some cases, proxies are intended to represent the community as a whole, rather than role-playing a specific victim. Proxies allow offenders to still participate in VOM. The proxy cases in my dissertation involved one case of bait car theft, one of shoplifting, and one of truancy and damage to property. Analysis of these proxy cases, in comparison to non-proxy cases, provided a unique opportunity for me to compare and contrast VOM in these situations.

The three proxy cases differed from the other six cases in my dissertation in various ways. First, while apologies were given in the six cases that had victim participants, apologies were not given in proxy cases. While the offenders verbalized remorse, it seems that the power

of a proxy was insufficient to inspire a formal apology. Interacting with a victim seemed to be an important part of the experience for a number of offenders and the offenders who could only interact with a proxy may have missed out on this opportunity. It is possible that the notion of a community being represented by a proxy is also too abstract a concept for young offenders. Or, perhaps the presence of a proxy does not lend itself to an emotionally profound enough experience as a “real” victim might. In an ideal scenario, cases would have been selected that only included a “real” victim and offender, rather than an offender and a proxy victim. According to Wallis (2010), a direct victim will always be more powerful than a surrogate one, and in the absence of an available direct victim, empathy work may be more appropriate than proxies.

Multiple themes were absent or less frequently described by offenders who participated with proxies. Specifically, Theme 3 (Victim’s Presentation Increases Engagement), Theme 5 (Apology), and Theme 7 (Corrective Emotional Experience/Challenged Expectations) in Stage 2 (during the mediation) in particular were less frequently described by offenders in proxy cases. This indicates, perhaps not surprisingly, that proxies are insufficient to form the important relational connections needed for transformative outcomes of VOM, lending further evidence to the power of the relationship formed between offenders and victims. Thus, offenders who can only access a proxy victim lose out on important interpersonal opportunities such as being pulled into transformative satisfaction via a compelling victim (i.e., the victim’s “gravitational pull”) and the potential of a CEE for change. In the absence of the actual victim, these outcomes may have been diluted at best, or impossible at worst. This might be a particular loss given the developmental stage of young offenders, as previously discussed, and the power of CEEs for this group. One might question if proxies are useful at all, given the loss of these opportunities. On

the other hand, given that VOM leads to satisfaction regardless (simple satisfaction vs. transformative satisfaction) others might argue that this loss is not that substantial or meaningful. As discussed, Healing Through Relationship (Theme 9) seems to be on a continuum, with proxy victim cases likely having a limit to how deep a transformation can occur. Whether or not this is a disadvantage likely depends on the stakeholder.

### **Strengths & the Promise of Qualitative VOM Research**

My dissertation and the circumstances under which it was conducted mean that it has amassed several strengths. First, victims and offenders were interviewed at multiple time points (i.e., both before and several months after mediation) and as such I can comment on the lasting effects of mediation. This pre-post interview design also allows me to draw conclusions about the change that occurs within the mediation room. For instance, without the pre-mediation interviews, the phenomenon of an initially self-focused offender experiencing transformation via an engaging victim would have gone unnoticed. Instead, the gravitational pull of victims became one of the most interesting and important aspects of my findings.

By including multiple cases involving both victims and offenders, I have been able to analyze transcripts using a case study approach. This enabled me to view the victims and offenders as a relative “team,” by which relational components of the mediation process became clear. Again, these relational components of VOM could have gone unnoticed with a different analytical choice. One example of a relational finding is the notion of the corrective emotional experience, which provides a powerful message about the utility and hope that VOM can offer. This contribution to research was only possible using a case-based approach to thematic analysis.

When embarking on any program of study, one hopes that their research will eventually answer the questions set out prior to data collection. In my dissertation, I wanted to find out what



victims and offenders said about their experience of VOM. I knew that they were likely to report high levels of satisfaction, but I wondered what being “satisfied” with the experience really meant. I hoped to discover the various benefits that victims and offenders viewed themselves as receiving from participating in VOM. My analysis not only provided me with answers to these questions, but also built upon existing literature by further developing the understanding of motivations to participate in VOM and the various ways in which one can define “closure.”

The research design that I employed also allowed participants to say as little or as much about their own experiences as they were comfortable. Researchers studying the experiences (of anyone, but especially victims of crime) have a responsibility to ensure that respect and safety are preserved in the study. Qualitative research allowed my participants to describe their own experiences in their own words, explain the meaning that they assigned to those experiences, and provide their interpretations. It seems to me that this approach to collecting data is one that is particularly respectful of an individual’s unique experience and right to agency – something that is quite often lost amidst the colonial justice system (Deset & Szabova, 2020; Fosse, 2020; Krinsky & Phares, 2020). Qualitative research brings many assets to studying VOM, and should be considered a reasonable alternative or adjunctive approach as compared to quantitative research.

Above all, it is important to remember that my analysis viewed personal experiences as facts, as is described by Katz (2017), rather than the more quantitative approach of looking for facts within personal experiences. What individuals share about their personal experiences was viewed as true, important, and unique to them. My role as researcher was not to interpret or evaluate any person’s words but rather look for connections between them and the experiences of other participants. In this way, my approach to analysis paralleled the foundation upon which

restorative justice was built – that individual experience is not just valid and relevant, but worthy of the utmost respect.

### ***Reflexive Thematic Analysis Quality Check***

In their recent publication on thematic analysis, Braun and Clarke (2022) include a 15-point checklist for ensuring the quality of reflexive thematic analysis. They assert that this checklist should be used not as strict rules, but as general and flexible guidelines. Further, they state that the quality of thematic analysis depends not on consensus, accuracy, and reliability, but on the researcher's ability to immerse themselves in the research, engage creatively with the data, and possess thoughtfulness and insight. The analysis must go beyond what is superficial and obvious and tap into the deeper meaning. They suggest methods such as reflexive journaling, allowing ample time for analysis, soliciting insight from knowledgeable others, choosing thoughtful names for themes, emulating quality published examples, and demonstrating the quality of analysis through an audit trail.

Using the 15-point checklist I evaluated the extent to which my methods satisfied the recommendations. The transcriptions were checked multiple times for accuracy. Coding and theme development were painstakingly undertaken, with numerous checks and tables used to keep track of relevance and completeness. Analysis occurred in a way that delved deeper than just the surface of the transcripts, resulting in a comprehensive and coherent model of the mediation process as it was described by my participants. The thematic analysis itself occurred over the span of about a year, with time spent mulling over options for names of themes, and how codes might be combined. At the end of my analysis, I emerged from the process with a model and themes that felt to me like a complete picture of what I had observed across the cases of mediation. In order to get that snapshot, numerous codes, themes, and half-drawn models were

discarded along the way. While they may not have been included in my document, their creation served to inform the next iterations until the final product was created. Finally, the written report was scanned for “positivism creep,” and I remained aware of the fact that my background in quantitative analysis impacted how I viewed my qualitative data and conclusions. My reflexive thematic analysis process satisfied the guidelines of the 15-point checklist by Braun and Clarke (2022) and as such, I am confident about the quality of my analysis and conclusions that followed from it.

### **Limitations of my Current Study**

As with any research, there are methodological shortcomings that must be identified and reflected upon in hindsight, and questions that cannot be answered by the existing data. One such issue is that so much time had passed between my data collection and data analysis. A shorter timeline would have created the possibility of going back to participants to ask for clarification regarding any of their statements or the use of multiple follow-up interviews to better clarify the process of change after mediation ended. Data collection was conducted at a time when the research question seemed to be “what is going on for participants as they go through the mediation process?” While this open-ended investigation provided lots of interesting and exciting potential avenues for research, as I developed themes it was frustrating to be unable to gather more information about the particularly interesting or recurring statements. This shortcoming was especially salient when creating the part of the mediation model that accounts for what happens inside of the mediation room. While I had extensive field notes to draw from, my insight into the participants’ internal experience is limited to what they said in their post-mediation interview. However, the extended timeline of my project was in some ways beneficial,

as a lot of research was conducted from the time I started to the time I finished. As my project matured, so too did the research surrounding it.

