

# **2007 Annual Report Victim Offender Mediation Program**



*Building bridges between victims, offenders and the  
community...*

**Utah Administrative Office of the Courts  
Alternative Dispute Resolution Department**

**2007 Annual Report- Victim Offender Dialogue Programs**  
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## **Overview of Utah Juvenile Court Victim Offender Dialogue Programs**

Crime does not occur in isolation. When determining what should be done to help repair the harm caused by a criminal act, the needs of the victim(s), the community, and the offender should all be addressed.

Victims of juvenile crime often have lingering questions after a crime has been committed that can only be answered by the juvenile offender. The opportunities for victims to ask these questions or to share directly with the offender the full impact the crime has had on them and their family are restricted and limited in the traditional court process.

In addition to the direct victims of crime, there are community members who are affected when crime occurs within their neighborhood. Many of these individuals are interested in being part of the solution to juvenile crime but under the current court system there are limited opportunities for victims and people from the community to directly address the harm when crime occurs.

Since 1997, the Administrative Office of the Courts has implemented several Victim/Offender Dialogue programs through its Alternative Dispute Resolution (ADR) Department in collaboration with the Juvenile Court. Victim Offender Dialogue allows all parties directly affected by crime to participate in a face to face dialogue where all viewpoints and perspectives can be acknowledged and the parties themselves can come up with solutions to the conflict or the harm caused by the offender's behavior. This process is facilitated by an impartial third party community volunteer.

**Victim/Offender Dialogue Programs** currently exist in the following judicial districts and counties:

**First District:** Box Elder, Cache & Rich counties

**Second District:** Weber & Davis counties

**Third District:** Salt Lake, Summit & Tooele counties

**Fourth District:** Utah County (contracted with a private provider)

**Fifth District:** Iron, Beaver & Washington counties

If you would like more information about the Restorative Dialogue Program please contact Bart MacKay (435) 986-5754 [bartm@email.utcourts.gov](mailto:bartm@email.utcourts.gov). You may also refer to our link found under "Mediation" on the Utah State Courts web page at [www.utcourts.gov/mediation/rd](http://www.utcourts.gov/mediation/rd)

## Youth Burglarizes & Vandalizes a Neighbor's RV Trailers-- A Mediator's story by Kathy Elton, ADR Director

The 14 year old offender sat at the table with his father anxiously waiting for the victims to arrive. The tension in the room, as the mediator and victims walked in, was palpable. Several months earlier this young man, along with two co-defendants, had broken into and damaged the victims' RV trailers. The offender lived across the street from one of the victims and had been a friend with the son of the other victim. The victims were mad!

The victims could not understand why the boys would do this. To get into the trailers the roof vents had been torn off and, in doing this, the roof was also damaged. The boys stole camping gear, broke sink faucets, tore off window blinds and then left the trailers exposed in the weather. When the victims discovered the trailers, it had rained and many of their possessions were destroyed by the water damage.

Since the boys had been caught, this offender had admitted the charges. His two co-defendants were still denying their involvement and their cases were pending-- a trial had been set. The victims decided they did not want to wait for the trial involving the co-defendants to be completed and asked to meet with this offender. The meeting was set up after the mediator met with each party separately to ensure the case was appropriate for mediation.

One of the victims spoke first and he revealed that his neighbors told him that the hardest thing for them to deal with now was the fear their seven year old son had of strangers in the neighborhood. Since the break-in of the trailers, which occurred behind their home in a field, their son has been afraid to play out in the yard without one of his parents. Whenever he sees someone he does not know in the neighborhood he asks "are they going to steal from us?" The man also shared that his trailer was totaled because of the roof damage and he used the trailer when he went out of town to work. He has been forced to buy a replacement trailer and now has a new payment to make each month.

The victims who were parents of one of his past friends then spoke. The woman shared her feeling of being "slapped in the face" when she found out the offender had been a part of the break in and damage. The family had welcomed him into their home, took him fishing, and felt they had always treated him with respect. The woman became emotional when she talked about the betrayal she felt. The offender teared up during this, but said nothing. The man talked about the trailer. How he and his wife had bought it brand new and were so proud of it. They had both worked extra jobs and overtime to pay it off in 2 ½ years instead of five. It was a great accomplishment they had achieved together.

