



Center for Restorative Justice & Peacemaking

An International Resource Center in Support of Restorative Justice Dialogue, Research and Training

Fact Sheet: Victim Offender Mediation “Restorative Justice Through Dialogue”

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What Is It?

Victim offender mediation is a process which provides interested victims of primarily property crimes the opportunity to meet the offender, in a safe and structured setting, with the goal of holding the offender directly accountable for their behavior while providing important assistance and compensation to the victim. With the assistance of a trained mediator, the victim is able to let the offender know how the crime affected him or her, to receive answers to questions they may have, and to be directly involved in developing a restitution plan for the offender to be accountable for the losses they incurred. The offender is able to take direct responsibility for their behavior, to learn of the full impact of what they did, and to develop a plan for making amends to the person(s) they violated. Some victim offender mediation programs are called “victim offender meetings” or “victim offender conferences.”

When Are Cases Referred?

In some programs, cases are primarily referred to victim offender mediation as a diversion from prosecution, assuming the agreement is successfully completed. In other programs, cases are referred primarily after a formal admission of guilt has been accepted by the court, with the mediation being a condition of probation (if the victim is interested). Some programs receive case referrals at both the diversion and post-adjudication level. Most cases are referred by officials involved in the juvenile justice system, although some programs also receive referrals from the adult criminal justice system. Judges, probation officers, victim advocates, prosecutors, defense attorneys, or police can make referrals to victim offender mediation programs.

How Is It Different From Other Mediation?

Mediation is being used in an increasing number of conflict situations, such as divorce and custody, community disputes, commercial disputes, and other civil court related conflicts. In such settings, the parties are called “disputants,” with an assumption being made that they both are contributing to the conflict and therefore need to compromise in order to reach a settlement. Often, mediation in these setting is focused heavily upon reaching a settlement, with a lesser emphasis upon a discussion of the full impact of the conflict upon their lives.

In victim offender mediation, the involved parties are not “disputants.” One has clearly committed a criminal offense and has admitted doing so. The other has clearly been victimized. Therefore, the issue of guilt or innocence is not mediated. Nor is there an expectation that crime victims compromise and request less than what they need to address their losses. While many other types of mediation are largely “settlement driven,” victim offender mediation is primarily “dialogue driven,” with the emphasis upon victim healing, offender accountability, and restoration of losses. Most victim offender mediation sessions (frequently over 95%) do in fact result in a signed restitution agreement. This agreement, however, is secondary to the importance of the initial dialogue between the parties that addresses emotional and informational needs of victims that are central to their healing and to development of victim empathy in the offender which can lead to less criminal behavior in the future. Research has consistently found that the restitution agreement is less important to crime victims than the opportunity to talk directly with the offender about how they felt about the crime.

Are Crime Victims Interested?

Yes. Victim offender mediation is not appropriate for all crimes. In all cases, it must be presented as a voluntary choice to the victim. With more than twenty years of mediating many thousands of cases throughout North America, including in Minnesota, experience has shown that the majority of victims presented with the option of mediation choose to enter the process. A recent statewide public opinion poll in Minnesota found that 82% of a random sample of citizens from throughout the state would consider participating in a victim offender mediation program if they were the victim of a property crime. Interviews with 280 victims who participated in victim offender mediation programs in four states found that 91% felt their participation was totally voluntary.

How Many Programs Exist?

There are more than 300 programs throughout the United States and more than 1,000 in Europe. The American Bar Association recently endorsed victim offender mediation and recommends its development in all courts throughout the country. A recent statewide survey of victim service providers in Minnesota found that 91% believed that victim offender mediation should be in every judicial district since it represents an important service..

What Have We Learned From Research?

1. Victims of crime who meet with their offender are far more likely to be satisfied with the justice system response to their case than similar victims who go through the normal court process.
2. After meeting the offender, victims are significantly less fearful of being revictimized.
3. Offenders who meet their victim are far more likely to successfully complete their restitution obligation, to be held directly accountable to the victim for their behavior.
4. Considerably fewer and less serious crimes are committed by offenders who meet their victim.