

A path to peace: A comparative study of practitioners' views of juvenile restorative justice in Chile, England, Italy, and Sweden

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Abstract

Recent attention to juvenile delinquency has led to calls for alternative approaches for youth offenders that can reduce recidivism. This research analyzes how practitioners in Sweden, England, Italy, and Chile perceive the implementation of victim offender mediation (VOM). An emphasis is given to challenges and strategies that practitioners in Sweden, England, and Italy report, in order to provide a framework for implementation of VOM in a country in the early stages of implementation and consideration, such as Chile. An instrumental comparative case study design was used to compare the four cases of VOM implementation, conducting in-depth interviews in each country with key informants about the implementation process. The results suggest that practitioners are overwhelmingly satisfied with VOM in each European country, and that their experiences can be incorporated as lessons learned for practitioners in other countries seeking to implement VOM. Implications for adapting VOM to a different cultural context are described in the discussion, as well as a critical analysis of the need for more empirical evidence and further research on VOM and its underlying philosophy of social justice and accountability.

Keywords

Juvenile offenders, restorative justice, victim offender mediation

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Recent studies have focused on juvenile delinquency rates and the need to reform the juvenile criminal justice system. Although these studies have found global patterns of decreasing rates of convictions of suspected juvenile offenders between 1996 and 2006 (Smit and Harrendorf, 2010), punitive policies and increased media coverage of juvenile delinquency have led to a polarization of those who call for harsher sentencing and punishments and those who call for reform and alternative paths for juvenile offenders. Notably, this polarization has transcended global borders, permeating debates about juvenile justice across the Western World. In response to the growing pressure to decrease delinquency rates and prevent recidivism for both juvenile offenders and victims, models of restorative justice (RJ) have emerged as an alternative path to incarceration or detention for youth offenders.

Since the social movements of the 1970s across the Western World, activists have called for reforms to criminal justice systems and have critiqued the traditional, punitive-focused ways of dealing with conflict (see Braithwaite, 1993; Christie, 1977; Wright, 1983). Notably, Wright (1983) argued that 'criminology to some extent has amplified a process where conflicts have been taken away from the parties directly involved and thereby have either disappeared or become other people's property' (p. 1). Those who argue for criminal justice reforms believe that this externalization of conflict to state governments or third-party judicial systems discourages those directly involved from taking responsibility and obtaining a more in-depth understanding of the consequences of their actions. In contrast to the traditional, punitive court systems, restorative processes permit those directly involved in conflict to understand the harm they have caused and to take charge of their futures, eliciting the solution from them instead of external 'experts'.

Specifically with juvenile offenders, prior literature has revealed the need to increase their capacity to empathize and understand the consequences of their actions to reduce recidivism rates (Barriga et al., 2009; Bock and Hosser, 2014). Therefore, diverse models of RJ have been applied to juvenile offenders in several different settings, as a means of increasing accountability and emotional stability. This call for reform has also been influenced by psychosocial theories of delinquency, in which different theorists have attributed delinquency to issues of social disorganization at a neighborhood level (i.e. high rates of poverty, economic disadvantage) (Shaw and McKay, 1942) and, more recently, to family risk factors such as exposure to violence or neglect (Finkelhor et al., 2009). Notably, the motivation to initiate delinquent behavior has shifted from individual offenders' features such as locus of control, to external factors such as poverty, exposure to maltreatment or abuse, residing in vulnerable neighborhoods, and family dysfunction (Shader, 2003).

Nevertheless, it should be noted that there have been inconclusive findings on the effectiveness of RJ with juvenile offenders. Several studies have shown high levels of victim and offender satisfaction, compliance with restorative principles, and an overall reduction in recidivism (Bonta et al., 1998; Braithwaite, 2002; Hayes and Daly, 2004; Latimer and Kleinknecht, 2000; Latimer et al., 2007; Rodríguez, 2005). Moreover, research on the long-term impact of victim offender mediation (VOM) programs for juvenile offenders suggests that youth are less likely to experience later involvement with the police and tend to have less serious behavior later on than those referred to more traditional juvenile court interventions (Bergseth and Bouffard, 2012). Despite these positive findings, other researchers have not found significant reductions in recidivism (McCold and Wachtel, 1998; Wood, 2015). It is important to note that the studies mentioned focus largely on different measures of 'success', with some evaluating participant satisfaction, while others measured rates of recidivism later on. As a result of the mixed findings regarding the effectiveness of restorative practices, there has been much debate about whether to implement restorative practices on a larger scale. Consequently, more research is needed on the impact of different models of RJ with juvenile offenders and later recidivism.