Another aspect of mediation that the current data cannot adequately address is the extent to which pre-existing ideas about justice might contribute to one's motivation for (or experience of) participation in VOM. If, for example, an individual holds the view that the court system involves fair and just processes, they may be more likely to pursue retributive justice rather than restorative interventions. On the other hand, if an offender for example has had previous punitive contact with the courts, they may be more open and willing to participate in a program that presents an alternative. It is also possible that the offender's motivation to participate would be related to the extent to which they view VOM as being connected to (or separate from) the retributive system they had previously experienced. Unfortunately, my data cannot answer these questions.

There was a lot of difficulty in obtaining cases for this research, and there is always a chance that the individuals who give consent to participate in research are qualitatively different from those who do not or who withdraw their consent part-way through (which happened on one occasion, in a case that was therefore not included in this dissertation. This selection bias is arguably more of an issue in quantitative design as it endeavors to be generalizable to a larger population, and analysis of my qualitative data intends only to fully describe the experiences of these particular individuals. However, the difficulty in gathering participants meant that cases were not as able to be scrutinized for suitability. Some participants were more willing to expand on their emotional experiences than others, for instance.

Other contributions of my research include using a developmental lens to consider VOM's appropriateness in young offender populations, viewing youth crime as an opportunity

for growth, and considering that a strengths-based approach may be beneficial to incorporate into any justice system. A surprising finding that has real-world implications is that the mediators are not as integral to the VOM process as previously thought (or implied by mediator training). This reality means that the participants themselves should be viewed as the key players, and mediators likely need only hold space and “get out of the way” of the work that is done by the victims and offenders as they navigate their healing process. The above findings are my unique and valuable contributions to the VOM and restorative justice literature, which could help inform practice in the future.

### **Implications and Recommendations**

One of the important findings in my research was that corrective relational experiences can happen outside of a therapy setting. Indeed, they represent one of the most transformational aspects of the VOM experience as described by victims and offenders in my data. This implies that mediator training designed at noticing, supporting, and augmenting CEEs might benefit VOM. Resources such as the guide to facilitating CEEs within a group therapy setting, published by Brown (2015) should be recommended reading for mediators. In it, the author outlines ways to prepare for, recognize, and facilitate corrective experiences in group settings. As discussed later, more research is also warranted on the role of CEEs and mediators in VOM.

Other recommendations based on my findings include for key stakeholders in VOM (i.e., referral sources such as courts, mediation centres, mediators, victims, and offenders) to be aware that offender engagement is a continuous process that can grow over time. An offender who initially seems minimally engaged (or engaged for self-focused reasons) has the potential to become more engaged by the process, especially if they are treated in ways that are more positive than how they have been treated in the past. Thus, seemingly disengaged offenders

should not be written off nor should it be assumed they will not benefit from VOM. Similarly, a victim can experience transformational healing from being able to experience a respectful interaction with the individual(s) who wronged them. These points provide compelling reasons to continue funding, delivering, and improving upon existing mediation programs and perhaps creating new ones as well.

In a continued effort to provide the Indigenous communities with ongoing reparations, we must recognize that restorative justice has been appropriated. Further, we hold an obligation to stop appropriating once we recognize that we are engaging in it. A simple first step is ending the harmful practice of plagiarism that has plagued restorative justice literature. Every study of VOM and restorative justice must credit Indigenous communities with being the first to employ restorative practices. Training programs covering restorative justice, across disciplines, must teach this appropriation as an important step in reconciliation. Cognitive dissonance naturally arises from realizing that Indigenous practices are being used within a system that disproportionately incarcerates the very communities that own those practices (see Clark, 2019, for a discussion of Indigenous incarceration rates). This cognitive dissonance should be used to build motivation for changing the colonial system of justice.

In the Introduction section, I discussed the Indigenous roots of restorative justice and some of the criticisms of how the relational and spiritual aspects have been diluted by the mainstreaming of restorative practices. Just as the relationship between restorative and retributive justice has been debated, there are numerous options for fitting Indigenous justice practices into (or around) the existing justice system. While outlining specific recommendations for how this might be done is beyond the scope of my research (and would in fact be overstating my involvement in Indigenous knowledge), I can speculate what a healthy system might look

like. Perhaps rather than choosing the either “us” or “them” approaches, there is a third option. Just as drug or mental health courts have proliferated, so too might an Indigenous court that sees First Nations, Inuit, and Metis individuals governing themselves and applying culturally-appropriate justice practices.

### ***My Prescription for Restorative Justice***

I have spent nearly 15 years studying VOM. As my understanding of the practice has grown and I have observed its potential benefits as well as limitations, my beliefs about how restorative justice could best be implemented have shifted. At the outset of my research I held the belief that restorative justice was on the cutting edge of alternative dispute resolution, and that it was a new idea that held great promise. Having observed numerous mediations, I still believe in the utility and potential of VOM but I recognize the problematic appropriation of Indigenous practices that has occurred. I also have a more detailed understanding of the ways in which existing VOM programs sometimes fall short of expectation. Mediation centers are plagued by lack of resources including time, finances, and staff. The existing system in Canada continues to be retributive. While working in various correctional facilities, I have noted that inmates often have numerous individuals on their “no contact” list. Sometimes these documented conflicts go back decades, or exist because of a simple misunderstanding that could potentially be resolved with an open and honest conversation. Instead, they result in institutional dilemmas when inmates cannot be housed on the same unit. This quandary sometimes means that inmates are kept in segregation longer than would be necessary if they were able to be with individuals on their no contact list. Even before observing the mediations in my research, it struck me as inefficient and shortsighted that conflict resolution was not used more often to address these

situations. Now that I have seen the effect that VOM can have on splintered relationships, I believe even more strongly in the need to implement it more frequently.

As stated above when discussing the potential for an Indigenous court system, I also support the idea of a restorative justice court system that could run parallel to the retributive one that we currently have in Canada. Just as we have mental health or drug courts, in situations where there is a willing victim and an offender who takes responsibility for their wrongdoing, VOM could represent a viable alternative to incarceration. However, implementing a comprehensive VOM court program requires that practices be grounded in research and observed facts rather than political influence. Judges and lawyers would need to be trained about how to effectively select eligible individuals for VOM, and the public would also need education about the options available to them. Although this training represents a cost to get a new court system running, it has the potential to be a more cost-effective and recidivism-reducing intervention in the long run.

Of course, there would be obstacles in developing a restorative justice court system, as there are with any large scale societal change. There will always be individuals who endorse the “tough on crime” approach, and prefer to see people who break the law incarcerated for their crimes. This unfortunate reality highlights the importance of disseminating progressive research that presents evidence of the shortcomings of the retributive justice system. This dissemination must occur in ways that reach not just academics and justice system professionals, but laypeople as well. As information about the effectiveness of restorative justice becomes increasingly common knowledge, my hope is that a paradigm shift will occur and VOM as well as other restorative justice practices will become more accepted by society as a whole.



### **Potential Areas of Future Study**

One area for further study might be to evaluate the extent to which a proxy can effectively interact with offenders in a mediation setting. The use of a proxy did appear to be qualitatively different than a true victim, perhaps as a result of less emotional “gravity” felt by the offender towards an individual that they had not actually harmed. While involving a proxy might allow for cases to move forward with mediation in instances where a real victim either does not exist or refuses to participate, it is still a fairly resource-heavy endeavour. Mediation centres must maintain lists of available volunteer proxies, and find a mediation time and venue that works for all involved parties. An alternative idea could potentially be developed using the Empty Chair Technique. This technique, originally used in Psychodrama and Gestalt therapies (Pugh, 2018) has recently been incorporated into other interventions as well. It involves using an empty chair to represent an imagined other (or part of self). By engaging in a conversation with this imagined other (in this case a victim), an offender could process grief and shame, and potentially address some of their dynamic factors for recidivism.

Two areas for future research to investigate arose from my study of what happens inside the mediation rooms. These areas are the CEE (especially as it relates to young offenders, as previously discussed), and the importance (or lack thereof) of the mediator in VOM. Both of these topics represent surprising findings that have important practical implications for future study of VOM.

Another area of potential future study involves the expression of empathy in VOM settings. According to Wallis (2010), empathy expression is a social construct, likely influenced by culture and situational cues. Given this knowledge, the social and cultural context of an individual’s life may influence the extent to which they are willing or able to express empathy

within VOM. Emotional literacy is also a prerequisite to empathy, and individuals vary in the extent to which they are capable of it. Additionally, someone who has unmet needs (either physical or emotional), may not be able to access empathy as readily as someone who has more of their needs being met elsewhere in life. This fact was likely salient for a few of my participants who were experiencing poverty, parental neglect, or systemic oppression.

