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March 8, 1988
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INTRODUCED BY RON SIMS

PROPOSED NO. 88 - 220

MOTION NO. 7132

A MOTION relating to dispute resolution centers; designating the Victim Offender Reconciliation Program of Seattle/King County as an authorized center in accordance with RCW Ch. 7.75.

WHEREAS, the Legislature of the State of Washington has found and declared that the resolution of many disputes can be costly and complex in a judicial setting where the parties involved are necessarily in an adversary posture and subject to formalized procedures, and

WHEREAS, alternative dispute resolution centers can meet the needs of Washington's citizens by providing forums in which persons may voluntarily participate in the resolution of disputes in an informal and less adversarial atmosphere; [RCW 7.75.010 (1)], and

WHEREAS, the Legislature of the State of Washington intends that programs be established to:

1. Stimulate the establishment and use of dispute resolution centers to help meet the need for alternatives to the courts for the resolution of certain disputes;

2. Encourage continuing community participation in the development, administration, and oversight of local programs designed to facilitate the informal resolution of disputes between and among members of the community;

3. Offer structures for dispute resolution which may serve as models for resolution centers in other communities;

4. Serve a specific community or locale and resolve disputes that arise within that community or locale; and

5. Educate the community on ways of using the services of the neighborhood dispute resolution center directly and in a preventative capacity; [RCW 7.75.010 (2)], and

1 WHEREAS, the Legislature of the State of Washington has
2 authorized a dispute resolution center may be created by a
3 corporation organized exclusively for the resolution of disputes,
4 which shall not be organized for profit, which shall have no part
5 of its net earnings inure to the benefits of any private
6 shareholders or individuals, and which shall not have as a
7 majority of its board of directors members of any single
8 profession, and

9 WHEREAS, a dispute resolution center may not begin operation
10 until a plan for establishing a center for the mediation and
11 settlement of disputes has been approved by the legislative
12 authority of the municipality or county within which the center
13 will be located, and

14 WHEREAS, such a plan shall adequately prescribe:

15 1. Procedures for filing requests for dispute resolution
16 services with the center and for scheduling mediation sessions
17 participated in by the parties to the dispute;

18 2. Procedures to ensure that each dispute mediated by the
19 center meets the criteria for appropriateness for mediation set
20 by the legislative authority and for rejecting disputes which do
21 not meet the criteria;

22 3. Procedures for giving notice of the time, place and
23 nature of the mediation sessions to the parties, and for
24 conducting mediation sessions;

25 4. Procedures which ensure that participation by all parties
26 is voluntary;

27 5. Procedures for obtaining referrals from public and
28 private bodies;

29 6. Procedures for meeting the particular needs of the
30 participants, including, but not limited to, providing services
31 at times convenient to the participants, in sign language, and in
32 languages other than English;

1 7. Procedures for providing training and certified mediators
2 who, during the dispute resolution process, shall make no
3 decisions or determinations of the issues involved, but who shall
4 facilitate negotiations by the participants themselves to achieve
5 a voluntary resolution of the issues; and

6 8. Procedures for informing and educating the community
7 about the dispute resolution center and encouraging the use of
8 the center's services in appropriate cases; [RCW 7.75.020], and

9 WHEREAS, a dispute resolution center shall provide dispute
10 resolution services either without charge to the participants or
11 for a fee which is based on the participants' ability to pay;
12 [RCW 7.75.030], and

13 WHEREAS, the Victim Offender Reconciliation Program of
14 Seattle/King County is a not for profit corporation organized in
15 accordance with the precepts of RCW 7.75 et seq. expressly for
16 the purpose of providing dispute resolution services to the
17 citizens of The City of Seattle and the County of King, at no
18 cost, and whose Board of Directors do not consist of members the
19 majority of which are in any single profession, and

20 WHEREAS, the Victim Offender Reconciliation Program of
21 Seattle/King County has presented a satisfactory Plan of
22 Procedures to the County of King designed to effectively
23 implement all of the requirements of RCW 7.75 et seq.;

24 NOW, THEREFORE, BE IT MOVED by the Council of King County:

25 A. The Victim Offender Reconciliation Program of
26 Seattle/King County is authorized to operate a dispute resolution
27 center in compliance with RCW Ch. 7.75 and in accordance with
28 procedures substantially similar to the procedures attached
29 hereto as Exhibit A, implemented in August, 1983.
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1 B. The Victim Offender Reconciliation Program of
2 Seattle/King County shall consider disputes that meet the
3 following criteria:

4 1. The offender makes some admission of complicity in the
5 offense;

6 2. A non-violent property crime was committed such as
7 burglary, theft, malicious mischief, or other non-violent
8 property cases;

9 3. There is a possibility of a restitution agreement;

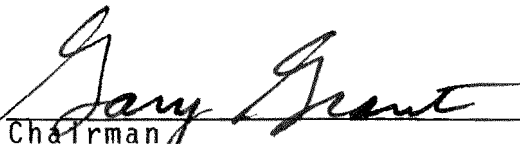
10 4. No overt hostility is being displayed between the
11 victim and offender which might result in physical violence;

