



FACULTY OF HEALTH AND OCCUPATIONAL STUDIES  
Department of Social Work and Psychology

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# “Voluntary mediation for crime prevention – a qualitative study of professionals working for the Council for Crime Prevention in Gävle

Fatima Ali & Therése Liljenmalm

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Supervisor: Stefan Sjöberg  
Examiner: Ulla Forinder

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## Abstract:

The aim of this study was to examine which attitudes professionals who are involved in voluntary mediation in Gävle, have towards voluntary mediation as a preventative working method.

The empirical material used in this study, has been gathered through semi-structured interviews with staff members of the so called Crime Preventers in Gävle (Brottsförebyggarna I Gävle, BIG) and staff members from the police and social services. These interviews helped to get a deeper understanding and detailed information about the attitudes towards restorative justice and voluntary mediation. The theoretical framework that was used was social constructionism and restorative justice theory.

The Crime Preventers (BIG) in Gävle are keeping the method and process up to date by further educating themselves within the subject via conferences, workshops and similar activities. There seems to be a preference for working more with mediation, since currently the activity of the voluntary process is decreasing due to a decrease in suitable criminal cases for mediation.

The results from this study however indicate that attitudes toward mediation, as a process and method on a voluntary basis, are highly appreciated amongst those who are continuously working with it. However, further research on the subject is desired to develop it better and gain more from its positive effects.

**Keywords:** attitudes, voluntary mediation, restorative justice, crime prevention, Brottsförebyggande Rådet (BRÅ), Brottsförebyggarna i Gävle (BIG)

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## Chapter 1 Introduction

According to The Swedish National Council for Crime Prevention (Brottsförebygganderådet, BRÅ, 2005) the most common offenses young people are convicted of is shoplifting and theft. Even beatings and other crimes against individuals occur more frequently in prosecutions among young people compared to older age groups, as well as different types of vandalisms. A report from The Swedish Crime Prevention Council shows that it is more common to commit a crime at a young age and therefore young people are over-represented in statistics as suspects and also in terms of numbers of young people prosecuted (BRÅ, 2005). The Crime Prevention Council in Sweden's statistics shows that one must bear in mind that, as the population is increasing every year, the number of crimes and suspects have been decreasing during a period of 9 years as the following figure indicates (BRÅ, 2017).

- *Figure 1*



*Image Source: Swedish National Council for Crime Prevention (BRÅ). Persons Custody of Crime 2006-2015.*

*fig 1*

## **Prosecuted, 15-20years**

The crime prevention Council is an agency that works on behalf of the Swedish government and often in collaboration with other agencies and organizations. They work to reduce crime and increase security in society and are responsible for producing the official crime statistics; evaluating reforms, conduct research to develop new knowledge and support local crime prevention work (BRÅ, 2005).

Voluntary mediation is based on the philosophy of *restorative* justice and focuses more on the victim and the offender's needs, emphasizes accountability and tries to repair harm caused by a criminal act. Voluntary mediation means that no party is forced to use a mediator nor are they forced to agree to a particular settlement. Restorative justice differs from *retributive* justice, where guilt has to be proven and a penalty has to be imposed by the state. The state has therefore adapted the method voluntary mediation in practice. Mediation refers to a negotiation between two parties to resolve a dispute using a neutral third party.

Mediation is a method that gives victims the opportunity, in a constructive way, to satisfy some of the emotional needs that arise after a crime has been committed, especially the need for information that is considered valuable in the processing phase (BRÅ, 2005). Victims are also given an opportunity in mediation to rebuke the offender, to regain some of the composure that victims sometimes feel that they have lost at a crime. Mediation is also perceived as a unique opportunity to participate in society's efforts to prevent crime.

In the end of the 1990s, the Government authorized the Swedish crime-prevention council (BRÅ, 2005) to coordinate and support mediation in thirty municipalities in Sweden, to prevent crime among young people in those municipalities. In Sweden, when a person turns 15 years of age, that person becomes personally responsible for their own criminal act (BRÅ, 2007). The most common punishments are fines and prosecution when the case is dismissed. However, if a certain minor offense has been committed by a young person, an offer could be given to make the sentence milder or even reduced when the victim and the offender meet through the law of mediation by voluntary mediation. The Parliament took the decision to adopt the Law of Mediation (BRÅ, 2005) in 2002, which is a legal framework for mediation in the management of a municipal or state. The purpose of the law is to support the joint development of mediation in the country and thus meet the requirements of legal certainty. It does not regulate the

operation in detail, although it stresses that participation should be voluntary and takes place in the interest of both parties, whereby the mediator should be unbiased (Socialstyrelsen, 2012). The agencies working with voluntary mediation shall work with the intentions which are in according to the mediation law. Nevertheless, it should be noted that mediation must be organized and implemented in different ways based on local conditions. Among things that have to be taken into consideration is the size of the municipality and the relevant authorities (police, prosecutors and social services) different missions and organization, and even some cultures and traditions; which means that you encounter difficulties and problems in the development of an effective mediation (ibid). Since 2008 it was stated in the Swedish social service law (§ 5 chap. 1c) that it is obligatory for the social service agencies in every municipality in Sweden, to assume responsibility and to see that mediation may be offered when the offender is under the age of 21 (Socialtjänstlag, 2016).

The question that may arise here is that if voluntary mediation in crimes is provided by the government through the local municipality and this, according to research, has been proven to be a good method of crime prevention, how come that a majority of the population have preferences in favor of severe punishment for committing crime instead of mediation? (BRÅ, 2007). The process and the knowledge of mediation are generally negative and limited and it is found that mediation in crimes among young people has been perceived to be a low prioritized crime prevention method among young culprits.

It would take extensive research to conclude what the majority's attitudes are towards voluntary mediation. However, given the time length and our resources, we have not been able to conduct such a research. Consequently, we have focused on the attitudes of professionals working with voluntary mediation as a method in Gävle.

Mediation and conflict resolution is a growing area and therefore exploring this field for developing social workers qualifications is of interest to us. To this point, research regarding the benefits of education in mediation and conflict resolutions for social workers, is limited.

## 1.1 Aim & Research Questions

The aim of this study is to examine which attitudes professionals who are involved in voluntary mediation in Gävle have towards voluntary mediation as a preventative working method.

## **Research questions**

1. What are the professional's attitudes with respect to the methods used in the mediation process?
2. What are the professional's attitudes towards mediation as a preventative factor against further criminality?

### **1.2. Preliminary understanding**

Our preliminary understanding of the topic before starting this study was diverse. Both authors had limited knowledge of mediation as a crime prevention method. The only contact with mediation was what was presented via newspapers and films on television. Reading and hearing about harsher punishment for re-offenders in the news, sparked an interest in crime prevention methods and related processes. Thus, we decided to conduct this study.

### **1.3. Disposition**

Chapter one begins with a brief description of mediation followed by the purpose, issue and the subject of the thesis. In chapter two we will discuss the background of mediation and how it developed in Sweden. Chapter three describes preliminary understandings and is followed by a description of mediation developments internationally, nationally and on a local basis. In chapter four relevant previous researches on the subject is presented. The theoretical chapter five describes restorative justice, the philosophy that mediation is based on and mediation as a method of restorative justice. This is followed by a description of social constructionism. Chapter six addresses the method selection, implementation and processing of materials. Validity and reliability are discussed here along with other methodological and ethical considerations. In chapter seven we present the results and analysis of the empirical data.

Chapter eight contains the discussion linked to the purpose, issues and theory. Finally, suggestions are taken up for further research on the subject.

#### **1.4. Description & Explanation of terms**

In this section we will define the different aberrations that are used in this study, as well as offering a brief explanation of the various terms.

**BIG & BRÅ: Brottsförebyggarna Gävle and Brottsförebygganderådet** In this thesis The Crime Prevention Council in Sweden (BRÅ) is an authority under the Ministry of Justice. BRÅ's main task is to promote crime prevention through development, evaluation, research and information in the field of crime policy. Brottsförebygganderådet which hereafter will be referred to as **BRÅ** in the thesis will be explained in more detailed in the next chapter. Likewise, the Crime Prevention in Gävle will be referred to as **BIG** and will also be explained in more depth. The next chapter will also indicate how these two organizations are linked with one another (BRÅ, 2007).

**The National Board of Health and Welfare** is called Socialstyrelsen in Sweden, which is a government agency under the Ministry of Social Affairs with a broad range of activities related to social services and health care. They work on developing statistics and knowledge of health and social care, and they develop regulations (binding regulations) and guidelines (recommendations) on how to live up to the requirements of the regulations, among other things (Socialstyrelsen, 2012)

**Perpetrator** is the person who has committed a crime and has been reported to the police and the authorities (BRÅ, 2005).