The victims continued to talk to the offender and the men shared with him their experiences as young men. They talked about how they wanted him to learn from this experience. The offender is a very bright young man and is in a special enrichment program at school. All of the victims encouraged him to make something of himself, he had the smarts to do it.

During all of the interactions, the offender had said very little. The mediator could tell he wanted to say something, but he would get so emotional when he went to speak that he could not get it out. The mediator took him out in the hallway for a break. She asked him if he wanted to say anything to the victims and he responded he did. She told him that when they returned into the room he needed to take a deep breath and get it out. They returned to the room and the offender offered a heartfelt apology to the victims. The offender was able to get out about two-thirds of the apology and then he broke into tears. All of the victims were touched, the two women were crying along with the offender.

The mediation then moved into the stage in which the harm is discussed. The victims had previously discussed the damages to the trailer and the amounts were presented. The victims who were neighbors had \$3,000.00 in damages, this offender was responsible for \$1,000.00 and the other victims had incurred \$750.00 in damages, this offender's portion being \$250.00. The victims who were neighbors wanted to know what the offender's interests were. Was he involved in any clubs, sports, or groups? He was not. The woman asked if he was willing to get involved in something he was interested in as part of the agreement. The couple across the street are involved in the 4-H clubs and invited him to come along with them to the next meeting. The parents of his past friend encouraged him to become involved in the scouting program with their son. The offender agreed to do some exploring and find something he was interested in within one month. He agreed to report this to the victims.

The last item to work out was payment of the money for damages. The neighbors offered to allow him to work off half of their amount at their home and in their yard and have him work off the other half on the court work program. He agreed to work with them for a credit of \$5.00 per hour and sign up for the work crew to earn the remaining \$500.00. The other victims agreed to have him work off the \$250.00 on the court work crew. As the mediator was finalizing the agreement the victims wanted to know more about the work program. How did it run? What would he do? Where did the money come from? How was it sent to them?, etc... All of their questions were answered.

The victims who were parents of the offender's friend then had a quiet side conversation. They then asked if they could have the money the offender earned on the work crew put into an account for his college education. They were told that this would not be possible, but they could work something out with his parents. After a brief interaction with the offender's father it was decided. The offender's father would take him to open a bank account and as the victims received the restitution checks, they would deposit them into this account, to be used as a college fund for the offender. When the neighbors heard this idea, they asked if they could do the same thing. The answer was yes. In the end this mediation ended up with a young man making connections in his neighborhood, taking responsibility for his actions, and agreeing to pay for the damages and harm he caused. The victims were able to support him and in the end he will be working for his own college tuition while on the work crew.

On the exit evaluation form, the father of the offender wrote, "This could of never happened in court." I agree, that's why we offer mediation!

**Calender Year 2007**

Victim Offender Mediations

	District 1	District 2	District 3	District 5	District 8	TOTALS
Cases Referred	18	53	57	37	10	<b>175</b>
Cases Mediated	16	21	26	22	8	<b>93</b>
Agreements Reached	16	20	26	21	3	<b>86</b>
Resolution Rate	100.00%	95.24%	100.00%	95.45%	37.50%	<b>92.47%</b>
Cases not Mediated	7	35	20	21	2	85
Victim Declined Mediation	3	23	not specified	9	0	35
Offender Decline/Not Appropriate	0	6	not specified	1	0	7
Unable to Locate Victim	0	5	not specified	2	0	7
Victim No Show	0	0	not specified	0	0	0
Offender No Show	0	0	not specified	4	0	4
Other	0	1	not specified	2	2	5
Cases Pending	4	0	11	3	0	18
<b>Victims Served</b>	<b>7</b>	<b>41</b>	<b>400</b>	<b>16</b>	<b>4</b>	<b>468</b>

\* Program coordinator is also victim liaison for 3rd District

**Calender Year 2006**

Victim Offender Mediations

	District 1	District 2	District 3	District 5	District 8	TOTALS
Cases Referred	17	48	65	64	3	<b>197</b>
Cases Mediated	7	29	25	45	2	<b>108</b>
Agreements Reached	7	26	19	42	2	<b>96</b>
Resolution Rate	100.00%	89.66%	76.00%	93.33%	100.00%	<b>88.89%</b>
Cases not Mediated	5	17	30	15	1	68
Victim Declined Mediation	2	10	not specified	4	1	17
Offender Decline/Not Appropriate	0	1	not specified	3	0	4
Unable to Locate Victim	0	0	not specified	0	0	0
Victim No Show	0	0	not specified	0	0	0
Offender No Show	0	1	not specified	5	0	6
Other	3	5	not specified	3	0	11
Cases Pending	5	2	10	7	0	24
<b>Victims Served</b>	<b>13</b>	<b>21</b>	<b>350</b>	<b>27</b>	<b>7</b>	<b>418</b>