### **Conclusion**

In conclusion, my dissertation utilized a reflexive thematic analysis of multiple cases of VOM to gain a detailed understanding of victims' and offenders' experiences. By analyzing participants' accounts of the process and attending the mediations themselves, I was able to identify that there are self-focused as well as relationship-focused motivations that might lead an individual to participate in VOM. Within the mediation room, participants attempt to satisfy their initial motivations, an apology may occur, and a healing connection may be repaired or newly forged. A victim may present in such a way that a previously minimally engaged offender may increase their engagement in the mediation. If a participant's expectations are challenged when reality differs (positively) from what they imagined, a corrective emotional experience may occur. Several months following the mediation, victims and offenders describe high levels of satisfaction with their VOM experience. This satisfaction sometimes includes a transformational experience that has the potential to provide healing and closure which the participants in my research described in deep and meaningful ways. Finally, the mediator's presentation may not be crucial to the experience of mediation, contrary to existing beliefs and teachings in mediator training.

It is clear from the existing literature outlined in my dissertation, that the colonial retributive justice system has not just fallen short of expectations but has also created harm.

Given that the system is unlikely to experience a spontaneous positive shift in the future, society would likely benefit from considering alternatives. Restorative justice (of which VOM is but one example) represents a viable alternative to the retributive system, provided that appropriate credit and respect are given to its Indigenous roots. The findings in my research can inform future study of VOM to continue to refine and improve the practices, with the long-term goal of creating a safer world.

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## Appendix A – Offender Consent Form



**UNIVERSITY OF  
SASKATCHEWAN**

You are invited to participate in a research project entitled “Face to Face: A Case Study Approach to Exploring Victim-Offender Mediation.” This project was approved by the University of Saskatchewan Behavioural Research Ethics Board on 08-30-2011. Please read this form carefully, and feel free to ask questions you might have.

**Researcher(s):** Cailey Strauss (cbs626@mail.usask.ca) & Dr. J. Stephen Wormith (s.wormith@usask.ca; 306-966-6818), Department of Psychology, University of Saskatchewan.

**Purpose and Procedure:** The purpose of this study is to gain information about how individuals experience victim-offender mediation, including what participants say about the process. The current study also looks at various parts of your personality like empathy, feelings of guilt or shame, or how you relate to others. These personality factors are explored as they relate to your experience going through mediation. This study will involve two interviews (before and after mediation) which are recorded on audiotape. The time between your first and second interview will be approximately six months. Interviews will involve short questionnaires about your personality for the purpose of adding detail to the case studies, and your file information may be reviewed. The researcher may also observe your mediation in person. The findings will be written into a PhD dissertation to be defended at the University of Saskatchewan, and may be later presented as a manuscript and/or at conferences. In cases where the data is presented in public, direct quotations may be used but false names will be used and cases will be de-identified to protect confidentiality.

**Potential Benefits:** You may benefit from participation in this study by being able to talk about your experience with mediation. Some individuals may find this process of discussion enjoyable or even therapeutic. The community in general may also benefit from your participation as it will contribute to the knowledge about what makes mediation effective. However, these benefits are not guaranteed and you may experience no direct benefit from your participation in this study.

**Potential Risks:** You may find that discussing mediation as well as various parts of your life is an emotional and sometimes difficult experience. Should you experience negative emotion during the interviews, it can be discussed with the researcher. If the difficulty cannot be addressed within the interview, the phone number for the Walk-In Counselling Center in Minneapolis is 612-870-0565. This contact information will also be provided on the feedback form that you will receive.

**Storage of Data:** Interviews will be recorded on digital voice recorders, which will be immediately loaded onto a password protected computer in a password protected folder. Any notes, questionnaires, or contact information will always be transported from site to site in a locked box, and will be stored in a hotel safe while in Minneapolis. Once in Saskatoon, these materials will be stored in a locked research lab belonging to the faculty supervisor at the University of Saskatchewan. Transcripts of the interviews will be stored on a password protected computer, in password protected files. The data will be stored for 5 years after which it will be

destroyed. Only the researcher, faculty supervisor, and research assistants will have access to the data while it is stored.

**Confidentiality:** The data from this research project may be published and presented at conferences; however, your identity will be kept confidential. Although we will report direct quotations from the interview, you will be given a false name, and all identifying information will be removed from our report. Please also be aware that that information is collected from each person in your case of mediation, so your information might be identifiable to others in the group if they read the study afterwards.

**Right to Withdraw:** Your participation is voluntary, and you may answer only those questions that you are comfortable with. There is no guarantee that you will personally benefit from your involvement. The information that is shared will be held in strict confidence and discussed only with the research team. You may withdraw from the project or request that recording equipment be turned off for any reason, at any time, without any sort of penalty. You will still be in the mediation program, and your standing with the courts will not be affected by withdrawing from this study. If you withdraw from the research project at any time, any data that you have contributed will be destroyed. Consent will be re-visited at the beginning of every interview during the duration of this study. After your interviews, and prior to the data being included in the final report, you will be given the opportunity to review the transcript of your interview, and to add, alter, or delete information as you see fit. Your right to withdraw data from the study will apply until data analysis has been completed in August 2012. After this date it is possible that some form of research dissemination will have already occurred and it may not be possible to withdraw your data.

- I would like to review the transcript before it is included in the final report
- I do not need to review the transcript before it is included in the final report

**Questions:** Please feel free to ask any questions about the research project at any point. You may contact the researchers at the email addresses or phone number provided. Questions regarding your rights as a participant may be addressed to the committee through the Ethics Office at the University of Saskatchewan (1-306-966-2084). Out of town participants may call collect.

**Follow-Up or Debriefing:**

At the end of the pre-mediation and post-mediation interviews, you will be given a debriefing sheet. This form will be yours to keep and it will explain the purpose of this study, including how and why your mediation is being researched. The debriefing form will have contact information for the researcher, should you have any questions, and you are welcome to share any thoughts, questions, or concerns with the researcher throughout the process of participating. When the study is completed, the results of the research project will be shared with you through a method of your choosing (i.e., phone, mail, email, fax, or in person) and you will have the opportunity to provide your opinions and feedback to the researcher. At the end of the post-mediation interview you will be given a \$15 gift card for Target, as a token of appreciation for your time and effort.

**Consent to Participate:**

I have read and understood the description provided; I have had an opportunity to ask questions and my/our questions have been answered. I consent to participate in the research project, understanding that I may withdraw my consent at any time. A copy of this Consent Form has been given to me for my records.

I consent to: (please check one)

- The researcher being present during the mediation session
- The mediation session being video recorded and then shared with the researcher
- The researcher not present during the video session and not permitted to record the mediation session – no access

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

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Participant)

\_\_\_\_\_  
(Signature of Researcher)

## Appendix B – Victim Consent Form



**UNIVERSITY OF  
SASKATCHEWAN**

You are invited to participate in a research project entitled “Face to Face: A Case Study Approach to Exploring Victim-Offender Mediation.” This project was approved by the University of Saskatchewan Behavioural Research Ethics Board on 08-30-2011. Please read this form carefully, and feel free to ask questions you might have.

**Researcher(s):** Cailey Strauss (cbs626@mail.usask.ca) & Dr. J. Stephen Wormith (s.wormith@usask.ca; 306-966-6818), Department of Psychology, University of Saskatchewan.

**Purpose and Procedure:** The purpose of this study is to gain information about how individuals experience victim-offender mediation, including what participants say about the process. The current study also looks at various parts of your personality like empathy, feelings of guilt or shame, or how you relate to others. These personality factors are explored as they relate to your experience going through mediation. This study will involve two interviews (before and after mediation) which are recorded on audiotape. The time between your first and second interview will be approximately six months. Interviews will involve brief questionnaires about your personality for the purpose of adding detail to the case studies, and your file information may be reviewed. The researcher may also observe your mediation in person. The findings will be written into a PhD dissertation to be defended at the University of Saskatchewan, and may be later presented as a manuscript and/or at conferences. In cases where the data is presented in public, direct quotations may be used but false names will be used and cases will be de-identified to protect confidentiality.