**Victims of crime** In this thesis the victim of a crime refers to a person or a store that has suffered physical or emotional harm, property damage, or economic loss as a result of a crime (BRÅ, 2007).

**Young people/Youth:** In this thesis the concept of young people is mentioned several times and relates to people aged between thirteen to twenty-one years old. The reason for this age classification is that the mediation can be applied to individuals from the age of thirteen. However, under some exceptional cases when mediation has not applied from age thirteen (teen age), then mediation can be used at young age (Ibid).

## Chapter 2, Background.

### 2.1. What is mediation?

Mediation is a method with the explicitly stated goal to resolve conflicts on a specific matter through mutual understanding. The method is used in many different situations, but the solution to the conflict is the central issue in most situations (BRÅ, 2016) Mediation is used even in countries where political conflict exists (where, for example, the UN acts as mediator), and between parents and children, spouses or partners, work colleagues, neighbors, perpetrators and victims, as well as in schools. What's common for the use of mediation is that the parties are in conflict and with the assistance of an impartial mediator they will try to find a solution to the conflict (Henrikssen, 2003).

Mediation is a conflict resolution method where two parties come together and meet with an impartial mediator. Mediation in crime differs from other forms of mediation in the sense that one party has committed a crime against another party. Thus, there is no conflict in the ordinary sense, to be solved (Henrikssen, 2003). The objectivity of the mediator is crucial in order for the parties to gain a better understanding of what happened, why it happened and what the impact of the crime has been. In this way, the victim is given the opportunity to process the emotions and fears that the offense has brought itself. The perpetrator is given the opportunity in turn to reflect on his or her crime, taking responsibility for the consequences and the crime that has caused the victim. The mediator's focus will be to support and facilitate the conversation between the parties so that both achieve understanding of the criminal incident and its consequences (Henrikssen, 2003).

Mediation also aims to strengthen the local community's sense of justice and fairness. The offender will also get the chance to tell what prompted the crime and be given a chance to show

regret and willingness to indemnify the victim (ibid). Previously, great importance of mediation and result in an agreement on compensation. The importance of indemnification gets subdued (BRÅ, 2016). Agreements of various kinds can still be an important part in mediation, these contracts can be a matter of how the parties, in cases involving abuse, must treat each other in the future or how the offender of the criminal offense, instead of paying the victim deductibles, can do something about it.

## **2.2. International view on mediation.**

From an international point of view, one can see that mediation in Europe is a growing practice in different countries. There are for example within the EU, training programs for the judiciary, a European Victim-Offender Mediation in juvenile crime and the cooperation consists of fifteen members, of which Sweden is one (Bercovitch& Rubin, 1992).

Most participating countries started around the 1990s such as Ireland, England and Italy. These countries have mentioned mediation with both adults and adolescents and in some cases started mediation activities with adult offenders and juvenile mediation.

Many European countries seem to have no system of mediation at all; the mediation process is often carried out, wholly or partly, by private organizations such as NGOs although it is usually funded by the state. Since there is rarely a fully government-run business, there are often regional differences in how mediation is organized and designed. However, although specific mediation laws are missing so far, mediation is often a part of the judicial system, a complement or alternative to the normal judicial process (BRÅ, 2005).

Looking closer to Sweden, mediation has existed in the Nordic countries since the early nineteen-eighties and in these neighboring countries; mediation is an established process within the justice system (Henrikssen, 2003).

In Denmark, they introduced a permanent, nationwide system for conflict resolution in criminal cases in 2010, where they stated that the victim and the offender, together with a neutral mediator, can meet following a crime, however, persons under the age of eighteen can only participate if their legal guardians agree to it.

In Finland, mediation is a complement to the ordinary judicial process, although mediation can be offered as a solution instead of court proceedings and punishment to alleviate it.

Mediation in Finland often involves children and adolescents although the minimum age differs between different regions within in the country (Henrikssen, 2003).

Looking on Norway one can read that mediation is to reinforce local environment the opportunity to handle less serious offenses, such as; giving the conflict back to the people without weakening the conventional system, to complement responses to crime to the existing judicial system, giving a reaction which is also educational that litigants to get resolve its thing, to find individual solutions and so forth.

Mediation is accessible to all citizens of Norway and mediation is part of their legal system although it is not incorporated into the youth legislation, since there is a separate one (Henrikssen, 2003). The Council of Europe's recommendation about mediation specifies that the Council of Ministers takes note of the development of the use of mediation in the Member States as a flexible, comprehensive, problem-solving opportunity as well as a complement or alternative to traditional judicial proceedings. It is also said that the Council of Ministers should recognize victims' legitimate interest to have a stronger voice in dealing with the consequences of the crime, to communicate with the offender and to get an apology and receive compensation from the offender (Henrikssen, 2003). The recommendations of the council also contain a set of guidelines, as an example of a guideline, one can read that mediation in criminal matters should be a generally available activity, this to ensure the fairness and quality of the process. Guidelines for mediation are used in criminal proceedings and should be specified, especially for the terms that refer cases to mediation, and how cases should be handled after the completion of the mediation (Henrikssen, 2003).

The Swedish mediation services for young offenders have essentially emerged spontaneously, without any initiative, guidance or control from the state authorities, since the second half of the 1980s. In April 1998, BRÅ was commissioned by the Government to initiate a pilot project of mediation for young offenders (SOU 2000:105). The main finding from this study was that mediation for young offenders could have a positive impact on both offenders and victims. BRÅ reported that mediation initiatives resulted in a reduced risk of reoffending. The report showed that mediation has many advantages and that mediation as a prevention method must be considered valuable. Mediation is not just a concept but also a well-established conflict resolution method with broad research support. Mediation in the strict sense is still a rather

unusual method for dealing with conflicts in Sweden, but has, over 40 years, established itself in the US, UK, Australia and several of the Nordic countries (BRÅ, 2016).

Regulations about mediation have been established both in Sweden and in Europe. The EU has decided that each member state should both encourage mediation in appropriate cases and ensure that the judiciary considers any agreement concluded at a conciliation meeting between victim and perpetrator (Europeiska Kommissionen, 2009)

The operation of mediation is, as a rule, carried out wholly or partly by non-profit organizations in Europe, so called NGOs (Non-Governmental Organizations), but they usually receive state or municipal financial support. Since there is rarely an entirely state-driven agency there are often regional differences in how mediation is organized and designed. However, mediation is often a part of the legal system, a supplement or alternative to the standard judicial process (BRÅ, 2016).

### **2.3. National Perspective on mediation**

As mentioned earlier, BRÅ got the assignment to contract and implement mediation so it would be available in the long term throughout the country and BRÅ would, because of the Law of Mediation in 2002, be responsible for training, methodology and quality of the services provided by the mediators. BRÅ educated over 800 mediators and compiled many articles and reports about this and published these articles and reports for anyone to read on their webpage. As one can read in one of BRÅ's early reports *Mediation regarding to crime in Sweden during 2000s*, (2005) it states that the experience gained so far shows that there are generally beneficial effects for the victim in the sense that they experienced the voluntary mediation meetings as positive and that the meetings reduced the emotional negative consequences of the crimes. Despite being able to show a positive result of the effect of mediation in such a short time (three years), it was stated that the research about the perpetrator and its recidivism was not so easy to provide since it gave a mixed picture, with some studies showing a decreased recurrence rate, while others did not. In addition, there were some methodological problems, when they studied the effects of the mediation process, including the design of the various mediation programs; the survey design, the selection and non-response problems. Overall, the research showed that mediation had a positive effect on recidivism for some offenders although in certain types of crime, and under certain circumstances. Since it became mandatory for communities to offer mediation in 2008, BRÅ's responsibilities for educating mediators and developing the mediating process were finished. The National Social Board did a follow up report

