Policy analysis of the Victim Offender Restitution Program

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Policy Analysis of the Victim Offender Restitution Program

By

Veronica Damon, Marie Bostick
and LaMont McGary

July 2006

University of Nevada, Las Vegas
Special Thanks

The University of Nevada Las Vegas VORP Analysis Team would like to thank Clark County’s Neighborhood Justice Staff, Barbara Timmons Strahl and Leah Stromberg for affording the university’s public administration graduate students an opportunity to review and analyze the Victim Offender Reconciliation Program (VORP). Beginning with the initial contact in February 2006, the program administrators were receptive and informative about their program. Communications were always open either through email, face to face or telephone. The UNLV VORP Team never experienced any barriers to performing the assigned program analysis. The visions of the VORP staff to improve and expand their program were evident through their cooperation. The UNLV VORP Analysis Team anticipates that the recommendations presented will assist Clark County’s Neighborhood Justice Center in meeting their program goals and continue to offer the county’s residents alternatives to restore community relations.
EXECUTIVE SUMMARY

Both the criminal justice and the juvenile justice systems have experienced increased strain due to criminal acts committed by juveniles. Many experts suggest that one way to ease the burden of the courts can be found in the theory of restorative justice. Most often the juvenile justice system is most concerned with the risk and needs of youthful offenders without significant consideration for the victims. A key component in the restorative justice theory is victim offender mediation which seeks to reduce the impact of crime on victims and the community. Clark County, Nevada has one such program, the Victim Offender Restitution Program (VORP).

In this analysis we examine the VORP program to determine its value to the victim and community. In keeping with the philosophy of restorative justice the emphasis is on the victim. Further, benchmarking with similar programs will assist in illustrating areas of competency and those where changes may prove helpful.

We found that the existing collected data were not sufficient to make a conclusive finding of victim satisfaction. We also found that the number of staff and number of cases completed were slightly inversely correlated. In terms of benchmarking, we found that most other agencies conducted programs geared for sex offenders and have major ties with private non-profit entities. To the extent possible the Clark County program was benchmarked with others and proved to be on par with most in their methodology and outcomes.

We submit that the VORP program should collect data at the onset, during and after program participation. The data collected needs to be identifiable as to whether it is victim or offender information. Additionally, methods to track offenders who successfully complete
the program should be considered for comparison of recidivism rates and restitution to other county funded programs.
PURPOSE OF THE REPORT

The purpose of this policy analysis is to identify potential areas of improvement through benchmarking similar programs in California and Florida, reviewing data collection and program reporting methodology.

To analyze the VORP program data was analyzed and interviews conducted. The data were collected from 3 years of exit survey cards completed by offenders and victims participating in the program. Administrators of the VORP program and relevant juvenile court personnel were interviewed in order to obtain a clear organization and procedural picture.
ORGANIZATION HISTORY

The VORP program in Clark County was established in 1998. It operates referral and mediation services to Clark County residents and business. VORP is a specialized mediation program designed to work in conjunction with Clark County Nevada's Eighth Judicial District Court, Family Division to assist victims of crimes.

The program initially met with some resistance from the court system due to program timeline issues, and liability concerns once the courts were not handling the case directly. The program was modeled after several existing programs including The Fresno Mediation Center, and The Restorative Justice Center, Fresno Pacific University. In the past three years 348 cases have been mediated through the VORP program, relieving the court system of a substantial number of cases.

The service is provided at no cost to the participants, other than any restitution that may be agreed upon by both parties. The use of mediation was prompted in part by the courts not effectively addressing juvenile "nuisance behavior" while simultaneously allowing victims to feel a sense of justice. Behaviors and activities not rising to a certain level of criminality were often shuffled out of court, leaving victims with a sense of dismissal.