In the juvenile criminal justice system, social workers have an important role not only in the sense that they should assess the social and family problems associated with juvenile violent

behavior, but also in that they are oriented to guarantee principles such as re-education and flexibility in the adoption and execution of the court measures. Social workers' role involves taking into account the personal, social, and familial circumstances of each adolescent. Therefore it is important to know how practitioners who currently work with youth offenders face and see restorative practices so that other social workers can learn from the experience of colleagues. It is through such avenues that social workers strive to influence and bring positive change to the juvenile justice system. Indeed, the United Nations Children's Fund (UNICEF) (2013) encourages social work practitioners to adopt an active role in the juvenile justice system.

In consideration of widespread calls for juvenile criminal justice reforms and increased pressure to reduce delinquency rates, the European Union Council declared an initiative in 2001 to increase strategies to encourage crime prevention (European Union Council Framework Decision, 2001). While several countries within Europe had already started implementing pilot programs of RJ before this date, the 2001 declaration from the European Union Council reflected a larger shift toward alternative paths for juvenile delinquents. Since 2001, the European Union Council has adopted the recommendations on RJ set by the United Nations (2006). These include adopting 'process[es] in which the victim and offender and, where appropriate, any other individuals or community members affected by a crime participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator' (p. 6). Consequently, resources were allocated to support restorative initiatives throughout Europe.

In this context, juvenile RJ has emerged as a way of providing justice and helping youth offenders take responsibility for their actions. Overall, Van Dijk and DeWaard (1991) describe three different centered models of RJ that have been adopted and implemented with juvenile offenders: victim-oriented, offender-oriented, and place-oriented. Victim-oriented approaches include focusing on victims through measures such as awareness campaigns and increasing preventive efforts for vulnerable groups; they also include programs to prevent repeat victimization by providing victim support after a crime has been perpetrated or victim compensation. On the other hand, offender-oriented models focus on educational and preventive programs that serve at-risk youth before a crime is committed. These programs work with youth who have specific risk factors associated with initiation of criminal behavior (Farrington, 2000). The final type of RJ detailed by Van Dijk and DeWaard (1991) is place-oriented RJ. This type of RJ centers on neighborhood and community-based interventions, through programs such as Neighborhood Watch associations and community mediations. This last model of RJ requires family and community participation – either directly or indirectly – in the restorative process. The openness of the European Union Council's call for restorative measures has permitted each country to have flexibility and autonomy in designing and implementing diverse programs centered on different dimensions of crime prevention and protection. While some countries have established all three types of programs, others have prioritized one specific model.

This article presents the framework for juvenile RJ in three European countries and Chile, while providing an analysis of one specific model of RJ common to all four countries – VOM. Although each of the European countries has implemented other models of RJ with juveniles, the case of VOM is compared and contrasted because of its implementation across all four countries.

Juvenile criminal justice systems in Chile, England, Italy, and Sweden

In order to compare and contrast the case of VOM in the different countries included in this analysis, it is necessary to first examine each one's juvenile criminal justice system and the underlying legal framework. Overall, the four countries included in this analysis had different approaches to incorporating RJ into their legal framework. The summary of the legal framework supporting RJ

Table 1. Legal framework in each country.

	Chile	Italy	England	Sweden
Age of legal responsibility (years)	14	14	10	15
Laws	Juvenile Justice Law 20.084 (Ley 20.084, 2007) Convention on the Rights of the Child (1990)	Juvenile Justice Procedural Reform Act (DPR 448/88) (1988) Law 285 (1997)	Crime and Disorder Act (1998)	Mediation Act (Swedish Code of Statutes, 2002)
Types of RJ	Community service Reparation of damage	Community service Victim offender mediation	Victim offender mediation Restorative conferencing Community panel meetings Family group conferencing	Victim offender mediation
Regulation of RJ	Private agencies	Minor Center of Justice, Minor Court, Prosecutor Office, and Municipality	Youth Justice Board, associated with the Juvenile Justice System	Municipalities, mediation centers (locally run from municipalities)

RJ: restorative justice.

in each country is explored in Table 1, comparing different dimensions of laws and legislation related to RJ.