(Socialstyrelsen, 2012) some years later, where they pinpointed some problem areas within the mediation process that have occurred or were never thoroughly developed that far, for example: they mentioned that not all violators under the age of 21 were asked if mediation actors may have contacted them, which should have been asked. This was regarded by responding actors as a legal problem because of the perpetrators' attitude to mediation could be a factor affecting the prosecutor's decision to notify prosecution and because of that the court may have taken into account the mediation at the choice of sanctions and sentencing (Ibid). As further mentioned many actors, such as the police, found it difficult to end a strenuous interrogation by informing the perpetrator about the mediation process and ask if he or she agreed to stipulate contact with the mediation agencies. It stresses the need for more communication and better-developed cooperation between the various actors, for example, there need to be routines for the feedback of information between the various actors (Socialstyrelsen, 2012). In the report, it is mentioned that many actors have the opinion that there is a lack of knowledge on mediation in occupations where such knowledge is important for the mediation process to work (ibid). Some actors mentioned are: the police, prosecutors and judges, as well as defense lawyers. The lack of knowledge is most seen in aspects of the mediation process, such as: how it is done, its purpose and the effects of the mediation process. It is noted that without knowledge the police cannot, for example, inform about mediation in a fair manner (Socialstyrelsen, 2012). In addition, concerns were raised by several of the actors in the report, they felt that the judicial system fostered negative attitudes and that it lacked confidence in mediation. It was raised that these attitudes were partly based on ignorance, and this could be wrongly formulated and performed in a way that does not encourage an agreement in the question to the perpetrator whether mediation agencies may contact him or her (Ibid). After reading many reports from BRÅ and the follow up report from the National Social board one can assume that the situation about actors wanting more information and research about the mediation process is still valid, and that the mediations as a process carries, in the long run, a risk of falling out as an option for both the perpetrator and the victim, which could cause more negative effects from a crime than just the crime itself. BRÅ wrote a handbook in 2007, *Mediation in Crime. A handbook*, that properly explains laws, mediations, the mediation process, the mediators' different roles during the process and ideas about how it can be organized better and be developed further. The handbook, together with the dissertation by Linda Marklund, *One Crime – two processes, mediation on crime and young offenders in the penalty process*, 2011, where she explains explicitly about the mediation process and how her intention with her dissertation is to create awareness in the practical restorative justice process so it can be developed in the Swedish legislation and for the Organizations how they can use mediation process. These two books, in our opinion, would serve as a very helpful and successful foundation for further education about mediation as a

process and as a law among the different agencies working with mediation; it could even be a shorter element in the curriculum of relevant educations, such as police, social workers, attorneys and so forth.

#### **2.4 The crime prevention council in Sweden, BRÅ.**

*The Swedish National Council for Crime Prevention (Brottsförebygganderådet, BRÅ)* is an agency that has existed since 1974 and works to reduce crime and increase security in society.

BRÅ do this by producing data and disseminating knowledge on crime, crime prevention and judicial responses to crime (BRÅ, 2005).

The crime prevention council is a government agency that works to reduce crime and increase safety in society by producing data and disseminating knowledge on crime and crime prevention (Ibid). The crime prevention council also produces the official crime statistics, evaluates reforms, conducts research to develop new knowledge and supports local crime prevention work. The crime prevention council works on behalf of the Swedish government and often in collaboration with other agencies and organizations.

#### **2.5 The crime prevention council in Gävle, BiG.**

Looking from a local point of view, there is *Brottsförebyggarna I Gävle (BIG)*, which is a local organization related to BRÅ. BRÅ is the government's national crime prevention and

BIG is the local organization in Gävle. BRÅ's *Committee on Crime Prevention work* is to support and stimulate BIG's local work which cooperates with the municipality, the police, different insurance companies and social services, to reduce crime locally and to establish a greater security within the community (BRÅ, 2007). BIG's goal rests on the values expressed in the UN Convention on the Rights of Children, school curriculum and regulations, anti-discrimination laws, the national public health objectives, the Swedish Sports Confederation governing documents, as well as locally agreed targets for the relevant administrations of the Gävle municipality and the police.

BIG's effort is to satisfy children's and adolescents' need to be seen, heard and acknowledged (BRÅ, 2007). This in turn leads performance in school, regarding both knowledge and values, and helps children and adolescents develop into safe human beings. If the children's and the

adolescents' needs are met, it means that fewer young people end up engaging in destructive behavior like crime and drug abuse.

BIG have been entrusted by their cooperating partners to be responsible for coordinating and executing voluntary mediation in Gävle, between juveniles, age 13-21, who has committed a crime and the person who has been exposed to the crime. Their working model, when it comes to mediation, is based on BRÅ's model that they developed, where the perpetrator asks for mediation after admitting his/her crime, to get an opportunity to indemnify him/herself and apologize for that crime that has harmed the victim (BRÅ, 2007). BIG then offers a neutral mediator and helps both parties to a fair and hopefully meaningful mediating.

## **2.6. Mediation and Social Work**

Mediation as a problem-solving method in social work has lately become more used in situations such as child custody and divorce, child-parent conflicts, and family disputes. Even mediation in school environments between students and/or teachers is developing rapidly in Sweden and is becoming more recognized and approved as a phenomenon (BRÅ, 2016).

In Sweden it is mostly common that officials within social services with basic social work education, psychologists, behavior scientist or qualified laymen, execute mediation (BRÅ, 2007).

One can assume that mediation skills are important skills to have as a social worker and the benefits in having these skills, enhance one's ability as a practicing social worker.

Without sufficient education and training within mediation as a working process, one can assume that ethical issues may become challenges that hinder the social workers' ability to effectively use mediation/conflict resolution processes and skills properly.

Education for social workers in mediation would provide a higher level of expertise with focus on conflict resolution and on the specific requirements of work set by offenders and victims. Education in the field of mediation would also provide a basic knowledge of the criminal justice system (BRÅ, 2008)

Although there are challenges regarding the use of mediation in practice, if one is not familiar with the process and is not executing it frequently, it could lead to a decrease of the usage of mediation as a method or the mediation parties feel that the situation did not get resolved or got worse. Unfortunately, most schools that provide study programs in social work do not provide

mediation training as part of the social work curriculum and therefore, one can assume, the area remains unpracticed.

## **2.7. Attitudes in the professional work**

Attitude(s) are an abiding collection of feelings, beliefs and behavioral dispositions towards socially momentous groups, events and even symbols (Hogg & Vaughn, 2005).

One could assume that the general idea of attitudes in professional work situations is that one is to behave rational at all times and that a professional worker is consistent in their behavior and their attitude (ibid).

Although it sounds like a sound principle, it is clear that sometimes one's attitudes and one's actions do not always go hand in hand, for example, working in healthcare and still choosing to eat unhealthy food, knowing this could lead to obesity and heart diseases, or smoking and knowing this could lead to lung cancer (Hogg & Vaughn, 2005).

People are more proficient about subjects that interest them and are more feasible to hold strong positive or negative attitudes therefore; the strength of an attitude encompasses how much a person has learned about the subject.

The stronger attitudes are often based on personal encounters and experiences, and have greater influence on the self-behavior, than attitudes influenced by hearsay, reading or watching television (ibid).

A mediator's attitude in a mediation process should preferably be as neutral as possible to withhold the importance of the offender(s) and the victim(s) attitudes toward mediation and its method (Hogg & Vaughn, 2005).

## **Chapter 3**

In this chapter earlier research of relevance for this thesis is presented. The studies presented here are mostly associated with mediation as a voluntary method, its working method and areas like voluntary mediation in crime, thus only one shorter overview comes of international conditions to be presented. The emphasis will instead be on previous research on Swedish conditions. Based on the searches we have made, we realized that our thesis deals with a relatively unexplored area.

### 3.1 Databases and keywords

During the search process for relevant previous research of the subject we used the following databases:

**LIBRIS:** where one can find books and dissertations from other Swedish university libraries,

**Dissertations.se:** which is a search engine for dissertations from Swedish universities,

**Discovery:** Which is the University of Gävle's search portal where one can search in many resources at once instead of searching individual databases,

**SocIndex:** where articles from journals in sociology and social work can be found.

**google.se** was used to broaden the search.

It was important for us to make sure whether the findings were peer-reviewed, we noted and wrote down the findings that seemed relevant to our thesis, and started to sort out books, scientific articles, dissertations and other findings that could be important in the final stage of the thesis.

As keywords we used words in both English and Swedish to make sure we didn't miss out on any information about the given subject, and the words that were used are

medling, medling vid brott, frivilligmedling, medling bland unga, BIG, BRÅ, attityder, international mediation, mediation, mediation in crime, voluntary mediation, mediation and youth, young offenders and mediation, juvenile restoration, attitudes, social constructionism.

### 3.2 Research situation today

Mediation in crime is yet another relatively new research area in Sweden. A big part of research and method development comes from the United States and Western Europe. Many evaluations both in Sweden and in other countries involves asking victims and offenders who participated in mediation how they experienced this, and not how attitudes of professionals towards voluntary mediation as a preventative working method (Rytterbro, 2002). To get research based on Swedish It is important that mediation activities document their activities so that they exist materials that future studies and research can be based on (BRÅ-Report, 2008).