The VORP program meets the community need of allowing those individuals affected by juvenile crime the opportunity to actively participate in restoring the losses of the victims. Generally, VORP type programs seek to provide restorative justice. This theory is more predominately concerned with restoring the victims and the community than punishing the offenders, although recidivism rate is used in benchmarking.
The VORP program outcomes will be discussed in detail later in this analysis. However, it should be noted that it appears victims feel positively about their experiences in the program. This implies that the goals of restorative justice are being addressed.
**ACTIVITES OF THE VORP PROGRAM**

At the beginning of this program analysis (02/2006) the VORP program fell under the direction of Clark County Social Service’s Neighborhood Justice Center. Effective July 2006 the program will come directly under the courts. VORP serves to enable first and second time juvenile offenders and their victims the opportunity to voluntarily mediate an agreement to resolve the effects of the criminal act together, towards resolution in a structured face-to-face meeting instead of going to court before a judge, where the victim is often reduced to a spectator. The typical offenses sent to the VORP program are battery, affray, larceny, burglary and property crimes. With the help of a trained VORP mediator, the two parties decide what the restitution should be, and VORP then assists the arrangement and completion of the agreed upon terms for restitution. The program is presently limited to a maximum of 20 cases. The program falls under the jurisdiction of the NRS 244.1607 Nevada State Statute. (Appendix D) Although the VORP team was unable to produce a formal written policy the intake secretary advised there is a standard operating procedure that is followed to initially establish willingness to participate.

**STAFFING**

Presently staffing consists of 2 full-time and 1 part-time Clark County employees and depending on the participation, 20 mediation trained volunteers that work in pairs. The program is presently going through organizational changes. The VORP program will be placed directly under the Clark County Courts beginning July 2006. The staff is currently negotiating a lease for office space in close proximity to the Regional Justice Center.
OVERALL EVALUATION GOALS

To determine how well VORP does what is was designed to do. This will be accomplished through benchmarking, establishing data management practices and expansion of the current survey process. The UNLV VORP analysis team will provide reports and recommendations on their findings.
METHODOLOGY

VORP participant surveys, interviews conducted with staff members, and literature reviews for program enhancement determined the outcome of this analysis.

Types of data collected

Three years (2003-2005) of participant survey cards (347) were reviewed (Appendix B). The data was minimal for 2003 and therefore was combined with 2004. The survey consisted of 10 questions, 2 that were open-ended for qualitative measurement and 7 with likert scale measures (quantitative) 1-5 ranging from strongly disagree to strongly agree.

Instruments for data collection

The survey cards were individually recorded by the VORP team on two separate occasions and the likert scale questions were placed in an Excel data base that will be provided to the VORP staff for future use. A face-to-face interview was conducted at the beginning of the analysis in February 2006 with the 2 full time program staff members. Any additional information from the staff was gained through e-mail and telephone communications. Additional VORP participation numbers were attained from the staff and the Clark County Family Tracs 2004 Statistical Report.

Data - analyzed and displayed in graphs: Participant Satisfaction graphs and participant report tables shown below.
2006 Survey Results

2003 & 2004 Survey Results

Diversion Options

<table>
<thead>
<tr>
<th>Referred To Other Agency</th>
<th>Total Referrals</th>
<th>Total Juveniles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial By Peers</td>
<td>118</td>
<td>112</td>
</tr>
<tr>
<td>VORP</td>
<td>229</td>
<td>114</td>
</tr>
<tr>
<td>Warn And Release</td>
<td>2,115</td>
<td>2,020</td>
</tr>
<tr>
<td>Total</td>
<td>2,586</td>
<td>2,361</td>
</tr>
</tbody>
</table>

VORP Cases Mediated # of Cases

http://www.co.clark.nv.us/JJS/pdf/STATISTICAL%20REPORT%202004.pdf
Limitations of the evaluation:

The VORP Program has a lack of data collection to identify their strengths and areas for improvement. Due to the privacy factors surrounding juveniles the team was not able to conduct focus groups. The referral process is handled by “one” identified individual with only a memorandum of understanding (MOU) no formal policies and procedures to evaluate for program changes. The VORP Staff were supportive in the evaluation with hopes that it would produce data to support their request to hire additional staff. This may have limited the type of information released to the UNLV VORP analysis team.
The survey data collected indicates a minimum 75% satisfaction reported by program participants in the areas specifically related to program processes. Overall satisfaction with the Neighborhood Justice Center lags slightly at 70%. This category will not be used to affect this report, as the VORP program will be directed by the juvenile court system in the near future. However, this data will be useful in subsequent analyses to compare program administration. Similar satisfaction ratings were found in six comparison programs which were ultimately deemed successful following analysis and comparison.