\* Program coordinator is also victim liaison for 3rd District

**Calender Year 2005**

Victim Offender Mediations

	District 1	District 2	District 3	District 5	TOTALS
Cases Referred	20	17	72	53	<b>162</b>
Cases Mediated	11	15	51	39	<b>116</b>
Agreements Reached	11	15	47	35	<b>108</b>
Resolution Rate	100.00%	100.00%	92.16%	89.74%	<b>93.10%</b>
Cases not Mediated	9	9	24	15	57
Victim Declined Mediation	6	4	11	9	30
Offender Decline/Not Appropriate	1	1	4	4	10
Unable to Locate Victim	0	0	2	0	2
Victim No Show	0	0	1	0	1
Offender No Show	0	1	0	2	3
Other	2	0	0	0	2
Cases Pending	0	2	11	4	17
<b>Victims Served</b>	<b>11</b>	<b>17</b>	<b>70</b>	<b>71</b>	<b>169</b>

**Calender Year 2004**

Victim Offender Mediations

	District 1	District 2	District 3	District 5	TOTALS
Cases Referred	26	32	111	26	<b>195</b>
Cases Mediated	17	15	51	11	<b>94</b>
Agreements Reached	15	14	39	11	<b>79</b>
Resolution Rate	88.24%	93.33%	84.48%	100.00%	<b>82.29%</b>
Cases not Mediated	9	17	40	10	76
Victim Declined Mediation	5	16	29	9	59
Offender Declined/Not Appropriat	1	1	11	1	14
Unable to Locate Victim	0	0	0	0	0
Victim No Show	0	0	0	0	0
Offender No Show	1	0	0	0	1
Cases Pending	2	0	13	5	20
<b>Victims Served</b>	not specified	not specified	not specified	40	

**Calender Year 2003**

Victim Offender Mediations

	District 1	District 2	District 3	District 5	TOTALS
Cases Referred	15	58	132	41	<b>246</b>
Cases Mediated	9	26	58	23	<b>116</b>
Agreements Reached	8	20	49	20	<b>97</b>
Resolution Rate	88.89%	76.92%	84.48%	86.96%	<b>83.62%</b>
Cases not Mediated	6	32	74	18	130
Victim Declined Mediation	5	13	40	14	72
Offender Declined Mediation	0	3	13	1	17
Unable to Locate Victim	0	0	10	0	10
Victim No Show	0	1	0	2	3
Offender No Show	1	1	0	1	3
<b>Victims Served</b>	not specified	41	74	40	155

**Calender Year 2002**

Victim Offender Mediations

	District 1	District 2	District 3	District 5	TOTALS
Cases Referred	26	33	62	72	<b>193</b>
Cases Mediated	16	12	23	50	<b>101</b>
Agreements Reached	15	12	23	50	<b>100</b>
Resolution Rate	93.75%	100.00%	100.00%	100.00%	<b>99.01%</b>
Cases not Mediated	10	21	39	22	92
Victim Declined Mediation	6	not specified	14	13	33
Offender Declined Mediation	1	not specified	14	4	19
Unable to Locate Victim	1	not specified	7	1	9
Victim No Show	0	not specified	1	0	1
Offender No Show	2	not specified	1	4	7
<b>Victims Served</b>	not specified	not specified	not specified	not specified	

**Calender Year 2001**

Victim Offender Mediations

	District 1	District 2	District 3	District 5	<b>TOTALS</b>
Cases Referred	28	52	103	19	<b>202</b>
Cases Mediated	14	32	54	17	<b>117</b>
Agreements Reached	13	27	50	17	<b>107</b>
Resolution Rate	92.86%	84.38%	92.59%	100.00%	<b>91.45%</b>
Cases not Mediated	14	20	49	2	85
Victim Declined Mediation	11	20	30	1	62
Offender Declined Mediation	0	0	6	0	6
Unable to Locate Victim	0	5	11	1	17
Victim No Show	2	0	2	0	4
Offender No Show	1	0	1	1	3
<b>Victims Served</b>	not specified	not specified	not specified	not specified	