National research on mediation on the grounds of crime has been conducted primarily by BRÅ. BRÅ has presented his research in the form of several reports from 1999 onwards. Studies conducted internationally often show different results and there is a lack of uniformity both in terms of the results and the aspects studied. Because there is not so much study on mediation, it is therefore difficult to see patterns and clear effects of mediation.

### **3.3 Swedish reports and publications on mediation in crime**

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This was regarded by responding actors as a legal problem because of the perpetrators' attitude to mediation could be a factor affecting the prosecutor's decision to notify prosecution and because of that the court may have considered the mediation at the choice of sanctions and sentencing (Ibid). As further mentioned many actors, such as the police, found it difficult to end a strenuous interrogation by informing the perpetrator about the mediation process and ask if he or she agreed to stipulate contact with the mediation agencies. It stresses the need for more

communication and better-developed cooperation between the various actors, for example, there need to be routines for the feedback of information between the various actors (Socialstyrelsen, 2012). In the report, it is mentioned that many actors have the opinion that there is a lack of knowledge on mediation in occupations where such knowledge is important for the mediation process to work (ibid).

Some actors mentioned are: the police, prosecutors and judges, as well as defence lawyers. The lack of knowledge is most seen in aspects of the mediation process, such as: how it is done, its purpose and the effects of the mediation process. It is noted that without knowledge the police cannot, for example, inform about mediation in a fair manner (Socialstyrelsen, 2012). In addition, concerns were raised by several of the actors in the report, they felt that the judicial system fostered negative attitudes and that it lacked confidence in mediation. It was raised that these attitudes were partly based on ignorance, and this could be wrongly formulated and performed in a way that does not encourage an agreement in the question to the perpetrator whether or not mediation agencies may contact him or her (Ibid).

Staffan Sehlin (2009) has presented a licentiate dissertation with the purpose of investigating whether mediation prevents relapse in crimes among young offenders and the importance of having the right attitude during towards mediation during the session. The relapse study has been completed with the help of mediation in Örebro and is not representative of the whole country. Sehlin's study confirms the national studies that show that mediation of crimes can prevent relapse in crimes of young offenders and that the professional attitude during the meeting plays a major part in the success of the process.

Rytterbro's (2003) study deals with how perpetrators and crime victims are constructed within the context of mediation and how they are considered suitable for mediation. She believes that the perpetrators who are usually deemed suitable for mediation and usually are the ones who choose attending mediation can be collected in the category of young first-time offenders. Offender's appropriateness for mediation is then judged by his or her age, how serious the crime was as he or she committed, and how many crimes he or she has committed before. The victims of crime considered suitable for mediation, is judged by the one who exposed them the crime and the crime they have been subjected to. When either assessing suitability of victims neither age or how many times they have been exposed to crimes is taken into calculating.

Rytterbro means further that the victim is considered weak, passive and innocent, while the

perpetrator is regarded as strong, active and responsible, which may affect the perception of the perpetrators and victims who are suitable for mediation.

Rytterbro (2002) has also done a dissertation that began in 1996 when the mediation was a relatively small phenomenon in Sweden. Meanwhile there has been a lot of new research and mediation as method has grown in Sweden. Rytterbro takes part of BRÅ's national investigations but also uses international research in her dissertation. Among other things, she treats the different approaches in the restorative justice theory, the mediation as method and phenomenon and mediation in relation to the judicial system

### **3.4. International previous research on mediation of crime**

In this thesis we have mainly focused on studies on mediation in Sweden, since that is the focus of our thesis. We have also found studies from the United States, Canada and Australia. The international research studies that we have found, have interpreted mediation and its results as positive. The results have consistently proven to be positive regardless of location, crime category, type of criminals, culture etc. (Umbreit & Armor, in 2011; Umbreit, 1995). The bulk of research, in terms of victims' experiences of mediation process, assumes a qualitative approach in which interviews are applied.

Several studies have noted that the willingness of victims to participate in mediation is driven by a desire to get a settlement and response questions from the perpetrator, as well as help the perpetrator to change his behavior. The victims of crime, those who choose to participate, often want to "do the right thing" and give reasons for "being able to add the event behind". The results also emphasize that what the victims appreciate with the conciliation meeting are to talk to the perpetrators (Flaten, 1996; Umbreit, Vos, Coates & Armor, 1996) In cases where you want to investigate a greater number of victims, quantitative surveys have been conducted . Sherman and Strang( 2007) have conducted a meta-analysis where they compared five studies.

## **Chapter 4**

# **Theoretical framework**

We have used Social Constructionism theory, because we want to examine attitudes towards restorative justice through voluntary mediation. And Social Constructionism considers attitudes

as being constructed by the society's norms, values and views. Restorative justice is a perspective that includes theory and practice where mediation is comprised as a method. There are different forms of restorative justice; mediation is one which we have focused on in our thesis. We have found restorative justice theory relevant, since the thesis focuses on attitudes towards mediation from the point of view by a mediator, a social worker and a police officer who work with mediation in case of crime in daily work routine.

#### 4.1. Social constructionism

Social constructionism is a broad and multifaceted theory that strives to explain how our understanding of social reality is taking form in interaction and how people in social relations create new understanding of their observations of others' actions (Alvesson & Sköldbberg, 2009). Social constructionism is a critical theory in the sense that it is a perspective that does not take the direct and immediate reality for granted but urges us to explore and question what is perceived and understood as natural and obvious. According to this perspective all knowledge is socially constructed, which also means it can be deconstructed. A construction of disadvantage will create the problem it describes and therefore the consequences that are expected. One might say that it becomes a self-fulfilling prophecy (Alvesson & Sköldbberg, 2009).

From a social constructionist approach, nothing will be an issue unless no one experiences it as an issue. If the problem is perceived as existing, essentially it is considered to be fixed/solved and is to be seen as a social problem that needs action from society (ibid). For instance, the concern among the population of being subjected to crime, despite the risks of this being comparatively tiny (BRÅ, 2005).

In this study, we have chosen social constructionist theory because we want to examine attitudes towards restorative justice through voluntary mediation on a local basis. Social constructionism tells us that we humans construct the image of the ideal victim and the ideal perpetrator through our expectations in our daily lives. As an example, an ideal victim could be a person who, when exposed to a crime, gets a legitimate status as a victim; an example of such an ideal victim is an old woman who is in the middle of the day, on her way home from daily errands, and gets attacked and robbed by young perpetrators (Alvesson & Sköldbberg, 2009).

A number of criteria are used in today's society to describe the ideal victim, and that applies to the above example that the victim is perceived as weak and busy with a respectable project in a place that he or she cannot be blamed for being in. The ideal victim should have the ability to pay attention to the crime committed but without getting his or her innocence and inability to protect themselves questioned (Ibid).

For the ideal perpetrator, the expectation constructed by society refers to some one that is described as vicious and a stranger without any relationship to the victim. To further sort out the ideal victim and offender it is ideal that both sides depend on each other. The more ideal a victim is the more ideal the perpetrator becomes. The two thus stand in contradiction to each other (Alvesson&Sköldberg, 2009).

In this thesis social constructionism is used in the analyses of the voluntary mediation phenomena.

## **4.2 Restorative justice**

Restorative justice is a perspective that includes both theory and practice, where mediation is comprised as a method.

Mediation is theoretically grounded in a legal philosophy called restorative justice and that means that the one who has caused harm should repair this by indemnifying the person affected. There are many different forms of restorative justice, mediation is one in which the victim and the offender meet along with a neutral negotiator to speak to each other regarding the consequences arising from it (Akers & Sellers, 2013). Many victims feel shame, guilt, fear, helplessness, anger, or that someone else has taken over their lives. It can cause difficulties to have confidence in others or to feel safe. They often need to tell their story but can sometimes run into a second victimization when people in their surroundings avoid listening to their story. This provides a different approach than the traditional approach when justice is assigned, it focuses on the damage that the perpetrator caused the victim and actively involves victims and offenders in the repair process (Akers & Sellers, 2013). As for the perpetrators, the legal process sets them up to be responsible, to impose the penalty and encourages those who are not very understanding of the crime to understand how the victim feels.

Restorative justice presupposes that mankind seeks out communities to be part of. It is a basic human need to have a good relationship with other people, we therefore live in an interdependent relationship with others and therefore we interact with each other and also have a sense of responsibility to one another. This responsibility is not only on an individual level, society at large also has a responsibility to the community and hence also for every individual in the community (Akers & Sellers, 2013). When all the individuals in a society are interdependent a crime against a person will therefore be considered as a crime against community and society.