**Potential Benefits:** You may benefit from participation in this study by being able to talk about your experience with mediation. Some individuals may find this process of discussion enjoyable or even therapeutic. The community in general may also benefit from your participation as it will contribute to the knowledge about what makes mediation effective. However, these benefits are not guaranteed and you may experience no direct benefit from your participation in this study.

**Potential Risks:** You may find that discussing mediation as well as various parts of your life is an emotional and sometimes difficult experience. Should you experience negative emotion during the interviews, it can be discussed with the researcher. If the difficulty cannot be addressed within the interview, the phone number for the Walk-In Counselling Center in Minneapolis is 612-870-0565. This contact information will also be provided on the feedback form that you will receive.

**Storage of Data:** Interviews will be recorded on digital voice recorders, which will be immediately loaded onto a password protected computer in a password protected folder. Any notes, questionnaires, or contact information will always be transported from site to site in a locked box, and will be stored in a hotel safe while in Minneapolis. Once in Saskatoon, these materials will be stored in a locked research lab belonging to the faculty supervisor at the University of Saskatchewan. Transcripts of the interviews will be stored on a password protected computer, in password protected files. The data will be stored for 5 years after which it will be destroyed. Only

the researcher, faculty supervisor, and research assistants will have access to the data while it is stored.

**Confidentiality:** The data from this research project may be published and presented at conferences; however, your identity will be kept confidential. Although we will report direct quotations from the interview, you will be given a false name, and all identifying information will be removed from our report. Please also be aware that that information is collected from each person in your case of mediation, so your information might be identifiable to others in the group if they read the study afterwards.

**Right to Withdraw:** Your participation is voluntary, and you may answer only those questions that you are comfortable with. There is no guarantee that you will personally benefit from your involvement. The information that is shared will be held in strict confidence and discussed only with the research team. You may withdraw from the project or request that recording equipment be turned off for any reason, at any time, without any sort of penalty. Your opportunity to be in the mediation program will not be affected by withdrawing from the study. If you withdraw from the research project at any time, any data that you have contributed will be destroyed. Consent will be re-visited at the beginning of every interview during the duration of this study. After your interviews, and prior to the data being included in the final report, you will be given the opportunity to review the transcript of your interview, and to add, alter, or delete information as you see fit. Your right to withdraw data from the study will apply until data analysis has been completed in August 2012. After this date it is possible that some form of research dissemination will have already occurred and it may not be possible to withdraw your data.

I would like to review the transcript before it is included in the final report

I do not need to review the transcript before it is included in the final report

**Questions:** Please feel free to ask any questions about the research project at any point. You may contact the researchers at the email addresses or phone number provided. Questions regarding your rights as a participant may be addressed to the committee through the Ethics Office at the University of Saskatchewan (1-306-966-2084). Out of town participants may call collect.

**Follow-Up or Debriefing:**

At the end of the pre-mediation and post-mediation interviews, you will be given a debriefing sheet. This form will be yours to keep and it will explain the purpose of this study, including how and why your mediation is being researched. The debriefing form will have contact information for the researcher, should you have any questions, and you are welcome to share any thoughts, questions, or concerns with the researcher throughout the process of participating. When the study is completed, the results of the research project will be shared with you through a method of your choosing (i.e., phone, mail, email, fax, or in person) and you will have the opportunity to provide your opinions and feedback to the researcher. At the end of the post-mediation interview you will be given a \$15 gift card for Target, as a token of appreciation for your time and effort.



**Consent to Participate:**

I have read and understood the description provided; I have had an opportunity to ask questions and my/our questions have been answered. I consent to participate in the research project, understanding that I may withdraw my consent at any time. A copy of this Consent Form has been given to me for my records.

I consent to: (please check one)

- The researcher being present during the mediation session
- The mediation session being video recorded and then shared with the researcher
- The researcher not present during the video session and not permitted to record the mediation session – no access

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

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Participant)

\_\_\_\_\_  
(Signature of Researcher)

## Appendix C – Mediator Consent Form



**UNIVERSITY OF  
SASKATCHEWAN**

You are invited to participate in a research project entitled “Face to Face: A Case Study Approach to Exploring Victim-Offender Mediation.” This project was approved by the University of Saskatchewan Behavioural Research Ethics Board on 08-30-2011. Please read this form carefully, and feel free to ask questions you might have.

**Researcher(s):** Cailey Strauss (cbs626@mail.usask.ca) & Dr. J. Stephen Wormith (s.wormith@usask.ca; 306-966-6818), Department of Psychology, University of Saskatchewan.

**Purpose and Procedure:** The purpose of this study is to gain information about how individuals experience victim-offender mediation, including what participants say about the process. Your role as a mediator serves an important function in the process. This study will involve two interviews (before and after mediation) which are recorded on audiotape. The time between your first and second interview will be approximately six months. The researcher may also observe the mediation in person. The findings will be written into a PhD dissertation to be defended at the University of Saskatchewan, and may be later presented as a manuscript and/or at conferences. In cases where the data is presented in public, direct quotations may be used but false names will be used and cases will be de-identified to protect confidentiality.

**Potential Benefits:** You may benefit from participation in this study by being able to talk about your experience with mediation. Some individuals may find this process of discussion enjoyable or even therapeutic. The community in general may also benefit from your participation as it will contribute to the knowledge about what makes mediation effective. However, these benefits are not guaranteed and you may experience no direct benefit from your participation in this study.

**Potential Risks:** You may find that discussing mediation as well as your emotions is a difficult experience. Should you experience negative emotion during the interviews, it can be discussed with the researcher. If the difficulty cannot be addressed within the interview, the phone number for the Walk-In Counselling Center in Minneapolis is 612-870-0565. This contact information will also be provided on the feedback form that you will receive.

**Storage of Data:** Interviews will be recorded on digital voice recorders, which will be immediately loaded onto a password protected computer in a password protected folder. Any notes, questionnaires, or contact information will always be transported from site to site in a locked box, and will be stored in a hotel safe while in Minneapolis. Once in Saskatoon, these materials will be stored in a locked research lab belonging to the faculty supervisor at the University of Saskatchewan. Transcripts of the interviews will be stored on a password protected computer, in password protected files. The data will be stored for 5 years after which it will be destroyed. Only the researcher, faculty supervisor, and research assistants will have access to the data while it is stored.

**Confidentiality:** The data from this research project may be published and presented at conferences; however, your identity will be kept confidential. Although we will report direct

quotations from the interview, you will be given a false name, and all identifying information will be removed from our report. Please also be aware that that information is collected from each person in your case of mediation, so your information might be identifiable to others in the group if they read the study afterwards.

**Right to Withdraw:** Your participation is voluntary, and you may answer only those questions that you are comfortable with. There is no guarantee that you will personally benefit from your involvement. The information that is shared will be held in strict confidence and discussed only with the research team. You may withdraw from the project or request that recording equipment be turned off for any reason, at any time, without any sort of penalty. If you withdraw from the research project at any time, any data that you have contributed will be destroyed. Consent will be re-visited at the beginning of every interview during the duration of this study. After your interviews, and prior to the data being included in the final report, you will be given the opportunity to review the transcript of your interview, and to add, alter, or delete information as you see fit. Your right to withdraw data from the study will apply until data analysis has been completed in August 2012. After this date it is possible that some form of research dissemination will have already occurred and it may not be possible to withdraw your data.

- I would like to review the transcript before it is included in the final report
- I do not need to review the transcript before it is included in the final report

**Questions:** Please feel free to ask any questions about the research project at any point. You may contact the researchers at the email addresses or phone number provided. Questions regarding your rights as a participant may be addressed to the committee through the Ethics Office at the University of Saskatchewan (1-306-966-2084). Out of town participants may call collect.

**Follow-Up or Debriefing:**

At the end of the pre-mediation and post-mediation interviews, you will be given a debriefing sheet. This form will be yours to keep and it will explain the purpose of this study, including how and why your mediation is being researched. The debriefing form will have contact information for the researcher, should you have any questions, and you are welcome to share any thoughts, questions, or concerns with the researcher throughout the process of participating. When the study is completed, the results of the research project will be shared with you through a method of your choosing (i.e., phone, mail, email, fax, or in person) and you will have the opportunity to provide your opinions and feedback to the researcher. At the end of the post-mediation interview you will be given a \$15 gift card for Target, as a token of appreciation for your time and effort.