As depicted in Table 1, the framework for and implementation of restorative practices with juvenile offenders across the four countries differ substantially. In Italy, England, and Sweden, public agencies oversee restorative practices, while in Chile this responsibility has fallen on private agencies. The three European countries offer VOM as one of the main forms of RJ with youth offenders, with Sweden almost solely utilizing VOM. In contrast, both Italy and England incorporate other restorative practices with youth offenders, although VOM remains the most common form of RJ.

With regard to legislation, the Crime and Disorder Act of England (1998) has a punitive focus, establishing the youngest age of penal responsibility out of the four countries. While England has several pilot restorative programs in process across different cities, less has been done at a national level. On the other hand, the Mediation Act (Swedish Code of Statutes, 2002) in Sweden requires all municipalities to offer VOM as an alternative for any youth who have at least partially admitted guilt to a crime. While in practice some municipalities no longer offer VOM due to limited funding, if a youth offender requests it the municipality must make arrangements (either with another larger municipality or a private organization) to conduct the mediation. Italy's legislation focuses on diversion tactics and restorative practices as an alternative to a youth entering the system, although Italy does not have any law that specifically refers to RJ.

In the case of Chile, practitioners who work within the juvenile criminal justice system are often not fully aware of restorative models. In 2007, Chile passed Law 20.084 related to legal responsibility for adolescents. This law was influenced by a social sector that supports harsher penalties for violent juvenile offenders. The law requires the adult criminal courts to hear juvenile cases, designating a

special room for cases involving juvenile offenders. However, the large caseload and the absence of a special room have impeded this mandate from being fully implemented (Informe de la Comisión de Constitución, Legislación, Justicia y Reglamento, 2012).

Currently, a significant part of the budget in Chile has been dedicated to building juvenile reclusion centers, instead of offering alternative options such as diversion or probation programs. After 7 years this law is currently under review by Congress, in large part due to the failure to observe a reduction in juvenile criminal offenses since the law was passed in 2007. This has led to a call for proposals of alternative paths to juvenile detention, with a specific focus on evidence-based practices that have been shown to reduce recidivism in juvenile offenders. As such, this study can help understand the implementation of VOM in three different European countries and the implications of adapting this model to the current Chilean context.

This study also seeks to understand the experience of VOM from the practitioners' point of view. Practitioners directly face the difficulties and benefits of restorative practice, but their voices are frequently missed when evaluating its relevance and impact. Their experiences in this field could be an important contribution for other professionals who currently implement or will implement restorative practices in the future.

Methods

The present study consists of an international comparison of VOM and other restorative models across three European countries and Chile. This research project was carried out as part of the International Research Staff Exchange Scheme (IRSES): Supporting and Understanding Families with Complex Needs project, and it comprises academic and intellectual exchanges between professors and graduate students in Latin America and Europe. As a part of this project, a comparative analysis was conducted between the countries of origin of the researchers (in the case of this article, Chile) and in three countries on the other continent (in this case, researchers were sent to Sweden, England, and Italy). For this project, an instrumental comparative case study was utilized in order to 'get insight into the question by studying a particular case' (Stake, 1995: 3).

The instrumental comparative case study was selected as the best approach because of its ability to improve knowledge and best practices, leading to a positive change in juvenile justice systems throughout the world (Janeskela, 1991; McGhee and Waterhouse, 1999). Furthermore, given the timely call for proposals and the possibility to inform policy changes in Chile, a comparative case study was selected to understand barriers to implementation, strategies to overcome these, and overall lessons learned from the experiences of practitioners in three countries that already successfully implemented VOM with juvenile offenders. Since Chile is in the beginning stages of understanding and developing restorative models of justice with juvenile offenders, this research allowed us to critically analyze the advantages and disadvantages of the legal framework and the implementation of VOM in each of the three European countries and suggest adaptations for the Chilean context.

In order to get insight into and better understand the implementation of RJ with youth offenders, countries in Europe were selected based on their successful implementation and legal framework for restorative practices. Countries were selected based on the following criteria: (a) the length of time that each country had been implementing RJ programs, (b) the different legal framework of each country to confront juvenile crime, (c) the presence of established RJ programs for at least 2 years, (d) the availability of practitioners to interview about their experiences with RJ, and (e) the presence of at least one professor collaborating with the IRSES project. All interviews were conducted between March 2013 and April 2014.