12 5. Both victim and offender willingly agree to participate;

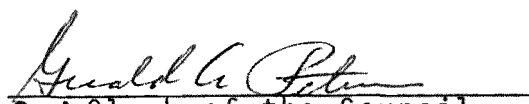
13 C. As a condition of operation the Victim Offender
14 Reconciliation Program of Seattle/King County shall enter into an
15 agreement approved as to form and sufficiency by the prosecuting
16 attorney, to completely indemnify and defend the county for any
17 actions (or inactions) taken by the Victim Offender
18 Reconciliation Program of Seattle/King County.

19 PASSED this 21st day of March, 1988.

20 KING COUNTY COUNCIL
21 KING COUNTY, WASHINGTON

22 
23 Chairman

24 ATTEST

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26 
27 Deputy Clerk of the Council

KING COUNTY DEPARTMENT OF YOUTH SERVICES
GUIDELINES FOR
VICTIM OFFENDER RECONCILIATION PROGRAM

The Victim Offender Reconciliation Program (VORP) is a program designed to address some of the needs of victims and offenders that are often unmet in the criminal justice process.

VORP consists of a meeting between the victim and the offender to provide an opportunity to

- . ask questions that may have arisen from the offense and later experiences,
- . express feelings and opinions caused by the offense directly to the person involved,
- . work out a written agreement for restitution or settlement.

Participation in VORP requires the voluntary consent of all parties. The meeting is organized and led by a neutral, trained community volunteer. This volunteer is present to facilitate communication and agreement, not to make decisions or impose a settlement.

GUIDELINES

1. Only property offenses will be referred to VORP. No offenses involving physical aggression will be referred.
2. The Juvenile Probation Counselor (JPC) will make the referral to VORP and will be the contact person within the court system.
3. Referrals will only be made after adjudication of guilt at fact-finding or after a court order has set the matter for plea/disposition. Referrals may also be made after disposition, where a case is continued to set restitution.
4. The primary issue to be addressed by VORP is monetary restitution. There may be other products as well, however, such as non-monetary restitution to the victim, advocacy, negotiation, "reconciliation," understanding, and community awareness.
5. Once a referral is made to VORP, Barbara Schaetti will screen it for initial approval, using previously disseminated guidelines. She may keep the case or assign it to a trained volunteer.
6. The VORP volunteer mediator will review the referral material and may read the police report. She/he would then contact the offender to determine interest. A verbal statement is made by the volunteer so that the offender knows the participation is voluntary. If the offender agrees to participate, the volunteer would then contact the victim. If the offender chooses not to participate, the referral becomes inactive.

7. If the offender agrees, the volunteer would then send out an introductory explanation letter to the victim. After that, a phone call would be made, briefly describing the project, making it clear that participation is voluntary, that the volunteer is not an agent of the court, that other options are available, and explaining what those are. If the victim agrees to listen to a full explanation of the program, an appointment would be made for a personal interview. If the victim is not interested, the referral becomes inactive, and the volunteer would give the victim information about contacting the JPC or Victim Assistance Unit.
8. If the victim agrees to listen, and there is no overt hostility displayed between the victim and the offender, an appointment would be made for the volunteer to meet the victim in person. In an interview, the volunteer's role would be restated and voluntary participation re-emphasized. The victim would discuss the criminal incident with the volunteer, who would discuss the victim's feelings in general. The discussion would turn to the offender and restitution. A decision would be made as to whether or not the victim wanted to meet with the offender. If so, an appointment time is set, and a signed statement would be taken (attached), with a copy to be sent to the Victim Assistance Unit. If not, the referral is inactive.
9. At a joint interview the volunteer will guide, mediate and facilitate the discussion so that both victim and offender can have an opportunity to share feelings. The offender would have the opportunity to become aware of the victim as a person, and to experience remorse through looking at the consequences of his/her own behavior. Restitution would be discussed, with the purpose being that a signed contract would be drawn up to satisfy the victim's loss.
10. The signed contract would be presented to the JPC, who may or may not use it as part of a dispositional recommendation. It would be treated the same as any data that a JPC gathers to produce a report to court. If the written VORP contract were to be submitted for inclusion in the court's order, copies would be given to both counsel as discovery, at which time the volunteer, if in attendance, might appropriately be questioned at the judge's request. If the JPC had merely incorporated the volunteer's report into his/her own recommendation, the JPC is fully responsible for the report and any questions should be directed only at the JPC, not the VORP volunteer.
11. In all cases where a JPC makes a sentence recommendation, the JPC takes full responsibility for the recommendation and how any supportive data is used. Because the JPC ultimately must supervise the court's orders, recommendations will be in terms that are enforceable. Any VORP contract between the offender and the victim which is not incorporated into a court order is the responsibility of those parties and VORP.