**Consent to Participate:**

I have read and understood the description provided; I have had an opportunity to ask questions and my/our questions have been answered. I consent to participate in the research project, understanding that I may withdraw my consent at any time. A copy of this Consent Form has been given to me for my records.

I consent to: (please check one)

- The researcher being present during the mediation session
- The mediation session being video recorded and then shared with the researcher
- The researcher not present during the video session and not permitted to record the mediation session – no access

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(Name of Participant)

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(Date)

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(Signature of Participant)

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(Signature of Researcher)

## Appendix D – Assent Form



**UNIVERSITY OF  
SASKATCHEWAN**

You are invited to participate in a research project entitled “Face to Face: A Case Study Approach to Exploring Victim-Offender Mediation.” This project was approved by the University of Saskatchewan Behavioural Research Ethics Board on 08-30-2011. Please read this form carefully, and feel free to ask questions you might have.

**Researcher(s):** Cailey Strauss (cbs626@mail.usask.ca) & Dr. J. Stephen Wormith (s.wormith@usask.ca; 306-966-6818), Department of Psychology, University of Saskatchewan.

**Purpose and Procedure:** The purpose of this study is to gain information about how individuals experience victim-offender mediation, including what participants say about the process. The current study also looks at various parts of your personality like empathy, feelings of guilt or shame, or how you relate to others. These personality factors are explored as they relate to your experience going through mediation. This study will involve two interviews (before and after mediation) which are recorded on audiotape. The time between your first and second interview will be approximately six months. Interviews will involve brief questionnaires about your personality for the purpose of adding detail to the case studies, and your file information may be reviewed. The researcher may also watch your mediation in person. The findings will be written into a PhD dissertation (a large research project) to be presented at the University of Saskatchewan, and may be later presented as a manuscript and/or at conferences. In cases where the data is presented in public, direct quotations may be used but false names will be used and cases will be de-identified to protect confidentiality. This research is not part of your regular mediation activities, and your participation is optional.

**Potential Benefits:** You may benefit from participation in this study by being able to talk about your experience with mediation. Some individuals may find this process of discussion enjoyable or even therapeutic. In other words, you may feel good after talking about your experience. The community in general may also benefit from your participation as it will contribute to the knowledge about what makes mediation effective. However, these benefits are not guaranteed and you may experience no direct benefit from your participation in this study.

**Potential Risks:** You may find that discussing mediation as well as various parts of your life is an emotional and sometimes difficult experience. Should you experience negative emotion during the interviews, it can be discussed with the researcher. If the difficulty cannot be addressed within the interview, the phone number for the Walk-In Counselling Center in Minneapolis is 612-870-0565. This contact information will also be provided on the feedback form that you will receive.

**Storage of Data:** Interviews will be recorded on digital voice recorders, which will be immediately loaded onto a password protected computer in a password protected folder. Any notes, questionnaires, or contact information will always be transported from site to site in a locked box, and will be stored in a hotel safe while in Minneapolis. Once in Saskatoon, these materials will be stored in a locked research lab belonging to the faculty supervisor at the University of Saskatchewan. Transcripts of the interviews will be stored on a password protected computer, in

password protected files. The data will be stored for 5 years after which it will be destroyed. Only the researcher, faculty supervisor, and research assistants will have access to the data while it is stored.

**Confidentiality:** The data from this research project may be published and presented at conferences; however, your identity will be kept confidential. Although we will report direct quotations from the interview, you will be given a false name, and all identifying information will be removed from our report. Please also be aware that that information is collected from each person in your case of mediation, so your information might be identifiable to others in the group if they read the study afterwards.

**Right to Withdraw:** Your participation is voluntary, and you may answer only those questions that you are comfortable with. There is no guarantee that you will personally benefit from your involvement. The information that is shared will be kept private and discussed only with the research team. You may withdraw from the project or request that recording equipment be turned off for any reason, at any time, without penalty, and no one will be angry with you. You will still be in the mediation program, and your standing with the courts will not be affected by withdrawing from this study. If you withdraw from the research project at any time, any data that you have contributed will be destroyed. Consent will be re-visited at the beginning of every interview during the duration of this study. After your interviews, and prior to the data being included in the final report, you will be given the opportunity to review the transcript of your interview, and to add, alter, or delete information as you see fit. Your right to withdraw data from the study will apply until data analysis has been completed in August 2012. After this date it is possible that some form of research dissemination will have already occurred and it may not be possible to withdraw your data.

- I would like to review the transcript before it is included in the final report
- I do not need to review the transcript before it is included in the final report

**Questions:** Please feel free to ask any questions about the research project at any point. You may contact the researchers at the email addresses or phone number provided. Questions regarding your rights as a participant may be addressed to the committee through the Ethics Office at the University of Saskatchewan (1-306-966-2084). Out of town participants may call collect.

**Follow-Up or Debriefing:**

At the end of the pre-mediation and post-mediation interviews, you will be given a sheet that will be yours to keep and will explain the purpose of this study, including how and why your mediation is being researched. The debriefing form will have contact information for the researcher, should you have any questions, and you are welcome to share any thoughts, questions, or concerns with the researcher throughout the process of participating. When the study is completed, the results of the research project will be shared with you through a method of your choosing (i.e., phone, mail, email, fax, or in person) and you will have the opportunity to provide your opinions and feedback to the researcher. At the end of the post-mediation interview you will be given a \$15 giftcard for Target, as a token of appreciation for your time and effort.

**Consent to Participate:**

I have read and understood the description provided; I have had an opportunity to ask questions and my/our questions have been answered. I consent (or give consent to the child under my care) to participate in the research project, understanding that I may withdraw my consent at any time. A copy of this Consent Form has been given to me for my records.

I am willing to allow: (please check one)

- The researcher being present during the mediation session
- The mediation session being video recorded and then shared with the researcher
- The researcher not present during the video session and not permitted to record the mediation session – no access

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

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Participant)

\_\_\_\_\_  
(Signature of Researcher)

## Appendix E – Parental Consent Form



**UNIVERSITY OF  
SASKATCHEWAN**

Your child is invited to participate in a research project entitled “Face to Face: A Case Study Approach to Exploring Victim-Offender Mediation.” This project was approved by the University of Saskatchewan Behavioural Research Ethics Board on 08-30-2011. Please read this form carefully, and feel free to ask questions you might have.

**Researcher(s):** Cailey Strauss (cbs626@mail.usask.ca) & Dr. J. Stephen Wormith (s.wormith@usask.ca; 306-966-6818), Department of Psychology, University of Saskatchewan.

**Purpose and Procedure:** The purpose of this study is to gain information about how individuals experience victim-offender mediation, including what participants say about the process. The current study also looks at various parts of personality like empathy, feelings of guilt or shame, or how your child relates to others. These personality factors are explored as they relate to your child’s experience going through mediation. This study will involve two interviews (before and after mediation) which are recorded on audiotape. The time between your first and second interview will be approximately six months. Interviews will involve brief questionnaires about your child’s personality for the purpose of adding detail to the case studies, and file information may be reviewed. The researcher may also observe the mediation in person. The findings will be written into a PhD dissertation to be defended at the University of Saskatchewan, and may be later presented as a manuscript and/or at conferences. In cases where the data is presented in public, direct quotations may be used but false names will be used and cases will be de-identified to protect confidentiality.

**Potential Benefits:** Your child may benefit from participation in this study by being able to talk about their experience with mediation. Some individuals may find this process of discussion enjoyable or even therapeutic. The community in general may also benefit from your child’s participation as knowledge will be gained about what makes mediation effective. However, these benefits are not guaranteed and your child may experience no direct benefit from participating.

**Potential Risks:** Your child may find that discussing mediation as well as various parts of his/her life is an emotional and sometimes difficult experience. Should your child experience negative emotion during the interviews, it can be discussed with the researcher. If the difficulty cannot be addressed within the interview, the phone number for the Walk-In Counselling Center in Minneapolis is 612-870-0565. This contact information will also be provided on the feedback form that you will receive.

**Storage of Data:** Interviews will be recorded on digital voice recorders, which will be immediately loaded onto a password protected computer in a password protected folder. Any notes, questionnaires, or contact information will always be transported from site to site in a locked box, and will be stored in a hotel safe while in Minneapolis. Once in Saskatoon, these materials will be stored in a locked research lab belonging to the faculty supervisor at the University of Saskatchewan. Transcripts of the interviews will be stored on a password protected computer, in password protected files. The data will be stored for 5 years after which it will be destroyed. Only



the researcher, faculty supervisor, and research assistants will have access to the data while it is stored.