Sample

The analytical sample for this study consisted of 33 professionals who were interviewed using a semi-structured interview guide, and three mediation meetings were observed. A similar number of semi-structured interviews were conducted at each of the three European sites. In Chile, only semi-structured interviews were conducted because of the lack of organized, widespread mediation programs. Similarly, given the scarce resources and knowledge about VOM in Chile, only six professionals who had conducted mediation processes were recruited and interviewed. Table 2 in the next section provides background information on the numbers of semi-structured interviews conducted at each site and the professions of those interviewed.

Data collection

Participants were recruited by the use of key informants at each of the sites; experts in RJ in each of the four countries were identified by conducting extensive searches of literature and studies that had been published by professionals in each country. These experts were then interviewed to identify key people involved with VOM at each site – including VOM center directors, practitioners within the juvenile criminal justice system, and experts on policies related to juvenile justice. In addition to the use of key informants, the authors also used snowballing as a method to increase the number of potential participants by asking those identified by the initial expert to provide information about others involved with VOM and RJ. As stated in the previous section, fewer interviews were conducted in Chile because of the lack of widespread adoption of VOM, resulting in few programs and professionals that have used it. Furthermore, since Chile is in the early stages of design and implementation, the cases of England, Italy, and Sweden, where VOM has already been adapted on a larger scale, were examined more in depth in order to understand the lessons learned from each of these experiences and provide a framework for adaptation and implementation in Chile.

Semi-structured interviews were conducted with the identified professionals at each site, using a guide that was developed in English and then translated into Spanish for use in Italy and Chile. The guide consisted of nine open-ended questions asking professionals about the legal framework for RJ and specifically VOM, their experiences in facilitating VOM, challenges or barriers they had faced during the processes, and recommendations or strategies they would suggest for a country like Chile, in the early stages of policy design and implementation.

As displayed in Table 2, interviews at each site were conducted with professionals identified by key informants who worked directly with VOM or with RJ policy implementation. The number of interviews ranged from $n=6$ semi-structured interviews with professionals in Chile to $n=10$ semi-structured interviews with professionals in Italy. In England, $n=8$ interviews were conducted, and in Sweden $n=9$ professionals were interviewed. Meetings were observed at each of the three European sites to better understand the group dynamic of VOM centers and provide the research team with an opportunity to put questions to a group of VOM facilitators at each site.

Data analysis

Qualitative data analysis was done in two different stages, in accordance with Creswell's (2007) and Paillé's (2006) general guidelines. This consisted of thematic analysis of common themes across interviews and triangulation of these with legal documents (i.e. federal and local legislation and policy). This approach to analysis was selected because of its fit with case studies (Stake, 1995) and allowed for a comparing and contrasting of themes that emerged from the four different sites.

Table 2. Professions and number of participants at each site.

Country	Technique	Profession	Number
Sweden	Interview	Coordinator of VOM	7
		Expert in RJ	2
	Observation of meeting	Volunteer facilitators of VOM	7
England	Interview	Advisors for the local partnership of the Youth Justice Board	2
		Professors who have researched RJ	2
		Professionals from the Youth Offending Service	4
	Observation of mediation training	Professional facilitators of VOM	6
Italy	Interview	Professional VOM facilitators	3
		Social workers from juvenile probation program	3
		Educator from juvenile probation program	1
		Judge from the juvenile court	1
		Official from Ministry of Justice	1
		Psychologist at a juvenile detention program	1
	Observation of meeting	Professional mediators of VOM	8
Chile	Interview	Professional facilitators of VOM	6

VOM: victim offender mediation; RJ: restorative justice.

Interviews were transcribed verbatim and were coded in Atlas.ti. In addition to primary interview data, legal documents were revised in detail; coding was also done to compare and triangulate themes. In order to examine the validity of the analysis and enhance the rigor of the comparative study, data were compared across multiple sources, including interviews with different stakeholders (i.e. experts, VOM coordinators, and volunteer VOM facilitators) and direct observations of VOM team meetings. Multiple coders on the research team also participated in the analysis stage to identify and offer a critical analysis of emerging themes. Since the legal framework for VOM and other forms of RJ was presented in the introduction to this article, the next section focuses on the specific implementation of VOM at each site.

Results

This section presents main themes that emerged from data across sites, including the main objectives of mediation in each country, the focus of the VOM model, barriers in implementation, and strategies to overcome these barriers.