## First District Juvenile Court

### **Victim Offender Program: 2007 Statistics (District Totals)**

Referrals.....	18 (10 from Logan, 8 from Brigham)
Mediations.....	16 (5 from 2006 referrals)
Agreements.....	16 (100%)
Victim Declined.....	3
Offender declined/not appropriate.....	0
Settled out of mediation.....	0
Cases pending.....	4

Average # of days from referral to mediation: 60.86 days  
Quickest time referral to mediation: 13 days  
Longest time referral to mediation: 127 days

### **Evaluation Results:**

Victim– 100% (n=8) reported their overall experience with the victim offender program good or excellent  
Offender– 100% (n=11) reported their overall experience with the victim offender program good or excellent  
Parent of offender– 100% (n=20) reported their overall experience with the victim offender program good or excellent.

### **Offender comments:**

- [The mediator] kept conference very organized and fair.
- I felt that it was well organized. And that I was able to apologize to her.
- This session as quite successful in my opinion and it helped everyone get a better understanding.
- I was happy I was able to apologize.

### **Victim comments:**

- I respect [the mediator's] dedication to the program represented by his travel time and attendance. Also his attempts to extrapolate or encourage discussion were helpful.

### **Parent comments:**

#### ***What went well during the conference?***

- How calm it all was.
- Clearing up unresolved feelings.
- The boys listened well when the victim spoke.
- The interaction of the boys and victim.
- Having the boys meet and apologize to the victim. Offer assistance to the victim.
- Dialog.
- Both parties coming to a conclusion opening up with feelings.

- Well [the victims] were very civil and seemed very kind. I really appreciated it.
- The communication between two parties.
- I don't have any complaints. I think it all went well.
- Everybody had good feelings.
- One person was on the phone [offender participated via telephone]. It was not as helpful from him.
- Good communication.
- Final cost

***What could be improved?***

- Nothing I can think of.
- A little more time sensitivity. I wouldn't want to rush the victim but I think we would have resolved sooner.
- Maybe I could have talked more and not been so scared.
- The time should be more worked with (time when meeting started).
- Things could have gone faster.
- Good experience from a bad happening.

**First District Juvenile Court  
Victim Offender Mediation Program  
Historical Data (2001-2007)**

	2001	2002	2003	2004	2005	2006	2007
<b># Cases Referred</b>	28	26	15	26	20	17	18
<b># Cases Mediated</b>	14	16	9	17	11	7	16
<b>Agreement Reached</b>	13	15	8	15	11	7	16
<b>Resolution Rate</b>	92.8%	93.7%	88.9%	88.2%	100%	100%	100%
<b>Cases not mediated</b>	14	10	<i>m</i>	9	9	5	7
<b>Cases Pending</b>	<i>m</i>	<i>m</i>	<i>m</i>	2	0	5	4
<b>Ave # of Days</b>	n/a	n/a	n/a	n/a	54.2	76.8	60.9

## Second District Juvenile Court

### Victim Offender Program: 2007 Statistics (District Totals)

Referrals.....	53
Mediations.....	21
Agreements.....	20 (95.2%)
Victim Declined.....	23
Offender declined/not appropriate.....	6
Cases resolved outside of mediation. ...	0
Cases pending.....	0

Average # of days from referral to mediation: \_\_\_\_\_ days

Quickest time referral to mediation: \_\_\_\_\_ days

Longest time referral to mediation: \_\_\_\_\_ days

### Evaluation Results:

Victim– 92.3 % (n=12/13) reported their overall experience with the victim offender program good or excellent.

Offender– 94.1% (n=16/17) reported their overall experience with the victim offender program good or excellent

Parent of offender– 100% (n=21) reported their overall experience with the victim offender program good or excellent

### Offender comments:

- They did a good in making me comfortable and I was glad I have a better understanding of other people's feelings about this.
- They know what they are talking about and explain things clearly.
- It helps me find out how much restitution I owed.
- It was a good program. I learned a lot from it and I am glad we did it.
- Expressing ourselves and coming to a resolution.
- It was a good meeting to resolve everything.
- She was very nice and helpful and she made me feel more comfortable.