**Confidentiality:** The data from this research project may be published and presented at conferences; however, identities will be kept confidential. Although we will report direct quotations from the interview, false names will be used, and all identifying information will be removed from our report. Please also be aware that that information is collected from each person in your child's case of mediation, so your child's information might be identifiable to others in the group if they read the study afterwards.

**Right to Withdraw:** Participation is voluntary, and your child may answer only those questions that he/she is comfortable with. There is no guarantee that your child will benefit from his/her involvement. The information that is shared will be held in strict confidence and discussed only with the research team. Your child may withdraw from the project for any reason or request that recording equipment be turned off, at any time, without penalty. Your child will still be in the mediation program, and his/her standing with the courts will not be affected by withdrawing from this study. Upon withdrawing from the research project, any data that your child has contributed will be destroyed. Consent will be re-visited at the beginning of every interview during the duration of this study. After the interviews, and prior to the data being included in the final report, your child will be given the opportunity to review the transcript of their interview, and to add, alter, or delete information as they see fit. Your right to withdraw data from the study will apply until data analysis has been completed in August 2012. After this date it is possible that some form of research dissemination will have already occurred and it may not be possible to withdraw your data.

**Questions:** Please feel free to ask any questions about the research project at any point. You may contact the researchers at the email addresses or phone number provided. Questions regarding your rights as a participant may be addressed to the committee through the Ethics Office at the University of Saskatchewan (1-306-966-2084). Out of town participants may call collect.

**Follow-Up or Debriefing:**

At the end of the pre-mediation and post-mediation interviews, your child will be given a debriefing sheet. He/she can keep this form, as it will explain the purpose of this study, including how and why the mediation is being researched. The debriefing form will have contact information for the researcher, should you have any questions, and your child is welcome to share any thoughts, questions, or concerns with the researcher throughout the process of participating. When the study is completed, the results of the research project will be shared with you and your child through a method of your choosing (i.e., phone, mail, email, fax, or in person) and your child will have the opportunity to provide his/her opinions and feedback to the researcher. At the end of the post-mediation interview your child will be given a \$15 giftcard for Target, as a token of appreciation for his/her time and effort.

**Consent to Participate:**

I have read and understood the description provided; I have had an opportunity to ask questions and my/our questions have been answered. I give consent to the child under my care to participate

in the research project, understanding that I may withdraw my consent at any time. A copy of this Consent Form has been given to me for my records.

I consent to: (please check one)

- The researcher being present during the mediation session
- The mediation session being video recorded and then shared with the researcher
- The researcher not present during the video session and not permitted to record the mediation session – no access

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

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Participant)

\_\_\_\_\_  
(Signature of Researcher)

## Appendix F – Interview Outline

Date/Time/Place:

Interviewee:

(Describe project/obtain consent, loosely structure the interview around the topics below, asking questions whenever appropriate)

Premediation:

- 1) Victim – What led to your decision to participate in VOM?  
Offender – What led to your decision to participate in VOM?  
Mediator – In your opinion, what led these two parties to participate in VOM?
  
- 2) Victim – What are you hoping to get from the mediation?  
Offender – What are you hoping to get from the mediation?  
Mediator – What do you think \_\_\_(victim)\_\_\_ and \_\_\_(offender)\_\_\_'s goals are for mediation?
  
- 3) Victim – How are you feeling about VOM as you go into the process?  
Offender – How are you feeling about VOM as you go into the process?  
Mediator – In your experience, what sorts of feelings do individuals have as they go into the VOM process?
  
- 4) Victim – How has the experience of being the victim of this crime affected your level of anxiety about something bad happening to you again?  
Offender – How has the experience of being the perpetrator of this crime affected your view of doing something bad again?  
Mediator – In your experience, how does VOM affect victims in terms of re-victimization anxiety, and offenders in terms of recidivism risk?
  
- 5) Victim – What are some of your thoughts about how VOM will go?  
Offender – What are some of your thoughts about how VOM will go?  
Mediator – What are some of your thoughts about how VOM will go with \_\_\_(victim)\_\_\_ and \_\_\_(offender)\_\_\_?
  
- 6) Victim – What will have to happen either during or following mediation in order for you to feel that it was effective?  
Offender – What will have to happen either during or following mediation in order for you to feel that it was effective?  
Mediator – In your experience, what factors make a mediation experience more or less effective for individuals?

Postmediation:

- 1) Victim – What was the experience of mediation like for you?  
Offender – What was the experience of mediation like for you?

- Mediator – How do you feel this instance of mediation went?
- 2) Victim – Were there aspects of the mediation that you feel were effective for you? What were they?  
Offender – Were there aspects of the mediation that you feel were effective for you? What were they?  
Mediator – Were there aspects of the mediation that you feel were effective? What were they?
- 3) Victim – Were there aspects of the mediation that you feel were not effective for you? What were they?  
Offender – Were there aspects of the mediation that you feel were not effective for you? What were they?  
Mediator – Were there aspects of the mediation that you feel were not effective? What were they?
- 4) Victim – What do you remember feeling during mediation?  
Offender – What do you remember feeling during mediation?  
Mediator – What were some of the thoughts you had while the mediation was taking place?
- 5) Victim – Now that you have finished mediation, how has it affected your anxiety in terms of being the victim of another crime in the future?  
Offender – Now that you have finished mediation, how has it affected your thoughts about being the perpetrator of another crime in the future?  
Mediator – How do you think mediation affected \_\_\_(victim)\_\_\_ in terms of re-victimization anxiety, and \_\_\_(offender)\_\_\_ in terms of recidivism risk?
- 6) Victim – Is there anything you would like to add about the experience? Anything that surprised you about how it went?  
Offender – Is there anything you would like to add about the experience? Anything that surprised you about how it went?  
Mediator – Is there anything you would like to add about the experience? Anything that surprised you about how it went?
- 7) Victim – What would you say to another victim considering VOM?  
Offender – What would you say to another offender considering VOM?  
Mediator – What would you say to another individual considering becoming a VOM mediator?
- 8) Victim – Would you do it again?  
Offender – Would you do it again?  
Mediator – Would you do it again?

## **Appendix G – Feedback and Debriefing Form**

Thank you for your participation in this study. At this time I would like to explain a few additional things to you. As you learned prior to participating in this study, I am interested in how you experience victim-offender mediation, including what you say about the process. This study is being completed as part of the requirement for my Ph.D. in Clinical Psychology from the University of Saskatchewan. I am asking about your experience as you go through mediation in order to determine if there are common themes in what you and others say about the process and what makes it effective. I am looking to find out if you are satisfied with the mediation process, and what you feel made it a successful (or unsuccessful) mediation. The questionnaires you filled out are measuring empathy, guilt, shame, and how you relate to others (this is also called your “attachment style”). I measured these things in order to investigate how they might affect your satisfaction with mediation, or how effective your mediation was. What is important to me is how you talk about your unique experience with mediation, because you are the one living it!

According to Dittenhoffer and Ericson (1992), victim-offender mediation began in 1974 in Canada (as cited in Niemeyer & Shichor, 1996). The offenders were two juvenile males who pled guilty to vandalizing numerous properties. The judge ordered them to meet the victims and work out a restitution plan with them. Since that time, VOM programs have grown and are now used in many different kinds of cases. VOM is one of the components of the restorative justice movement and its main goal is positive transformation of both parties. While attempting to reach this goal, VOM stresses the importance of sensitivity to the needs of victims as well as their right to have a voice in the process (Umbreit, Coates, & Vos, 2004; Umbreit, Greenwood, Fercello, & Umbreit, 2000). VOM aims to give offenders the opportunity to express remorse, victims to express forgiveness, and both parties to experience reconciliation in an environment in which the guilt and loss of offenders and victims, respectively, are not disputed (Umbreit et al., 2000). In order to investigate the idea that VOM helps to restore individuals and the community to its state before the crime was committed, I may have asked you to discuss any anxiety you might have about being the victim of another crime. If you participated in this study as the offender, I have used a brief risk assessment measure designed to look at your specific risk factors for re-offending.