Main goal of mediation

Overall, participants reported four main goals of mediation, including giving people the opportunity to take responsibility for their lives, supporting victims and offenders, reducing the negative consequences of crime, and preventing future crime. On the one hand, the Swedish and Italian practitioners tended to focus on future-driven goals of mediation, including having the youth and

victims take responsibility for their lives and their own well-being. On the other, practitioners in England tended to be more oriented toward making sense of the past, including having the offender express remorse and 'make amends' for his or her past actions. Practitioners in Chile also focused more on the past, with a view of VOM as reparation of past mistakes.

Giving people the opportunity to take responsibility for their lives. In Sweden and Italy, practitioners interviewed defined one of the main goals of VOM as an opportunity for people to take responsibility for their lives, connecting participation in mediation to empowerment. Practitioners mentioned that VOM 'gives people a chance to take responsibility for their lives', in that it 'helps young people choose a better pass in their lives'.

In addition to taking responsibility for their lives, several Swedish practitioners also focused on future implications of VOM. This included a 'goal to get the parties to communicate and take responsibility for their future', which emerged as a theme in multiple interviews with Swedish practitioners.

Finally, the future is seen as something that can be formed in a more positive light; while most of the future focus emerged from interviews with Swedish professionals, one of the practitioners in Italy also commented on future implications of VOM, stating that the mediation is 'a place where they can say I am sorry and I forgive you and open the path for peace'. An Italian practitioner also described VOM as a future-oriented process, aiming to open new directions and paths:

A practitioner should have the conviction that this is a humanist approach, in which two persons are enabling to share how a violent act affects their lives. This is not a place to blame each other ... instead, it is a place where they can say I am sorry and I forgive you and open the path for peace. (Interview V, Person V, Italy)

Supporting victims and offenders. A second goal of VOM mentioned by practitioners in England as well as Italy was supporting victims and offenders. This was defined as support for the victim as well as overall support (implied for all people participating in the mediation). Some stated that 'supporting people emotionally is a huge part of the work', while others described it as 'helping the victim know that I'm here to help them'.

The idea of support was predominant in the interviews with professionals in England, focusing on the present impact and effects of the crime on all parties involved.

Reducing negative consequences of crime. In all three of the European countries, practitioners mentioned reducing the negative consequences of a crime as one of the main goals of VOM. This was examined from different lenses, including repairing damage from the crime, feelings of closure, and improving victim functioning.

In Sweden, interviewees stated that VOM could 'give a feeling of relief and closure', with an overall objective of 'minimizing the damage caused by crime'. However, practitioners in Sweden were adamant that every step of the mediation process should be voluntary, stating that in some instances the young offender did not express regret or apologize for their past actions. Most practitioners agreed that VOM was by and large successful, even in cases where there was not a concrete action to repair the damage caused. For these practitioners, the restorative element and final closure depended more on the ability of both the victim and offender to have a safe space where they could have an open dialogue with one another.

In England, professionals also considered that a mediation had been successful when the victim 'felt better' because of better 'understanding why the offender committed the crime against them'. As was the case in Sweden, interviewees in England reported feelings of alleviation by having an open dialogue and coming to better understand the position of the other. On the other hand, the

Italian interviewees tended to consider the long-term impact and healing process of the victim. The following quote was taken from an interview with a professional in Italy who had worked with RJ for several years:

Justice is subjective and personal perception, what is justice for me is not the same for others. The legal system is able to apply the law, but it is unable to give the feeling of justice to the person. Sometimes people feel that the judicial system was fair, and the feeling of justice is achieved. But, not always it is that way. For a mother who lost her son, no sentence can be fair enough, but this mother needs to live in peace, and I see how the mediation process where the offender asks for forgiveness to the mother allows her to start her healing process.

As with interviewees in Sweden and England, this quote from an Italian professional refers to the process of coming to terms with past events. However, in this case the professional focuses on the long process of healing, viewing mediation as the first of several steps on a journey.

Preventing future crime (recidivism). The final goal of VOM, mentioned by practitioners in all four countries, was the prevention of future crime. Interestingly, every single practitioner interviewed in Sweden, Italy, and England reported that in their experiences, VOM was effective. As a result, a selection of quotes from various interviews follows, highlighting VOM's overall effects on recidivism, as reported by the practitioners:

If they can realize the harm that they have done to the victim, we believe that will help them stop committing further offenses. (Interview III, Person III, England)

Out of 600 mediations [at this municipality] where the offender participated in mediation, only 20 had incidences of recidivism. This is significantly lower than the general population. (Interview II, Person I, Sweden)

According to the studies done, the likelihood of recidivism decreases 47% for those who participated in mediation. In my cases, 2 out of 300 offenders have come back. (Interview VI, Person II, Sweden)

The ideal goal is to stop the young offender from re-offending. (Interview VI, Person VI, England)

8 out of 10 in mediation won't come back. Maybe 1–2 out of 10 I'll see again. (Interview II, Person II, Sweden)

As reflected in the quotes above, interviewees reported that VOM was effective overall in reducing future crime. In Sweden, several practitioners cited empirical evidence and statistics, while those in Chile, Italy, and England gave more general statements on VOM and its crime-preventing power.