In society there is a common feeling that the judicial process rather worsens the damage and the conflicts instead of focusing on healing and reconciliation (Akers & Sellers, 2013). Restorative justice is an attempt to address these needs and constraints where the victims' needs should be considered, perpetrators should be encouraged to take responsibility, and those affected by a crime should be involved in the process. Restorative justice stresses the needs of the victim, offender and community.

According to this theory any crime harms society and relationships, and a damaged relationship is both a cause and an effect of the crime. Within restorative justice it is believed that the punishment does not present a real responsibility, this is instead achieved by the offender realizing the consequences of their actions and their will to try to put things right as far as they are able to. The perpetrator may feel the need to take charge, to redress or to suppress feelings of guilt. This responsibility is considered better for the victim, the perpetrator and the local community because the sense of community is undermined when the state takes over (Akers & Sellers, 2013). One can say that mediation can be considered one of the most concrete expressions of restorative justice, and this will be further discussed in the analysis and discussion section in this thesis.

## Chapter 5

# Methodology

In this chapter the following headings are going to address the methodological aspects of this study: research design, mode of produce, sampling, the interviews, analysis tools, essay credibility and ethical standpoints by us as the authors.

## 5.1. Research design

We have chosen the qualitative research method for this study, since a qualitative research method is appropriate with respect to achieving a deeper understanding of and receiving more detailed information about restorative justice and the voluntary mediation phenomena (Kvale, Brinkmann 2009).

In this thesis the qualitative interview method will be used. This method is appropriate with respect to achieving a better knowledge towards the attitudes about restorative justice and the voluntary mediation phenomena on a local basis (ibid).

The purpose is striving to get to know the opinions and attitudes, the understanding and knowledge of the interviewees (Yin, 2011). It is considered most appropriate to use a qualitative method in this study in the sense that we are looking for detailed descriptions in order to examine the attitudes on voluntary mediation and its crime prevention on a local basis. A qualitative method tries to reach the individual's subjective experience by means of the interviewees own words, expressions and meaningful descriptions. Therefore, it will mean that one will try to understand the other's cognitive emotional experience in the light of the interviewees own words, descriptions and skills (Larsson, 2005). The qualitative method consists, in this thesis, of open interviews which means that direct quotations from interviewees have been written in context of getting examples in describing their attitudes, thoughts and knowledge (ibid).

## 5.2 Mode of procedure

### 5.2. 1.Sampling

The interviewee is chosen by his or her profession and by the interviewee's characteristics of the populations that are of interest, although the sample is not representative of the population (Alvesson &Sköldberg, 2009).

We chose to interview a mediator, a social service worker and a police officer, since they are people who work with mediation in case of crime on daily work basis. We could not find other people who work with crime mediation in Gävle. We contacted the local authorities first via email, describing our intentions briefly, and then followed up with telephone call to further present ourselves and our thesis. It was then conveyed to the parties concerned and we could schedule time for the interviews.

We chose to use the convenience sampling method, which is a non-probability sampling technique in which the sample population is selected at the ease and convenience of the researcher (Alvesson &Sköldberg, 2009). Convenience sample exists in two versions, weak convenience sampling and strong convenience sampling. Weak convenience sampling occurs when the researcher selects research subjects simply because they are close at hand. This variant is not desirable because the researcher, as far as possible, should avoid selecting study subjects just for the sake of availability (ibid).

For this study a strong convenience sample was chosen. A strong convenience sample focuses on those groups that are linked to this study purpose. By implementing a convenience sample in the vicinity, the sample becomes a strong convenience sample. A positive aspect of the convenience sample is that it reduces the shortfalls of the survey (Alvesson &Sköldberg, 2009).

### **5.2.2.Data gathering through interviews**

To achieve the best results for this thesis, we have decided to use a qualitative approach in the form of semi-structured interviews. A semi-structured interview generally has the benefit that the interviewer could adapt questions if, for example, s/he sees that the interviewees have problems understanding the question asked or if they don't understand how the question is presented (Alvesson &Sköldberg, 2009). By means of an interview, the interviewer also gets a better dialogue with the interviewees, who will hopefully lead to the interviewees becoming more relaxed and therefore provides a more detailed response.

A semi-structured interview method is based on a template where specific questions are, by customizing questions for the interviewees, their background, environment and situation, these issues can be altered and developed (ibid). This helps us as interviewers, since the conducted interviews are not identical to each other but are dependent on the interviewees and the situation.

The interview questions help to find the main attitudes with voluntary meditation, to discover if the staff's attitudes are impacting them towards using the method frequently, and if the staff perceives the method as helpful in preventing further criminality.

There is a general interview guide in this study. The general interview guide allowed us to examine the attitudes from personal interviews through several questions, and then the thesis was used as a platform to discuss the answers (Yin, 2011). Some questions were discussed and formulated beforehand, and some questions were raised in the order that suited the interview

situation. Since the idea originated from BIG's working process with voluntary mediation, we started with contacting the staff at BIG, and through them, pinpointed their local cooperating staff from the police as well as the social services.

These persons are the ones who work the most frequent with the method in their field and have close working relations with each other.

On the date of the interviews, the people involved gave their written consent and approval for the recording of the interview, they also agreed to the form in which the essay would be published after the examination.

The interviews were recorded by using recording apps on two different mobile phones to secure that no material got lost.

After the interviews all material was transcribed into Swedish text, since the interviews were conducted in Swedish, and later translated to English. The reason to first transcribe it to Swedish and later translate it to English is that no valuable information, announcements or dialogues got missed or misinterpreted. (Larsson, 2005).

When all the material got transcribed properly, it got listened to again, re-translated and re-read several times over to validate the reliability in the interviews, and thereafter the recordings got deleted to secure the anonymity of the interviewees (Yin, 2011).

### **5.3. Data analysis**

Data was collected and recorded by us, the authors of this thesis, and after collecting, similarities and differences were identified from what was said during the interviews and these were in turn related to previous research and interpreted by means of our chosen theories. Additional information about restorative justice and voluntary mediation was taken from literature and articles.

Interpretation itself is an underlying analysis process. After the interviews, the text got deciphered and the written material was thoroughly read and the content that was essential for the thesis was chosen (Brinkmann&Kvale, 2015).

The thematic analysis method was suitable for the study and was therefore chosen as the analysis method. To analyze the transcribed data, we used thematic analysis in order to identify themes and patterns. Those selected writings were then separated into various themes. This sort of analyzing strategy is called thematic analyzing (Brinkmann&Kvale, 2015) and was picked because of its reasonable way of organizing the data. Themes were not settled in advance but were derived from the gathered information. This methodology is called an inductive thematic analysis (Brinkmann&Kvale, 2015).

After the interviews all data was gathered and transcribed, the transcripts were printed out, one for each researcher, and read through several times to start identifying themes. Then main themes got picked out, that were named Y and X, these were written on a separate piece of paper, to make it more understandable for ourselves. Step two was to pick out sub-themes and/or patterns and write them under the themes (Brinkmann&Kvale, 2015).

The discovered subjects were separated under two headings, one heading for each examination question. One heading was called: "Attitudes" and the other heading was called: "Mediation as a preventative method". The information was perused again and extra material that suited the themes was accumulated until the point that the subjects achieved their last frame. Two theories were utilized to help comprehend and clarify the discoveries.

Under each theme in the thesis study, there is one or a few quotations from the participants that were found applicable to answer our aim and research questions. The quotations were translated into English, since the interviews were spoken in Swedish, which was the participants' main language (Brinkmann &Kvale, 2015).

The quotes chosen were analyzed using social constructionism, restorative justice theory and previous research and articles such as BRÅ (2012).

At the end of each theme there is an analysis that derives from the theme, the analysis process starts off by finding parts which were of interest to develop further. To do this, we read through the part that we wanted to analyze and tried to look at it from a social constructionism and restorative justice point of view (Brinkmann &Kvale, 2015.) The main purpose was to understand what was said by the interviewees to develop and make an analysis. The social constructionism and restorative justice theory was the focus in the analysis of the data in finding out the attitudes that are used in the meditation process by the staff working with meditation as a preventive method.

## **5.4. Essay credibility**

### **5.4.1. Reliability:**

Validity and reliability must be valued in a somewhat different way in studies with qualitative approach, compared to studies with quantitative approach. Validity and reliability in studies that use a qualitative approach involve being able to describe what one has collected and to make certain that the data is processed in a systematic and honest way (Kvale & Brinkman, 2015). Regarding reliability and validity there are certain difficulties in the qualitative research, for example: as researchers in this thesis we are both instruments and interpreters of the results and could therefore be considered biased.