**Case Volume**

VORP referrals constituted close to 9% of diversion referrals. Approximately 50% are referred back to juvenile justice due to participation refusal by either the victim or the offender resulting in 4.5% processed through VORP. Current tracking practices do not allow differentiation of the refusals. In comparison to other similar programs which range from 1.2% to 5.9%, the Clark County VORP program is currently on the high end of the spectrum. This does not take into account the number of other diversionary programs in the comparison location.

The number of cases completed through VORP has shown rapid increase from 2003 to 2005. This increase could be attributed to an increasing familiarity with the program by the referral coordinator from Juvenile Justice, however the program is limited to 20 active cases at any given time due to limitations in staff and resources. Assuming VORP as operating at capacity in 2005, the per-case average completion time could be
calculated to roughly 73 days. The case completion time frame ranged from 38 days to four months in similar programs placing Clark County VORP near midrange.

**RECOMMENDATIONS**

The data that was processed provides positive indicators toward the success of the program. However, it is only through proper analysis and comparison that an accurate and complete analysis be accomplished.

At the onset of this analysis data collection and management relative to the VORP program was extremely limited and managed manually. A data management and tracking program (MAD Tracs) has currently been installed and has the capacity to provide a high level of tracking and management capabilities. As such, our recommendations will provide suggestions, the primary function of which will provide the basis for more complete and accurate analysis in the future in order to enable comparison to established outcomes and measures of success.

California assembly Bill 320 called for a study to evaluate several mediation programs currently in operation in California using specific criteria to analyze the success of each program. It should be noted that of the six programs analyzed in this study one, the Santa Clara program, was one of the very few programs which closely resembled the structure and philosophy of VORP nationally. (Appendix C) It should also be noted that this particular study analyzed six very divergent programs using the same criteria as required by AB 320. The purpose of AB 320 was to make a determination whether the state would provide funding for the expansion of victim offender mediation programs throughout the state. Based on a review of the results of the Santa Clara study, and the
data required therein, it is our recommendation that the Clark County VORP data
collection include the following two areas specifically required in AB 320 as primary
objectives and making funding decisions.

- 1) Restitution tracking -- capacity to compare restitution collection rate between
   VORP and other diversion programs, e.g. traditional probation. (AB 320 required
   40% higher collection rate)

- 2) Recidivism tracking -- capacity to compare recidivism rates between
   participants in VORP and other diversion programs, those processed through
   Juvenile Justice Court, and those who declined to participate in VORP. (AB 320
   required a minimum 10% reduction)

Additional general forms of data collection recommended include:

- Number of participating victims.
- Number of participating offenders.
- Number of victims who declined to participate.
- Number of offenders who declined to participate. (See recidivism-
  above)
- Satisfaction surveys differentiating roles of participation.
- Periodic satisfaction surveys conducted with mediators, court officials,
  police, probation, etc.
- Program completion rate.
- Community service performed by offenders.
- Case processing time.
- Operating costs.
Based on the benchmark comparisons with Santa Clara County it is our assertion that these changes in data collection will provide the basis for a more complete analysis of the effectiveness of the VORP program. Existing data indicates that the VORP program currently reaches industry benchmarks; therefore, it is also our assertion that complete analysis will provide the means to increase caseload limitations. With respect to that possibility it is also recommended that administrators of the VORP program begin to review industry leader Mark Umbreit's recommendations for increasing participation in mediation programs. (Appendix A)