Overview of goals reported by practitioners

Notably, in England, the professionals interviewed tend to discuss the overall objective of VOM from a more punitive lens, considering guilt or remorse from the offender as a positive outcome of the mediation. This was described as 'making them understand the impact of their offenses'. On the other hand, Swedish professionals tended to be more future-oriented, focusing on goals of 'taking control of their lives in the future' and reducing re-offending rates in the future; whereas the professionals in England and Chile tended to be more past-oriented, emphasizing the objective of the offender taking responsibility for what (s)he had done and for the victim to feel more secure after their past experience.

Similarly, the role of the practitioner was described as more active in the interviews with practitioners in England than the other countries. When talking about the role of the facilitator in VOM,

several English interviewees used statements such as ‘we need to make them appreciate the consequences of their behavior’. This active role was seen as problematic by Swedish practitioners, stating that these mediators ‘are so focused on getting the perpetrator to realize they did wrong, instead of just listening to the parties’. Swedish professionals tended to focus on more passive mediators, who took cues from the participants instead of guiding the conversation or setting an agenda.

In England and Chile, the practitioners tended to focus on mentioning reducing recidivism rates and having the offender feel remorse as the main goals, while Italy and Sweden tended to focus on a change toward future action and progress. This focus was also visualized in the description of the role of the practitioner, observing a more controlling, active role envisioned by English practitioners than by Italian or Swedish professionals.

Focus of VOM

In parallel to the guiding objectives of VOM in each of the countries, participants referred to slightly different models and principles underlying the mediation processes across sites. For example, in the case of Italy, community and family participation in restorative processes was a unique and important element of the programs’ success. This has led to a family-focused implementation of VOM that incorporates family and community systems into the resolution process.

The following two quotes from professionals in Italy reflect the family-centered social service culture and its impact on VOM:

Our colleges [Social Workers] must understand that restorative justice brings about changes in the culture, and the community is involved in these changes. These practices not only engage the victim and offender, but also their families and friends that learn from this experience. Now, we are able to see how little by little that revenge is no longer an option. (Interview II, Person I, Italy)

In the rural areas, the families tend to live isolated, and they support revenge as a way to handle conflicts. After, several years working with these families, I can see how they change their mind and perceive the mediation [VOM] as another way to resolve conflicts. (Interview V, Person V, Italy)

While VOM involves the family unit in Italy, it rarely does so in Sweden, where the privacy of the individual is prioritized. Although practitioners reported that in some cases the family could accompany a youth offender, the session itself was focused on the individual interaction between the victim and offender. As a result, most of the participants in Sweden discussed the effects and outcomes of VOM at the individual level – for both the victim and the offender.

One dimension of the family life of the youth offender that participants in all four countries mentioned was the importance of considering psychosocial factors that could contribute to youth delinquency. According to theories of delinquency presented in the introduction, psychosocial factors such as poverty, vulnerability, and marginalization can contribute to the likelihood that a youth will become involved in delinquent acts. Therefore, in England and Italy, psychosocial factors were evaluated before the youth offender could take part in VOM. However, this was not the case in Sweden or Chile. In Sweden and Chile, these types of assessments typically are not connected to VOM, falling under the responsibility of other agencies or organizations.

Difficulties in implementation

Measuring effectiveness. The challenges practitioners face in the implementation of VOM differ significantly across the four countries. The results from the interviews with professionals suggest

that there is a gap between perceived outcomes of VOM and empirical evidence. While every practitioner interviewed in this study stated that VOM was effective very few of them were familiar with studies that gave an empirical base to these claims.

In England, practitioners tended to reference studies more often than those in Chile and Sweden. This also could reflect differences in the implementation of VOM, given that in Chile private organizations are responsible for VOM, while in Sweden some municipalities use lay volunteers, who may lack in-depth training about specific restorative methods and overall effectiveness.