### Victim comments:

- I felt they were able to group together and form as a gang again against my son.
- I was impressed with the attitude shown to everyone in the room by the facilitators – they were very kind and soft spoken making a comfortable atmosphere to express feelings in.
- Room was hot.
- I wish we would have gotten an answer to why.

- To some degree the answers to the questions will be more definitive after the agreed restitution is complete.
- This is a good system to help young people directly confront the problem.
- This was helpful to me to go through this process. I hope [the offender] benefitted as well.
- They [offenders] should all be here.
- It helped me to have closure and I think [the mediator] did a good job in making us feel comfortable.

**Parent comments:**

***What went well during the conference?***

- Everyone as able to express their feelings.
- Meeting the victim.
- Understanding the victim's point of view.
- Basically all of it. We came to a conclusion that everyone could deal with.
- Talking.
- The kids finally seemed to understand the consequences of their actions. And finally seemed remorseful.
- Both sides able to communicate their points of view.
- Hearing both sides.
- Feelings were expressed and a resolution was achieved.
- We were able to express feelings and understand both sides of the situation.
- Everyone feels good about the outcome and both parties will benefit from the outcome after [my son] finishes his service.
- It was good to hear from the victim. It was good for [my son] to know how she felt.
- Explanations by [victim] very helpful for me to know who [the victim] is. Just being in session help [my grandson] to set goals and he can look forward to a better future.
- Being able to hear victims point of view, hear that she is still very scared to be in her own home. That is very unsettling.
- No arguing.

***What could be improved?***

- Communication between divorced parents who have to mediate.
- Nothing.
- Bigger conference room.
- Needs none.
- Things were done quite well.
- I don't know. Things were handled as well as possible.
- All so far is good.

**Second District Juvenile Court  
Victim Offender Mediation Program  
Historical Data (2001-2007)**

	2001	2002	2003	2004	2005	2006	2007
<b># Cases Referred</b>	52	33	58	32	17	48	53
<b># Cases Mediated</b>	32	12	26	15	15	29	21
<b>Agreement Reached</b>	27	12	20	14	15	27	20
<b>Resolution Rate</b>	84.4%	100%	76.9%	93.3%	100%	93.1%	95.2%
<b>Cases not mediated</b>	20	21	32	17	9	17	35
<b>Cases Pending</b>	<i>m</i>	<i>m</i>	<i>m</i>	<i>m</i>	2	2	0

## Third District Juvenile Court

### Victim Offender Program: 2007 Statistics (District Totals)

Referrals.....	57
Mediations.....	26
Agreements.....	26 (100%)
Cases not mediated.....	20
Cases pending.....	11

Average # of days from referral to mediation: 2.3 months

Quickest time referral to mediation: \_\_ days

Longest time referral to mediation: \_\_ days

### Evaluation Results:

Victim– 89.4% (n=17/19) reported their overall experience with the victim offender program good or excellent

Offender– 90% (n=18/20) reported their overall experience with the victim offender program good or excellent

Parent of offender– 100% (n=23) reported their overall experience with the victim offender program good or excellent

### Offender comments:

- I could express my feelings better and say “sorry” and tell the [family] how I felt. I think the mediator helped me do that.
- I[am] glad I had the chance to learn from what’s happened. I understand how my actions can effect other people around me. I[am] proud to say that I'm a better person now that I've been through this experience.
- I feel like the mediation gave me a chance to meet my victim and it helped me understand more.

### Victim comments:

- I think the group conferencing is useful for the victim and offender. Unfortunately, representing a municipality placed a limitation in my options in which probably would be frustrating from the offender's standpoint
- It’s a good program and very helpful. [The mediator] did an excellent job!
- [The mediator] was very patient and offered suggestions on how to communicate effectively.
- [The] program is a good idea. There are still monetary things to be considered though.

### Parent comments:

#### *What went well during the conference?*

- Everyone was well behaved. Civil. Long two hours. Time well spent.
- Everything -- Good group discussion, no disrespect; in fact tremendous respect was exhibited, understanding, caring, and compassion.