We tried to act on an equal footing in the interviews and were asking questions from a structured interview questionnaire. However, we were flexible to the extent that in the interviews space was made for the respondents, so they could ask supplementary questions (Kvale & Brinkmann, 2015).

The reliability of qualitative work can also be investigated through the consistency and internal logic of the results. By asking several similar questions to the interviewees focusing on the same theme, one can test the consistency of the answers (Kvale & Brinkmann, 2015). Once we had listened and read through our interviews, we noticed that some questions came back in different formulations. For the most part, we saw that the answers were the same, but on some occasions, we discovered that the wording of the questions affected the answer. What increased reliability was that every interview was recorded and transcribed in a verbatim way. Further, the interviews in this thesis have been directed in Swedish since the interviewees work in Sweden. The interviewees felt more comfortable communicating in Swedish and thus, had greater capacity to express themselves in Swedish instead of English.

### **5.4.2 Validity:**

Objectivity is important and therefore we strived to describe accurately the interpretation and reflection of the collected material. When we used quotes from interviewees in this thesis, we paid attention to not take them out of context and we recited the text with accuracy to properly and fairly bring the respondents' narratives.

The interview guide was designed with simple questions that, in our judgement, are not to be misinterpreted (Kvale&Brinkmann, 2015). We were careful not to use leading questions and tried to express ourselves in a public and casual way to prevent the interview guide containing difficult words from our theoretical frame of reference. During the research process, we focused on reconnecting the data we gathered and use it to the purpose of the study, which means that the material should answer the thesis questions (Brinkmann&Kvale, 2015).

### **5.5. Ethical considerations**

The ethical principles could be summarized as a combination between the requirements of research and individual protection requirement. Research indicates that society and citizens have a legitimate requirement that research is conducted even if there is an individual in need of protection. The ethical guidelines that must be considered are related to eventual consequences for the subjects (even with anonymity in the interviews) and the groups they represent (Brinkmann &Kvale, 2015).

Since our thesis utilized data from local offices, it can be difficult to protect the confidentiality of the staff, even if we are not using the staffs and the interviewees' names, it may not be such a hard task to figure out who we have interviewed if one would like to gain that knowledge. Thus, it is up to us as researchers to keep the questions and the conversation in an open matter, so that it will not go into any non-disclosure subjects. The interviewees will be mentioned as Person M, Person F and Person L, with no further description on who is who, to keep them confidential.

### **5.6. Limitations**

In qualitative research there are concerns about the phenomenon of social desirability, biased self-reporting instrument created when some interviewees tend to distort their views towards answering, consistent with current social norms. To reduce the possibility of this kind of response, the interviewees must be confident that their responses will be treated confidentially and that there are no accurate answers to the questions (Kvale&Brinkmann 2015).

We have to take into consideration that the interviewees could be biased about the subject of mediation, for example by having good or bad experiences with the mediation process, impacted by either agencies in which BIG are in cooperation with or by an occurrence in a previous mediation and its process. Another limitation could be that they do not work

continuously with the mediation process to be sufficiently informed and updated about the need for mediation. Another very important limitation was the data analysis. Since Gävle is a relatively small city (around 100 000 inhabitants), it suggests that only few professionals work with mediation, which affected the empirical analysis and results of our research. Therefore, our conclusions are rather limited.

## Chapter 6

### Results and analysis:

In this chapter, the results and analysis of the thesis are displayed. The findings have been separated into various subjects under two subheadings. The primary subheading is named Attitudes. Those subheadings have two themes: “About offering mediation” and “Neutrality”. The second subheading is named Methods and strategies and that subheading have themes called “Mediation as method” and “Preventing further crime”. Each theme introduced will be followed by an analysis of the results found under the respective theme.

#### 6.1. Attitudes

##### 6.1.1. About offering mediation:

In this theme we are presenting the interviewees’ attitudes towards mediation as a process and working method.

When asking the interviewees how the attitudes towards mediation as a working method are and how common it is working with presenting mediation as a method, it was said that voluntary mediation has not had the breakthrough that BIG, the police and the social services had hoped for. It was mentioned that a large part of it was to blame due to a lack of information about mediation and confidence in the method among relevant personnel, as one informed described it:

*"All policemen are not as positive to mediation, they often forget to ask. The same is true of the social services administrators. "- Person F*

Person M and Person L felt that the attitudes towards voluntary mediation are mostly negative in the work field, since many lack confidence and experience with mediation as a helping and/or preventative method, as is shown in the following quotation:

“As for now, to keep good relations in cooperating, we ask the preliminary investigator when the appropriate time is to start the process of voluntary mediation. Before or after the legal process.” - Person L

We further asked person L what they think about the attitudes toward mediation:

“Many people working in the field can feel a negative attitude toward mediation in crime, which often is partly based on ignorance, not thinking that mediation is a method that may help both the victim and the perpetrator in their specific situation” – Person F

This can be reflected in the fact that the perpetrators are not properly informed about how and when mediation in crime can be conducted, and how the process of mediation takes shape. Often the perpetrator is given this information too late and ends up enduring a long and perhaps psychologically painful legal process, without the chance for true redemption of the criminal act (BRÅ, 2007). This is reflected in the following quote by Person M:

“More knowledge of the subject (mediation) and the right attitudes towards it, could help the purpose and its effects of increasing the motivation within the working field. And to ask the perpetrators within reasonable time if it is a method which the perpetrator would wish to proceed with.”

### **6.1.2. Analysis**

We can conclude that voluntary mediation in crime is not effective according to the informants, and that there are negative attitudes in the work field because of lack of knowledge and expertise, which affects the justice, and hence effects the victim. This is of course problematic since experts with knowledge and competent persons in mediation can fulfil the criteria of investigation and hence fulfil the needs of justice, which encourages the victims and protect them (Akers & Sellers, 2013).

Mediation can have an effect of preventing future crime, by developing and emphasizing the mediation process especially regarding the positive feelings that can come from all the different participants like: caring, sincerity and supportness, in comparison towards the negative attitudes that one may perceive in a courtroom.

Mediation is preferably used for crimes primarily committed by young offenders. The reason for doing youth-oriented mediation is that crime victims are believed to be more willing to meet younger perpetrators rather than older perpetrators, and that young people are considered easier to influence and are less likely to become repeat offenders(BRÅ, 2007).

For instance a lawyer, judge or a prosecutor can be perceived as hard and cold, and a person who is accusing someone of a crime, can be perceived as hostile, which could make the perpetrator indifferent towards the victim and the criminal act, and thus may not be so inclined to change their behavior. Therefore it is of importance that the information about voluntary mediation is offered to the perpetrator/s at an early stage, as well as developing a positive attitude towards mediation in crime for it to work in the best positive way.

Restorative justice is about being able to get into the situation of the other.

According to Akers and Sellers (2013) mediation meetings must always have a positive attitude and righteous attitude (Akers & Sellers, 2013).This should be supported by a mediator which describes how the meeting enables a more lasting effect through new insights on people's different conditions in life. This in turn helps to process the event together so that the situation of both sides becomes more manageable, so that people can move on with the feeling of being able to stand out. Because the outcome of mediation is personal and situational, it means that people with different conditions can gain different things from a mediation process.

According to Alvesson and Sköldberg (2009) the fact that mediation should work and be able to develop requires that the social services, the police and the judicial actors take their respective responsibilities at national level. There is a need for information and knowledge from central level to local level. It is also about spreading knowledge about what mediation is and about the purpose of it and what benefits mediation can make for the parties involved. The continued work on developing mediation should also focus on the mediation's victim perspective.

Social services must see follow-up as a basis for continued work. There is a need for further documentation to formulate concrete proposals for measures that can support and develop the mediation. An important part of this is to highlight the problems and needs in their respective areas. According to Alvesson and Sköldberg (2009) the social services must participate in continuing work because it is important to have an overall perspective on the issue of mediation. It is also important to get acquainted with the experiences of practitioners and to describe good examples of cooperation in mediation work between e.g. the municipality of Gävle as well as between mediators, police and social services.

### **6.1.3 Neutrality.**

During the interviews, the word neutrality emerged frequently when asking the questions about the process from crime to mediation, keeping personal attitudes out of the process and the question about the mediator's role.

So, in this theme we present the importance of objectivity and neutrality in the role of police officer, mediator and/or social service worker.

