

## **RESTORATIVE JUSTICE: VICTIM/OFFENDER MEDIATION PROGRAM**

In essence, VOMs involve a meeting between the victim and offender facilitated by a trained mediator. With the assistance of the mediator, the victim and offender begin to resolve the conflict and to construct their own approach to achieving justice in the face of their particular crime. Both are given the opportunity to express their feelings and perceptions of the offence (which often dispels misconceptions they may have had of one another before entering mediation). The meetings conclude with an attempt to reach agreement on steps the offender will take to repair the harm suffered by the victim and in other ways to "make things right".

Participation by the victim is voluntary. The offender's participation is usually characterized as voluntary as well, although it should be recognized that offenders may "volunteer" in order to avoid more onerous outcomes that would otherwise be imposed. Unlike binding arbitration, no specific outcome is imposed by the mediator. Instead, the mediator's role is to facilitate interaction between the victim and offender in which each assumes a proactive role in achieving an outcome that is perceived as fair by both. VOMs involve active involvement by the victim and the offender, giving them the opportunity to mutually rectify the harm done to the victim in a process that promotes dialogue between them.

Mediation, then, is a peace-making or conflict-resolution process that deals with violations of criminals by addressing the underlying conflict of and resulting injuries to the victim and offender. It emphasizes their right to participate in attempting to achieve justice rather than deferring the matter entirely to state criminal processes.

### **Elements**

A basic case management process in North America and in Europe typically involves four phases: case referral and intake, preparation for mediation, the mediation itself and any follow up necessary (e.g., enforcement of restitution agreement). Often, a case is referred to VOM after a conviction or formal admission of guilt in court; but, some cases are diverted prior to such a disposition in an attempt to avoid prosecution.

The mediator then contacts the victim and offender to make sure that both are appropriate for mediation. In particular, the mediator seeks assurances that both are psychologically capable of making the mediation a constructive experience, that the victim will not be further harmed by the meeting with the offender, and that both understand that participation is voluntary.

The parties then meet to identify the injustice, rectify the harm (to make things right or restore equity), and to establish payment/monitoring schedules. Both parties present their version of the events leading up to and the circumstances surrounding the crime. The victim has a chance to speak about the personal dimensions of victimization and loss, while the offender has a chance to express remorse and to explain circumstances surrounding his/her behavior. Then the parties agree on the particular nature and extent of the harm caused by the crime in order to identify the acts necessary to repair the injury to the victim. The terms of the agreed reparation (e.g., restitution, in-kind services, etc.) are reduced to writing, along with payment and monitoring schedules.

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