

# English summary

## Mediation – the revelations of young offenders

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Early in 1998 the Ministry of Justice gave the National Council for Crime Prevention the task of initiating and evaluating mediation trials for young offenders (Ju 97/1394). The final results are to be revealed in March 2000.

The purpose of the present report is to examine the effects that mediation can have on young offenders. The present study deals with offenders' experiences and perceptions of mediation, together with their insights into the consequences for the victims of their actions. Young offenders reveal whether they took part in mediations of their own free will and whether they think that they have been dealt with in a respectful manner.

Twenty-two offenders between the ages of 11 and 19, who took part in mediation in Sweden, were interviewed. Subjects for interviews were divided into two groups: offenders that through the mediation process met persons representing the businesses that suffered as a result of crimes such as shoplifting, and offenders that through the mediation process met individual victims of crimes such as assault.

Results show that a majority of young people saw their participation in mediation as being of their own free will and not as a punishment. Amongst those offenders, who met a representative of a business falling victim to their crimes, half were unsure as to whether the mediation was a form of punishment. Furthermore, they were also unsure – particularly the younger participants – as to whether they were taking part in mediation of their own free will. Similar results had been obtained from previous studies.

Offenders that met the victims of their crimes, said that they had taken part in mediation because they had feelings of guilt vis-à-vis their victims. Those that met representatives of businesses tended to feel guilty because of the crimes themselves.

Most of the offenders were nervous before meeting victims of their crimes. For those offenders, who met individuals that had personally suffered because of their

crimes, nervousness in the initial period of mediation soon disappeared, to be replaced by communication between the parties on a personal level.

The majority of offenders looked on the mediation process as being fair. The result of mediation was often that of a non-material form of compensation, that is, the offender asked to be forgiven. In mediation involving someone that had been exposed to an assault, the parties also talked about how they would treat each other in future. Amongst those that had committed a crime against a business, more concrete compensation, in the form of money, work, and so on, was discussed.

When offenders were asked to describe what consequences they thought the victims of their crimes might suffer, the majority of those that had committed a crime against a business were able to give a number of concrete answers. Roughly half the number that had stolen or pilfered, said that they had not thought of the consequences of their actions before the crime but that they had learnt something through mediation and/or the compensation they had made.

When offenders met the persons that had been the objects of their crimes, they had gained greater insight into the consequences through mediation. Where car theft was concerned, offenders came to understand that because of their crime, the owner of the car had had to deal with difficult circumstances, while suffering on an emotional level. One outcome of mediation for assaults was that the offenders were brought to the realisation that the victim had been afraid. The chances that this kind of insight will occur are greater following mediation with individual victims of crimes.

Offenders' attitudes to individual victims of their crimes tended to be full of conflict, but after meeting them through mediation, such attitudes were less noticeable. The inter-personal relationships between offenders and representatives of businesses that were the objects of crimes were only marginally changed.

The conclusions of the study are that where a business is the object of a crime, participation in mediation is seen to be obligatory to a greater degree than when offenders meet the individuals that are the objects of their crimes. Furthermore, in the former case, offenders experience mediation as a kind of punishment, and do not seem to gain the same degree of insight into the consequences of their crimes. The ages of offenders, in several cases of crimes against businesses, were below the minimum that the government considered offenders should have attained, if mediation was to be used. The role of mediation could also be generally questioned in such minor crimes as the pilfering of a soft drink. In more serious crimes, where the level of conflict between parties increased, mediation was seen to affect offenders to a greater degree. However, such mediations places a greater burden on the mediator, especially his or her knowledge about the reactions of victims in crime.

*Keywords:*

Mediation, Restorative justice, Young offenders, Alternative sanctions for juveniles.