- Victims cared about the offender and were more concerned that he progress.
- The kids wanting to pay restitution so quickly.
- The offender was well prepared to clarify, express her feelings and motivations, and sorrow.
- The process and steps seemed adequate.
- Great communication!
- I was grateful for the opportunity for my son to hear from the victim and her family. It was a life-changing and very sobering experience.
- The agreement that both families had with each other and wanted to resolve the issue.
- The fair amount was agreed upon.
- All parties came to an understanding of each other's hardships because of the event.
- [The] victim and perpetrators were able to talk together about the feelings around the crime.
- Everything.
- That each participant was able to speak and let the other participants know how they felt.
- [The mediator's] understanding and ability to talk with [the offender] on his level to help him understand.
- Ability to share opinions and offer suggestions.
- Information concerning options and possible outcome.
- The facilitator moved things in a timely manner.
- I thought that the victim was great and easy to work with.

***What could be improved?***

- It was a long time ago that the incident occurred.

**Third District Juvenile Court  
Victim Offender Mediation Program  
Historical Data (2001-2007)**

	2001	2002	2003	2004	2005	2006	2007
<b># Cases Referred</b>	103	62	132	111	72	65	57
<b># Cases Mediated</b>	54	23	58	51	51	25	26
<b>Agreement Reached</b>	50	23	49	39	47	19	26
<b>Resolution Rate</b>	92.6%	100%	84.5%	84.5%	92.2%	76%	100%
<b>Cases not mediated</b>	49	39	74	40	24	30	20
<b>Cases Pending</b>	<i>m</i>	<i>m</i>	<i>m</i>	13	11	10	11

## Fifth District Juvenile Court

### Victim Offender Program: 2007 Statistics (District Totals)

Referrals.....	37 (13 from Cedar, 24 from St. George)
Mediations.....	22 (6 cases from 2006)
Agreements.....	21 (95.4%)
Victim Declined.....	9
Offender declined/not appropriate.....	1
Settled out of mediation.....	2
Cases pending.....	3

Average # of days from referral to mediation: 105 days

Quickest time referral to mediation: 13 days

Longest time referral to mediation: 192 days

#### Evaluation Results:

Victim– 100% (n=8) reported their overall experience with the victim offender program good or excellent

Offender– 82% (n=14/17) reported their overall experience with the victim offender program good or excellent

Parent of offender– 88% (n=15/17) reported their overall experience with the victim offender program good or excellent

#### Offender comments:

- I'm sorry I took your time but I'm satisfied with the outcome.
- I feel really good about the program and the outcome of our case. I feel a lot better that I did when we showed up.
- I'm happy with everything.

#### Victim comments:

- It all worked well.

#### Parent comments:

##### *What went well during the conference?*

- Good question!
- Being able to talk to each other.
- Discussion between offender and victim– all was understood by both.
- The outcome.
- Everything.
- Everything went well.
- Everyone got to voice their feelings with no problems.
- The chance for our daughter to apologize face to face.
- The [mediator] kept all parties on track and moving.

- Listening to everyone's sides to this case and resolving an issue.
- Victim was allowed to express his feelings and face his perpetrator. Came away with a better feeling (hopefully).
- An agreement was made.
- We were all able to voice our opinions concerning this case.
- My daughter was able to talk fairly.

***What could be improved?***

- Everyone should have to talk if that's what they came for. Not mummies boy not having to say anything!
- Having facilitators that understood more about the case (and all involved) at hand that they are trying to help with.
- Nothing that I can think of.
- None
- Nothing
- Conference alone then together.
- Went well - better than I expected.
- Nothing that I can think of.
- If all parties would attend with an open mind.

**Fifth District Juvenile Court  
Victim Offender Mediation Program  
Historical Data (2001-2007)**

	2001	2002	2003	2004	2005	2006	2007
<b># Cases Referred</b>	19	72	41	26	53	64	37
<b># Cases Mediated</b>	17	50	23	11	39	45	22
<b>Agreement Reached</b>	17	50	20	11	35	42	21
<b>Resolution Rate</b>	100%	100%	86.9%	100%	89.7%	93.3%	95.4%
<b>Cases not mediated</b>	2	22	18	10	15	14	21
<b>Cases Pending</b>	0	0	0	5	4	7	4
<b>Ave # of Days</b>	n/a	n/a	n/a	62.5	66.9	80.6	104.8