The mediator, or the police officer, starts by informing the perpetrator and the victim individually about what mediation is, what purpose it has, or can have, and what may happen during a mediation meeting. It is explained in interviews that both parties get a chance to talk about the crime separately, what feelings and attitudes they may have or what may occur during a mediation meeting. It is explained that they have the possibility to sort these feelings and attitudes out individually, but that mediation can help them understand why they feel a certain way. This is reflected in the following quote by Person F:

“It is of most importance when one party has some trouble expressing the right words or a feeling and asks for help, that in a neutral attitude and words can help them sort that out, without the other party feeling that I am biased in any way.” -Person F

Mediation as crime prevention and rehabilitation method has equal importance.

Therefore mediation must never be used solely as a crime prevention method for the offender or

as a rehabilitation for the victim, as this poses a risk that one's interests will be met at the expense of the other's (BRÅ, 2007). This is reflected in the following quote by Person M:

“An example of keeping a neutral attitude in a mediation meeting one may perhaps express oneself like this; In the pre meeting you (for example the victim) expresses a feeling of....(recaps a feeling and attitude with keywords).... Did I understand you correctly then? and at the same time thinking that one needs to use a calm voice and tone down on hand- and body movements, not coming on too aggressively or uninterested”

Since keeping a neutral attitude in the pre meetings and the meeting itself is of great importance in the work field of mediators and the police, we asked during the interviews how the interviewees cope after a process/meeting that had been especially emotional or left a feeling of discomfort/enormous relief, and were told that they were offered debriefing if they felt the need for that. Although they pinpointed that it's a work in progress with debriefing, since debriefing itself is sort of a new phenomenon in the workplace for some professions. This is reflected in the following quote:

“In the past, you had to do like everyone else and take out a bad day at work on your partner/spouse at home without exactly explaining why you were in a crappy mood due to the confidentiality of a meeting. But now you can be taken out of service for a day or two to make sure you get the support and debriefing you are in need of.” - Person F

A purpose of debriefing could be to normalize reactions, a possibility to visualize the body's reaction being exposed to stress and pressured situations. That could be useful knowledge in connection to recovery (Psychology Guide, 2014). This is reflected in the following quote by Person L:

“Counseling is something that, is a work in progress, and most welcome, not only to talk about a good or a bad day, but to get valuable feedback of one's work to make progress and keep developing in your duties”

#### **6.1.4 Analysis.**

Mediation is mostly used for young culprits since they are more involved in crimes, they can easily be motivated to do crimes but can also be influenced to stop the crimes. From the interviews we can interpret that the behaviour of e.g. the prosecutor or judge could be an issue. They might be perceived as either too strict or too soft, which will not be good for influencing to change. Therefore it's important for e.g. a prosecutor to have positive attitudes. Social services need to focus on the issues regarding mediation and to strengthen the mediation process. It is also vital to get benefit from the experience of practitioners and to maintain good cooperation with local municipality, police and social services (Alvesson & Sköldberg, 2009).

Additionally, neutrality can be interpreted as keeping personal attitudes out of the process and the questions about negotiator's role. Neutrality needs to be present in the role of police officer, prosecutor, judge and social worker. When some party faces problem in expressing the situation and calls for help, then neutrality can help them out. During mediation a meeting one has to follow good attitudes, i.e. use a calm voice and body movements. Neutrality is then an important phenomenon in the field of mediation. If some party feels discomfort during the interviewing process it is also important that they can be offered debriefing, which further provides a chance to reflect upon the reactions being exposed to tension situations.

It is vital for the staff's development and performance to receive feedback, both negative and positive in a constructive way. It gives the staff the possibility to manage their attitudes and improve their work. Since knowledge is constructed by social and cultural views, it is impossible to objectively categorize given schemes and concepts (Alvesson & Sköldberg, 2009). It is therefore important to reflect upon attitudes and views from different actors in a constructive way.

According to Akers & Sellers (2013) a large part of reparative justice is that the concerned parties should feel that it is their own mediation process during the meeting. To improve and determine the level of effectiveness in the staff's work, such as mediators and police, with persons struggling with so many emotions, it is important for the members of the staff to seek counselling in regards to helping these youths attain positive outcomes from the meeting and for the staff to keep a neutral attitude. It may help the staff to identify and describe the beliefs,

values, attitudes, perceptions, interpretations and so forth that take shape in different communities and societies and arrange the meeting in the youth's best favor.

## 6.2 Methods and strategies

### 6.2.1 Mediation as a method

We opened the interviews by asking about the cooperation between BiG/police/social services, and what kind of attitudes they had and have on the mediation method/s.

Mediation on a local basis seems to be a meaningful and appreciated method and process. BIG is a multiple faceted organization with many projects on their hands and they execute mediation with young offenders and are in the process of having mediation within the school system as well, to get mediation into the youths' everyday school life. It's a way, to hopefully encourage positive behavior towards and thinking about one other in a crime preventative perspective. This is reflected in the following quote by Person L:

"And when we get so far that we can save people, through mediation, from committing new crimes, we have reached an end, a goal with just that individual at least and for every individual we can do it is a success. Then have we relieved other individuals who have escaped being exposed to crime".

The cooperation with social services has worked, for the most part, without problems. Difficulties in cooperating may be due to the fact that there is a feeling among other actors that social services are not engaged enough in the development of the mediation project as a method. The social services have reported relatively few cases that could allow mediation to be a useful method in crime prevention. This is reflected in the following quote:

"The social workers feel that there is a certain expectation to deliver cases where mediation as a method could be clearly measured." - Person M

There are frequent meetings between the social services and the police for discussing mediation in a crime preventative perspective and to talk further about the purpose of mediation. This is reflected in the following quote by Person F:

“When the voluntary mediation fills its purpose as a means of detaching a young perpetrator from committing new crimes, we have reached the intent with that youngster. And for every young perpetrator we can help, by mediation, it is a success, and we may have prevented many persons getting affected by crime”

The interviewees pointed out that the different occupational groups have different perspectives, but that they have begun to understand what they think has to do with the feedback that is given and that all parties are starting to see that mediation make a difference.

### **6.2.2 Analysis**

We may conclude that mediation as a method is useful for different public sector actors. BIG is an organisation which implements mediation with young criminals and provide mediation to the youth which could lead towards positive attitudes and crime avoidance. Social services have good collaboration with BIG, police and public authorities. However there is still a gap in understanding mediation as method by social workers (Akers & Seller, 2013). They need to work more on elaborating the collaboration with different actors. A good sign is however that there are meetings between social services and police held to discuss how to develop mediation and how effective mediation is in crime prevention. The view can then be different among different actors, but they have understood the importance of mediation (Alvesson & Sköldbberg, 2009).

Even if crime prevention mediation and mediation after a crime has been committed, are two different things, it is still connected in a preventative and reconciliatory way, as stated by Akers & Sellers (2013). The combination of prevention and reconciliation is what BIG, the police and the social services are striving for in the long run in their work for crime prevention amongst youths.

Mediation as a method is for those who are, one can say, involved in a deep conflict. The most effective tool for mediation is communication, and without proper knowledge about mediation,

just hearing that voluntary mediation is an opportunity to talk through the conflict, may seem hopeless for one or both parties (BRÅ, 2009). If the conflict is not resolved and the parties feel dissatisfied with mediation, then it does not matter if you have reached an agreement, and it is still very likely that a new conflict will arise.

It is inevitable that we occasionally don't get along with someone; it's a natural part of being social. Although, when deep conflicts emerge, such as a criminal act, it may give one a feeling that someone is obstructing a need that has to be met (Alvesson & Sköldbberg, 2009).

It can cause emotional trauma, stress, impaired self-esteem etc. Therefore, it is extremely important that all organizations work together, without pressure on social services to deliver cases that can be clearly measured as a success or as a failure, so that the conflicts can be resolved through joint decisions and hopefully be progressive crime prevention.

It is crucial in the field of restorative justice the parties directly involved in the conflict that will own and solve the restorative process (Akers & Seller, 2013). Since mediation in Sweden usually happens before a trial, the parties have an opportunity to talk and work their common conflict before being taken over by someone else. The perpetrator has received the opportunity to understand how his actions influenced the offender during the mediation, but also to explain from his view. The victim may meet the perpetrators and express their feelings and possible fears. This can result in a trial feeling easier to handle and even if it does not become a trial, then the parties might have agreed upon how to relate to each other.