Another difficulty consisted of challenges in measuring the outcomes of VOM. In England, practitioners reported barriers in conducting longitudinal studies to measure recidivism rates over longer periods of time, given the time constraints that any study would put on the specific time to recidivism:

Ultimately, the outcome is for the offender not to offend again, but you can't measure that. They might do it next year, or the year after or the year after, or 5 years after. Can you ever say that it's finished? (Interview III, Person III, England)

We have to be a little bit careful, because it depends on if you do a whole lot of restorative processes with a young person, and then you look 3 months later to see if they have re-offended, it is not really long enough, so some of the studies that show very good findings on re-offending, they didn't really leave it long enough. (Interview VII, Person II, England)

In fact, for these practitioners, they reported difficulties in determining the specific amount of time that should pass in order for an offender to be deemed 'successful' in not re-committing a criminal offense. By measuring recidivism 1 year, 2 years, or even 5 or 10 years on, there is still a possibility that the offender could commit a new crime after the study takes place. Therefore, the empirical studies that have been conducted on recidivism measure recidivism within a specific time period, instead of the overall life-span re-occurrence rate.

On the other hand, practitioners in Sweden considered measurement of effectiveness of VOM difficult because of confidentiality concerns, stating 'by law it is confidential so there is no formal evaluation of each phase'. Furthermore, concerns emerged from Swedish professionals about the limited dimensionality of studies focusing on recidivism, since 'it looks only at the offender, and there are some people who are re-victimized', stressing the need to consider more inclusive and exhaustive measures.

Strategies to overcome barriers

Despite reporting various barriers at the different sites in implementing VOM, participants provided strategies and recommendations for overcoming these barriers. These strategies are presented in Table 3 and provide a point of transition into the discussion of implications, especially considering one of the objectives of this article in providing a framework and recommendations for the implementation of VOM in countries that have yet to widely implement it.

Overall, participants identified several strategies that could help facilitate the implementation process of VOM. While the issues of organization and funding differed slightly across sites, strategies of involving the community, providing training in mediation, raising awareness, and advocating for the expansion of VOM were common in all countries. As we move on to the Discussion, these strategies and recommendations provide a guide for practice and policy implications both in these European countries and in countries like Chile, where VOM is in the initial stages of conceptualization and implementation.

Discussion

Despite the fact that each country has a different legal framework and different experiences in the implementation of VOM, professionals in each of the three European countries reported common themes or elements that were important to its success. In fact, participants in each country reported that the implementation of VOM transcended the mediation meetings themselves; for these professionals, the underlying philosophy that promotes accountability, empowerment, and forgiveness is extendable beyond the scope of the juvenile criminal justice system. While the implementation may vary across countries, these principles of empowering people and promoting peace were common across sites.

This study adds to prior literature by focusing on the nuances in objectives and foci of VOM programs in different countries, offering insight into the barriers faced during implementation and strategies to promote more successful VOM programs.

Limitations

While this study provides a unique insight into processes of implementation of VOM in three different European countries and the initial stages of implementation in Chile, there are some limitations that should be acknowledged. First, the interviews conducted at each site were with professionals identified by key informants, all of whom reported high levels of satisfaction and effectiveness of VOM. However, these findings do not necessarily represent the voices of the juvenile offenders or victims who participate in the process, nor are they based on empirical evidence. Although the objective of this study was not to examine the effectiveness of VOM in reducing recidivism in juvenile offenders, that is something that should be triangulated before making recommendations for policy and practice changes.

In addition to the limited scope of the study, another limitation that should be acknowledged is that in the three European countries, some of the interviews were conducted in a language that was not native to either the interviewer or the participant. In order to address this limitation, participants in Sweden and Italy were offered the option of a translator, and interviews in England were audio-recorded and transcribed by a native English speaker. Nonetheless, the differences in language could potentially have impacted the flow of the interviews.

Implications for practice

Despite the limitations, this study provides a unique insight into the experiences of implementation of VOM programs in four different countries. One main difference found among the three European countries was the role of intersection between VOM programs and other service systems. For example, the consideration of psychosocial risk factors was an important part of Italian VOM programs, and is an element that could help identify factors that might increase the likelihood of recidivism for youth offenders in Chile or other countries in the early implementation stages.

On this note, the role of the family in each country also differed in the mediation process. In this sense, Chilean culture is more similar to Italian culture in that it tends to be family-focused. Therefore the Italian model of VOM, in which the entire family is incorporated into the mediation process, might be most applicable and easiest to adapt to the Chilean context.