In an article assessing the results of four studies on juvenile crime recidivism (i.e., committing additional crimes) following VOM participation, it was stated that recidivism was 32 percent lower in VOM participants (Nugent et al., 2001). A study by Umbreit (1994) found that after engaging in VOM, the majority of victims and offenders reported that they were satisfied with the process, though victim satisfaction was higher than that of offenders. Mediation also had a significant effect on whether or not restitution was completed (Umbreit, 1994). So, VOM does seem to be effective in a number of ways, but what are the key reasons for participants being satisfied and for its effectiveness? This is why I am asking you to share your experiences. In order to investigate what is called recidivism risk.

In terms of personality, high levels of guilt and empathy have been shown to contribute to positive outcomes in restorative justice programs (Jackson, 2009), as well as low levels of shame. This has only been studied in regards to other forms of restorative justice (such as victim impact training programs), so we are setting out to discover if the same might hold true for

VOM. Lastly, there are four “types” of attachment styles: secure, preoccupied, dismissive, and fearful. According to Mikulincer and Shaver (2007), secure individuals can regulate their emotions and therefore are better able to “communicate openly but not threateningly during conflict” (p. 268). This seems to be an especially important trait to have during VOM which often involves very emotional situations and high levels of conflict. On the other hand, dismissive, fearful, and preoccupied individuals may have a more difficult time with mediation.

If this was your first interview, I will be contacting you again in several months to arrange your post-mediation interview. If you are now finished the second interview, the results of this study will be available to you once they are analyzed. If you would like to find out the results of this study, please let me know how you prefer to receive the information (i.e., email, fax, phone, etc.) by contacting me at: cbs626@mail.usask.ca, or leaving a message with the Conflict Resolution Center. Please feel free to ask any questions about the research project at any point. Questions regarding your rights as a participant may be addressed to the committee through the Ethics Office at the University of Saskatchewan (1-306-966-2084). Out of town participants may call collect.

Talking about your experience with mediation or emotions such as guilt and shame may be sensitive or difficult. If you find that you need someone to talk to or additional support in the form of counselling, these services can be accessed through the Walk-In Counselling Center in Minneapolis which can be reached at 612-870-0565.

Thank you again for your participation in this study, and for your willingness to share your story and experiences with me. If this was your first interview, I look forward to seeing you again for the second interview. If you are now finished with the study, it has been a pleasure to meet you and I wish you all the best in the future.

Sincerely,

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Cailey Strauss, B.A.(Hons.)  
Primary Researcher  
University of Saskatchewan

## Appendix H – Ethics Application

1. **Researcher:** Cailey Strauss, B.A.(Hons.)  
**Supervisor:** Dr. J. Stephen Wormith  
**Related Department:** Department of Psychology
- 1a. **Name of student(s):** Cailey Strauss, for PhD dissertation
- 1b. **Anticipated start date of the research study:** September 2011  
**Expected completion date of the study:** April 2012
2. **Title of Study:**  
 Face to Face: A Case Study Approach to Exploring Victim-Offender Mediation
3. **Abstract (100-250 words)**  
 Victim-offender mediation is a form of restorative justice in which victims of crime come face to face with the involved offender(s) in the presence of a trained mediator. The goal of this process is to provide both parties with positive transformation. The research proposed herein consists of a series of case studies aimed at addressing several key questions that follow from the existing research. Specifically, how do participants and observers of VOM described the experience in terms of satisfaction or lack thereof? What themes emerge as contributing factors to effective VOM? Do personality and attachment variables have any relevance to satisfaction with or effectiveness of the VOM experience? By using a qualitative interviewing approach and conducting multiple case studies, richly detailed data will be collected and analyzed.
4. **Funding**  
 Partial funding (i.e., \$5000) is being provided by the Forensic Behavioural Sciences and Justice Studies Initiative. All additional funds for the proposed research will be coming out of the primary researcher's personal funds.
5. **Expertise**  
 The researcher has completed all coursework required for the Clinical Psychology PhD program at the University of Saskatchewan, and has worked with special/vulnerable populations and cultural minorities. The researcher has also completed a full-time summer clerkship and three year-long practica in applied settings. Two of these experiences were within the criminal justice system working with cultural minorities. She has completed over 400 hours of direct clinical contact with clients. The researcher has also passed the Comprehensive Ethics Oral Examination required by her department and is aware of ethical issues relevant to working with victims and perpetrators of crime. As such, the researcher is qualified and prepared to conduct the interviews required.
6. **Conflict of Interest**  
 No conflict of interest is likely, as participants will not have pre-existing relationships with the researcher. No financial benefit will accrue from the research. No limits on

publication/distribution are anticipated aside from the usual efforts to protect confidentiality.

**7. Participants**

Recruitment of the cases will occur through the Conflict Resolution Center in Minneapolis, Minnesota, USA. They have already expressed a desire to work with the primary researcher, and a copy of the research proposal has been supplied to them. Once ethics approval has been obtained, the administrators at the Center will begin looking for appropriate cases. The criteria that will be used for selecting participants for the study are: they must be participating in victim offender mediation between September 2011 and March 2012. The Conflict Resolution Center only deals with juvenile offenders, so all participants will be in this category. No gender requirement is anticipated. A total of 4-7 cases will be studied, with each cases consisting of the victim, offender, and mediator. In some cases there may be more than one victim or offender depending on the circumstances of the crime. The total number of cases depends on the availability of mediation cases where all three parties are willing to participate in the study, as well as whether the research committee determines that additional information can be gleaned from recruiting more than 4 cases. In order to protect all individuals' privacy, the mediation workers will be asked to contact the victims and offenders involved in each potential case and ask if they are interested in participating in a study about the mediation experience. Should all parties in a given case agree, permission for the primary researcher to contact them by phone will be requested. As such, recruitment takes place verbally and no recruitment materials are used. Written consent/assent will be obtained from all participants prior to any collection of data.

Information regarding the two main issues of concern to the committee:

a) Coercion: Potential participants will be approached individually rather than as a group. They will be notified that their participation in the study is completely voluntary, with no consequence to them if they choose not to participate.

b) Privacy: All participants will be contacted by a representative of the Conflict Resolution Centre in order to gain verbal consent to participate. Prior to this consent being obtained, identifying information about the potential participants will not be known to the researcher. This practice will help to protect the privacy and anonymity of potential participants prior to consent being obtained.

**8. Consent** Please see attached consent forms (Appendices A, B, & C) and assent form (Appendix D).

1. In cases where individuals are over the age of majority (18 years of age), consent will be obtained. For all minors, assent will be obtained, along with parental/guardian consent (Appendix E). Informal verbal consent/assent to participate will be obtained by the researcher following a verbal description of their rights, as well as the nature and purpose of the study. Participants will convey their understanding of their rights and consent/assent by verbally agreeing to meet with the researcher for the pre-mediation interview (and by appearing for said interview). On



interview day, participants will convey their understanding by signing their name on the consent form. The administrators at the Center have assured the primary researcher that the majority of individuals who come through the Center for mediation are capable of reading/understanding a consent form and providing written and informed consent.

2. The initial consent form will be given to participants before their first interview with the researcher. When participants are contacted to participate in the post-mediation interview approximately 6 months after the pre-mediation interview, they will be verbally reminded of their right to withdraw, and verbal consent to participate will be obtained. Written consent will be obtained for a second time on the day of the post-mediation interview, using the same consent forms as before.

## 9. Methods/Procedures

Victims, offenders, and trained mediators involved in each case will participate in semi-structured interviews held by the primary researcher (see Appendix F for interview outline). These interviews will occur individually and each participant will be interviewed pre-mediation and post-mediation. Each interview will be audio taped and transcribed. Questions posed to the victims and offenders will be aimed at capturing narrative information about their goals, thoughts, and feelings before mediation. The trained mediators will be asked to discuss their thoughts about the particular cases prior to mediation. Post-mediation, victims and offenders will again be interviewed and asked questions about the meeting of goals within mediation, their thoughts and feelings about the experience, as well as what they believe contributed to the outcome. The trained mediators will be re-interviewed after mediation as well, and asked about how the mediation process went, what they believe worked or did not work in the particular case, and how it compared with other mediation experiences. Mediators will also be prompted to share any information they may have from their experience in the field about what contributes to VOM effectiveness. All participants will be asked in each interview to give a definition of what they believe “effectiveness” means in the context of mediation, and victims will be asked pre and post-mediation about their level of anxiety regarding re-victimization.

