

Evaluation victim-offender mediation

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Summary

Introduction

The Victim-Offender Mediation pilot scheme, organized by the Stichting Reclassering Nederland (Dutch Probation and After-Care Foundation) and the Stichting Slachtofferhulp Nederland (Dutch Victim Support Foundation) and financed by the Ministry of Justice, has been working to bring offenders and victims of (serious) crime together since 1997. With a view to the continuation of the scheme after 2002, when the grant aid runs out, Regioplan has carried out an evaluation for the Ministry of Justice.

The scheme

Victim-offender mediation is one of the three main types of mediation, the others being conflict resolution and reparation. The aim is to help people come to terms with their guilt and pain. The Victim-Offender Mediation scheme provides victim-offender mediation after the criminal proceedings, with no intention of influencing the outcome of the proceedings. The pilot is running in the 's-Hertogenbosch and The Hague areas, where a total of four (part-time) mediators provide victim-offender mediation. Offenders and victims can enrol in the scheme either on their own initiative or through referral authorities (the principal ones being the Probation and After-Care Service and Victim Support). Participation is voluntary, both for the person enrolling and the recipient. A methodology has been developed as part of the pilot and set out in a workbook.

The evaluation

The aim of the evaluation is to examine how the mediation worked and what results it produced, and to look at the present and future design of victim-offender mediation. Documentation was studied, data from the computerized records system (starting in 2001) were used, a poll of potential referrers was conducted and representatives of the institutions involved were interviewed. No data were collected from the offenders and victims participating in the scheme.

Enrolments and mediation cases

From the launch of the scheme in 1997 to mid-2000 there were 146 enrolments for mediation. From 1 January 2001 to September 2002 there were 168 enrolments. Over this period a meeting took place between the offender and the victim in one-sixth of the enrolments. Many enrolments concerned serious offences (violence causing injury or fatality). Most enrolments were by offenders, who enrolled because they wanted to apologize, to allay the victim's fears, to make it clear that they intended to improve themselves, to relieve their feeling of guilt, to ask for forgiveness or to find closure. In a few cases the aim -contrary to the aim of the scheme - was to influence the criminal proceedings. Victims wanted to hear apologies, find answers to questions about the crime (e.g. why they were targeted and not someone else), find closure, forgive, let the offender know what damage he had done or let him know that they did not blame him.

The outcome of an enrolment could be withdrawal by the applicant (e.g. as a result of lack of support from family and friends); rejection by mediators on the scheme (e.g. because of doubt as to the applicant's motives); non-participation by the recipient (e.g. because he could not be contacted or did not feel the need to communicate with the applicant); indirect mediation (information was exchanged but there was no physical meeting); or a physical meeting between the applicant and the recipient. Each meeting is supervised by a mediator, who also does the preparatory work, conducting separate interviews with the applicant and the recipient.

Physical meetings are the most intensive form of contact between offender and victim, likely to produce the most far-reaching effects as regards coming to terms with guilt and pain. About a sixth of the enrolments between

January 2001 and September 2002 resulted in a physical meeting. Even if there is no meeting, applicants can still have a positive experience. The records system explicitly noted a positive experience in 17% of cases; it explicitly noted no positive experience in 12% of cases.

Referrals

The majority of potential referrers in Victim Support, the Probation and After-Care Service and the prison spiritual welfare system polled were aware of the scheme, but they considered they were not well informed about the intake criteria, the methodology, their role as referrers and the value the scheme could have for their clients. The majority of potential referrers considered that the scheme had added value for offenders and victims vis-à-vis other types of support. Victim-Offender Mediation does not really have a structural place in their work, however, and most referrers had no concrete experience of it. Improvements could be made by raising awareness of certain aspects of the scheme and including victim-offender mediation as a regular topic of conversation in their contacts with clients. Referrers who were familiar with the scheme's intake criteria considered 8-17% of their clients suitable for participation in terms of the criteria. When asked for a personal appraisal they considered an average of 6% suitable for participation (Victim Support), 9% (Probation and After-Care) and 22% (prison spiritual welfare system). These percentages need to be treated with caution in view of the relatively small number of respondents.

Victim-offender mediation in the future

The scheme had no distinct operationalizable goals and did not provide enough information on mediation cases on which to base a decision to continue the scheme using objective arguments; the decision can only be taken on the basis of substantive and qualitative arguments. The majority of the referrers polled and representatives of the institutions involved interviewed regarded victim-offender mediation as meeting a need. If the scheme is to be continued it is essential for there to be professional management, clearer information on the results and better structuring of work processes.

Organizational context

So far Victim-Offender Mediation has been a more or less independent scheme with the Probation and After-Care Service performing an official role only as secretary and budget-holder. When considering the possible future organization of the scheme such variables as accessibility to victims and criminals, relationships with the main referrers, the development of methodology, the possibility of using volunteers for some of the work, the availability of proper management, and running costs and overheads need to be taken into account. Three possible types of organization emerged from the responses of the representatives of institutions concerned who were interviewed: continuing the scheme independently; linking it up to an existing organization (i.e. Victim Support); or linking it up to a new organization bringing various types of mediation under one roof. Looking at the three types of organization in terms of the variables, in the long term incorporating the scheme in a new organization scores relatively high, whereas linking it up with an existing organization would seem to be most advantageous in the short term. Given that a decision by the government on future funding is not likely to be made until some time in 2003, and the current grant aid for the scheme runs out on 1 January 2003, thought needs to be given to transitional measures to minimize the risk of awareness, knowledge, skills and commitment being lost.

The expected demand for victim-offender mediation

Based on Statistics Netherlands figures on criminal cases, data from the Ministry of Justice's Research and Documentation Centre on offenders who plead guilty, information from annual reports by Victim Support and indications from the poll of potential referrers, the annual number of enrolments nationally can be roughly estimated at 4,100. Based on the current system this would require some 80 mediators. The average cost of mediation in the scheme was around EUR 840. Savings could probably be made by using volunteers for some of the work, but the pilot did not provide any data on this.