Another finding relevant to practice implications was viewing VOM and RJ as a broader philosophy for approaching justice and society. Considering the recent history of a repressive dictatorship in Chile and other Latin American countries, restorative processes could be especially important not just for youth offenders, but for the society at large. After the return to democracy,

Table 3. Strategies to overcome the barriers.

Strategy	Description
Involving the community	One strategy to involve the community in VOM is the approach taken by some municipalities in Sweden, where they actively recruit volunteers from the local community. Not only does it help reduce costs, but also it gives diversity to the facilitator workforce. Many volunteers are retired, and most are highly educated in Sweden and England. Some of those interviewed were formerly policemen. In Italy and England, some facilitators engaged local schools to promote VOM and other restorative practices for youth.
Training in mediation	Participants at all sites reported that standardized training for VOM facilitators could be a strategy to overcome some of the barriers. In Italy, practitioners turned to the university for these trainings, while in Sweden practitioners hoped to create a centralized RJ organization that could oversee training.
Raising awareness of VOM	At all the sites, the participation of a youth offender in VOM depended on a referral from the authorities in charge of the case. As a result, practitioners in Italy, England, Chile, and Sweden mentioned increasing connections with different stakeholders as a possible strategy. In Sweden, coordinators who actively sought out opportunities to conduct workshops and training with police, schools, and courts found that the authorities were more likely to refer cases to VOM.
Advocating for VOM as an alternative with judges and prosecutors	The VOM program team in Italy organized conferences to highlight results of the program and invited people who had participated in VOM to offer their testimonies. This was targeted at different stakeholders within the criminal justice system to advocate for VOM. In Sweden, some VOM coordinators actively participated in workshops and conferences with judges and lawyers, as a means of promoting mediation for youth offenders. The program teams in Italy regularly met with judges and prosecutors as a means of reporting advances from the case and sharing results.
Funding VOM	Increasing funding was also a strategy suggested across sites. In Sweden, participants recommended establishing a centralized organization or unit that would oversee, monitor, and provide resources for funding, instead of shifting the responsibility to each individual municipality.
Considering the organization of VOM	Each of the three European sites had recommendations for the ideal organization of VOM. In Sweden, each municipality has the autonomy and flexibility to implement VOM as it sees fit; however, participants suggested creating a centralized agency to standardize and unite the multiple local municipalities. On the other hand, England implements more small-scale VOM projects, while the public agencies that do VOM receive funding from the Minor Courts, with more national involvement.

VOM: victim offender mediation; RJ: restorative justice.

amnesty laws were passed and the victims and their families were unable to see justice. This has led to a distrust in criminal justice and other state-run institutions. Restorative practices can be an important tool for social workers to help families whose rights were violated or who are being victimized today, as well as a way of teaching other ways to resolve conflict and showing younger generations alternative paths to achieving justice and peace. In this sense, the VOM meetings and mediations could be extended from the traditional victim–offender model to include dialogues and meetings for other groups that have suffered larger human rights violations.

Implications for policy and research

While VOM is a positive approach that has had promising results, it is largely recognized as one of many elements necessary to address juvenile delinquency. RJ may be a useful tool to increase empathy and empower youth offenders; however, by assessing the global needs and situation of the child, a more integral solution can be found as a more inclusive means of preventing future offenses and repairing the damage (both literal and emotional) from these offenses. While Chile tends to take a more punitive stance on juvenile offenders (much more resonant with the English approach), there has been a push from both political parties in recent years to decrease overall crime rates, opening the possibility to other more restorative approaches. Therefore, future proposals in Chile could incorporate VOM as an alternative to the criminal justice system for youth offenders and integrate reparation measures instead of other more punitive sentences. In conjunction with this, psychosocial risk factors and needs of youth offenders and their victims should also be assessed and built into VOM programs.

As noted in the Limitations section, future research is needed to evaluate the anecdotal narratives provided by VOM facilitators that refer to largely positive impacts of the mediation process on recidivism rates. Although it may be difficult to measure the effectiveness of VOM with juvenile offenders because of myriad reasons, including confidentiality, privacy and length of time post-VOM before re-offending, it is necessary to continue to examine empirical evidence. Measures should also be adopted to evaluate outcomes at each stage of implementation in order to better understand the impact of restorative practices and contribute to global knowledge on restorative justice.

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