The primary researcher will attend the mediation and make field notes describing key happenings during the process such as content, as well as verbal and nonverbal responses. Individuals in attendance at the mediation sessions will include: the victim(s), offender(s), mediator, guardians of any underage victims or offenders, and the researcher. The last method of data collection to be used in the proposed research is document review. For the purposes of the present research, questionnaires, scales, and file information will be used. File information will include any materials housed at the mediation office in Minneapolis which may include mediation referral information from the courts, victim impact statements, or information about the offenders such as pre-sentence reports. Permission to access files will be obtained prior to any data collection. Questionnaires will include Brennan et al.’s (1998) measure of attachment adapted to capture non-romantic attachment (Appendix G), as well as the Bar-On Emotional Quotient Inventory (Bar-On, 2004) to capture trait empathy (Appendix H). Proneness to

shame and guilt will be measured using the Test of Self-Conscious Affect-3 (Tangney & Dearing, 2002) (Appendix I). The Youth Level of Service/Case Management Inventory 2.0 (Hoge & Andrews, 2011) will be filled out by the primary researcher both prior to and following mediation as a scale of offender recidivism risk (Appendix J).

**10. Storage of Data**

Interviews will be recorded on digital voice recorders, which will be immediately loaded onto a password protected computer in a password protected folder. Any notes, questionnaires, or contact information will always be transported from site to site in a locked box, and will be stored in a hotel safe while in Minneapolis. Once in Saskatoon, these materials will be stored in a locked research lab belonging to the faculty supervisor at the University of Saskatchewan. Transcripts of the interviews will be stored on a password protected computer, in password protected files. The data will be stored for 5 years after which it will be destroyed. Only the researcher, faculty supervisor, and research assistants will have access to the data while it is stored. See Appendix M for confidentiality agreements to be signed by any research assistants involved in the transcription or data analysis activities.

**11. Dissemination of Results**

The data collected for this study will be used to fulfill the dissertation requirement for the primary researcher's PhD. It may also be written up into an article for publication, or as a conference presentation.

**12. Risk, Benefits, and Deception**

Participants may benefit from participation in the study by being able to talk about their experience with mediation. Some individuals may find this process of discussion enjoyable or even therapeutic. The community in general may also benefit from the study as it will contribute to the knowledge about what makes mediation effective. However, these benefits are not guaranteed and participants may experience no direct benefit from their participation in this study.

Some aspects of the study involve risk to the participants. The specific risks and steps taken to minimize risk and deal with any harm that may arise are:

- a) Given that Victim Offender Mediation involves individuals who have either perpetrated or been the victims of real crime, participants can be considered a vulnerable population if they are in a state of emotional distress while they are participating. In terms of minimizing this risk, the Conflict Resolution Center chooses cases for mediation on the basis that the individuals can handle the emotional impact of the experience. The interviews and questionnaires used in this study are unlikely to add to the emotional impact in any significant way.
- b) It is possible that the offenders participating in mediation may still be in custody (e.g. for unrelated crimes) at the time of their participation in the study. Offenders as well as victims may also be under the age of majority, classifying them as a dependent population. In order to offset this risk, parental/guardian consent will be obtained as well as participant assent whenever the participant is under the age of 18 years. All

- offenders participating in the study will be informed both verbally and in writing on the consent form, that participating will not result in their sentence being modified either positively or negatively.
- c) The individuals who participate in the proposed study include young offenders as well as their victims who may or may not be underage. Parental consent will be obtained when the individual is under the age of majority, and the youths' consent will be obtained. The young offenders who participate in the mediation program at the CRC are doing so as an alternative to adjudication and are therefore not incarcerated. Their participation in the proposed study functions independently from their participation in mediation, and it will not increase their vulnerability in terms of the court system.
  - d) There is unlikely to be any significant institutional or power relationship between the researcher and participants. The researcher will be identified as being independent from the Conflict Resolution Center.
  - e) All contact information will be housed at the Conflict Resolution Center and will not be provided to the primary researcher without the participants' permission. The data file for the proposed research will only contain questionnaires and interview transcripts which will be organized according to case number rather than any identifying information.
  - f) Third parties will not be exposed to loss of confidentiality/anonymity, as the primary researcher will not have any ties to the individuals participating in the study, and identifying information will always be changed.
  - g) I will be audio taping all interviews in order to create transcripts later on. Transcript release forms will be used, and participants are informed about audio taping in the consent/assent forms.
  - h) Participants in the proposed research will not be actively deceived or misled.
  - i) Efforts have been made to make the interview protocol and questionnaires as quick as possible. Participants will be offered regular washroom, food, water, and rest breaks, and will be advised that they can complete the questionnaires and interview on consecutive days rather than all together. This procedure will decrease the likelihood that participants become uncomfortable, fatigued, or stressed.
  - j) The nature of victim offender mediation is inherently sensitive as participants are discussing a crime of which they were either the perpetrator or victim. However, individuals who go through the mediation process at the Conflict Resolution Center do so voluntarily. Therefore, participating in the proposed research is unlikely to be any more personal or sensitive than regular participation in the mediation process. The primary researcher is a senior student in a Clinical Psychology PhD program and has the training to present interview questions in an empathic manner. Debriefing forms will also be given to participants and will provide the telephone number for the Walk-In Counselling Center in Minneapolis, which provides free short-term therapy.
  - k) The interview protocol and questionnaires are intended to collect information about feelings and experiences that are already present for the participants rather than inducing any negative emotions. Given that the individuals will already be participating in mediation regardless of whether they choose to be part of my proposed research or not, it is unlikely that their participation in the study will cause negative emotional states. Participants will be invited to share their experience in the

- interview and will be assured that rather than judging them, the proposed research is interested in discovering what the process of mediation is like for individuals.
- l) The nature of the “con code” may dictate to offender participants that being part of a research study is unacceptable. However, the informed and voluntary consent process as well as the fact that information will be de-identified likely negate the social risk. An offender who feels it is too socially risky to participate will simply be able to refuse consent without penalty.
  - m) The proposed research does not include withholding beneficial treatment in control groups, or restricting access to services. The goal of the proposed research is to change the natural mediation process as little as possible, while observing it and obtaining interview information from participants about their experience.
  - n) All participants will receive a \$15 gift card to a local store (such as Target or Walmart) as a token of appreciation for their participation. It is unlikely that this degree of compensation will be sufficient to act as coercion to participate.

**13. Confidentiality**

The identity of each participant will be kept confidential. Cases will be identified using case numbers. Direct quotations from the interview will be reported using pseudonyms, and all identifying information will be removed from the report. Although each case will consist of multiple participants (i.e., the offender(s), victim(s), and mediator), each interview will take place individually rather than in focus groups.

**14. Data/Transcript Release**

Participants will be given the opportunity to withdraw their responses after their interview and prior to the publication of the findings. They will review the final transcript and sign a transcript release form (Appendix K) wherein they acknowledge by that the transcript accurately reflects what they said or intended to say.

**15. Debriefing and feedback**

Following participation in the pre-mediation and post-mediation interviews, debriefing forms will be given to all participants (Appendix L). The debriefing forms indicate that results of the study will be available to the participants via a method of their choosing and contact information of the researcher and the faculty supervisor will be provided.

**16. Required Signatures**

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Cailey Strauss, B.A. (Hons)  
Student researcher

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Dr. J. Stephen Wormith  
Supervisor

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Dr. Valerie Thompson  
Department head

**17. Required Contact Information**

Student researcher: Cailey Strauss, 306-966-6818 (phone), 306-966-6630 (fax),  
cbs626@mail.usask.ca, 107-406 Nelson Road, Saskatoon, SK, S7S 1N5.

Researcher supervisor: Dr. J. Stephen Wormith, 306-966-6618 (phone), 306-966-6630  
(fax), s.wormith@usask.ca, Arts 154, University of Saskatchewan, 9 Campus Drive,  
Saskatoon, SK, S7N 5A5.

Department head: Dr. Valerie Thompson, 306-966-6668 (phone), 306-966-6630 (fax),  
valerie.thompson@usask.ca, Arts 154, University of Saskatchewan, 9 Campus Drive,  
Saskatoon, SK, S7N 5A5.