However, when a case proceeds to a trial despite mediation, it is relevant to question whether reparative justice can give way to retaliation. The maintenance of the conflict between the parties involved is an additional aspect we have focused on in the analysis. This is fundamental to restorative justice, but in the process of justice in Sweden today, the parties often meet again in connection with a trial, when the conflict, which may be perceived to be investigated by mediation, is re-taken up and reworked by others (Alvesson & Sköldbberg, 2009).

A criticism of restorative justice as theory is that it is quite wide. According to Akers and Sellers (2013), restorative justice is a movement that includes several methods. It is not easy to give a specific definition and it can be seen more as a phenomenon that encompasses many areas. Akers and Sellers (2013) further argue that, based on the theory, it is unclear what exactly is expected to be repaired when restorative justice is applied. This is ultimately often up to the parties involved in the conflict (ibid.). However, people experience what exactly is expected to be repaired through mediation differently. The point is to try take into consideration the different positions of the parties in the specific situation, in order to process the event and

hopefully go further. The willingness to talk, process the event, ask for forgiveness and possibly arrive to an agreement can already be therapeutic for either, or both, parties. It is however always importance to be aware of that the mediation process is both personal and situational and thus socially constructed (Alvesson & Sköldbberg, 2009)

### **6.2.3 Preventing further crime**

During the interviews we asked questions about how the informants felt about mediation as an instrument to prevent crime and whether it is easy to reach the young perpetrators.

The interviewees expressed that mediation could be an excellent instrument in crime prevention. Informants meant that it is found to be very positive for the victim and the suspect when they can meet each other and ask for forgiveness, and/or get an explanation under more relaxed conditions. This is of course if they have been informed about the method, and if it has been followed through in a correct manner, without mixing it with the ordinary legal process. This is reflected in the following quote by Person M:

“It is important that one does not mix the prevailing legal system with the mediation process, both processes must be completed for justice to prevail.”

The interviewees mentioned that, since the mediation process is based on volunteering, they are not able to reach many of the young perpetrators, which may have had use of a preventative method. This is reflected in the following quotes:

“Mediation causes the perpetrator to think, that’s one of the problems these days, many young perpetrators don’t think, they just do.” - Person L

“Do now – think later, is like a cult among many youngsters, they have access to equipment such as mobile phones and computers who seem to think for them. Talking with his or her own voice and listening to another person’s voice, which is not in a movie or a TV-series, sometimes seems so far-fetched in the younger generation, that one may perceive that they have lost their way of having a genuine feeling” – Person F

#### **6.2.4 Analysis.**

From the interviews we can interpret that mediation is considered as a good tool to prohibit crime and that it also provides the possibility for the victim and culprit to negotiate the matter, ask for mercy and compensation. Since mediation is grounded on volunteering (Akers and Sellers, 2013) informants mean that they are not able to approach many of the young committers, which may have had use of mediation as a preventive measure. Nowadays youngsters are affected by IT media which affects the social relationship and has significant consequences for the mediation process. Interviewees talked about the importance of forgiveness, which we consider to be an important aspect of restorative justice. They also expressed views about mediation as crime prevention method, focusing on mediation according to restorative justice where both parties should get advantage of mediation. Mediation can be restorative for the victim, who gets a possibility to repair, and the offenders can face the results of their actions. Crime is originated from the society, that's why not only the offender but also community should take responsibility towards the prevention of the crime (Alvesson &Sköldberg, 2009). From this perspective we see mediation as a crucial method.

In the new IT society, young people are affected by IT media and equipment all around the clock. This contributes to create the kind of social relationships they have. This in turn has consequences for the prerequisites and opportunities for the mediation process (Alvesson &Sköldberg, 2009).

The interviewees are in favor of mediation. What they all perceive as positive can be seen as the procedural perception of restorative justice, because the interviewees talk about the importance of forgiveness, which is very central to restorative justice.

Something that is clear and illuminated in our results is that the interviewees see mediation as crime prevention for young perpetrators. Holding this view of mediation means that according to the procedural perception of restorative justice, both parties should be helped, both parties should benefit from mediation, while the victim should not be a tool to help the perpetrator (Akers & Sellers, 2013).

The common name for this process is restorative justice and includes both theory and practice, where mediation is included as a method. Here mediation is both of a restorative and preventive nature. It could be considered as restorative to the victim, who gets a chance to repair, and for the perpetrator/s who, above all, can see the consequences of their actions, which hopefully acts preventative for future crimes. Crime has its origin in society, therefore, not only offenders are to take their responsibility towards the victim, but also the community has to take its

responsibility in this part. Overall, the social factors are more present in restorative justice when it comes to analyzing both the rise of- and the reactions to a crime as well as the methods to handle the processes related to crime.

## 7. Discussion

### 7.1 Discussion of results

The aim of this study was to examine which attitudes professionals who are involved in voluntary mediation in Gävle have towards voluntary mediation as a preventative working method. The empirical data used in this study has been collected through semi-structured interviews with staff members of BIG and staff members from the police and social services, which has helped to get a deeper understanding and detailed information about the attitudes towards restorative justice and voluntary mediation.

The theoretical framework that was used was social constructionism and restorative justice. The Council for Crime Prevention in Gävle is keeping the method and process advanced by further educating themselves within the subject through conferences, workshops and similar activities. There seems to be a preference for working more with mediation, since currently the activity on the voluntary process is decreasing due to decrease in suitable criminal cases for mediation.

The results from this study however indicate that attitudes toward mediation, as a process and method on a voluntary basis, are highly welcomed amongst those who are continuously working with it. However, further research on the subject is anticipated to develop it better and gain more from its positive effects. Below we present the main findings in relation to our two research questions (Q1 and Q2).

Q1. What are the professional's attitudes with respect to the methods used in the mediation process?

When asking the interviewees how the attitudes towards mediation as a working method are and how common it is working with presenting mediation as a method, it was said that voluntary mediation has not had the breakthrough BIG, the police and the social services had hoped for. A large part of it was to blame due to a lack of information about mediation and confidence in the method among relevant personnel. Informants felt that the attitudes towards voluntary

mediation are mostly negative in the work field since many of them have lack of confidence and experience with mediation as a helping and preventative method.

Our interviewees expressed that many people working in the field can feel a negative attitude towards mediation in crime, which often is partly based on ignorance, not thinking that mediation is a method that may help both the victim and the perpetrator in their specific situation.

Furthermore, the perpetrators are not properly informed about how and when mediation in crime can be conducted, and how the process of mediation takes shape. Often the perpetrator is given this information too late and ends up enduring a long and perhaps psychologically painful legal process, without the chance for true redemption of the criminal act (BRÅ, 2007).

Our findings indicate that more knowledge of the subject (mediation) and the right attitudes towards it could help the purpose and its effects of increasing the motivation within the working field. And further to ask the perpetrators within reasonable time if it is a method which the perpetrator would wish to proceed with.

The cooperation with social services has worked, for the most part, without problems. Difficulties in cooperating may be since there is a feeling that social services are not engaged enough in the development of the mediation process as a method, since social services have reported relatively few cases that could allow mediation to be a useful method in crime prevention.

There are frequent meetings between the social services and the police for discussing mediation in a crime preventative perspective and to talk further about the purpose of mediation.

The interviewees pointed out that the different occupational groups have different perspectives, but that they have begun to understand what they think has to do with the feedback that is given and that all parties who are seeing that mediation makes a difference.

However, the interviewees mention that since the mediation process is based in volunteering, they are not able to reach many of the young perpetrators, which may have had use in a preventative way.

One informant stress that “Do now – think later” is like a cult among many youngsters, they have access to equipment such as mobile phones and computers who seem to think for them. Talking with his or her own voice and listening to another person’s voice, which is not in a movie or a TV-series, sometimes seems so far-fetched in the younger generation, that one may perceive that they have lost their way of having a genuine feeling.

Q2. What are the professional's attitudes towards mediation as a preventative factor against further criminality?

The interviewees are in favor of mediation. What they all perceive as positive is the procedural perception of restorative justice, and the interviewees talk about the importance of forgiveness, which is very central to restorative justice.

Something that is clear and illuminated in our results is that the interviewees see mediation as crime prevention for young perpetrators. Holding this view of mediation means that according to the procedural perception of restorative justice, both parties should be helped, both parties should benefit from mediation, at the same time as the victim must not be a tool to help the perpetrator.

The collective name for this purpose is restorative justice and includes both theory and practice where mediation is included as a method. Here mediation, despite its name, is both of a restorative and preventive nature. It could be considered as restorative to the victim, who gets a chance to repair, and for the perpetrator/s who, above all, can see the consequences of their actions, which can work preventative for future crimes. Crime has its origin in society, therefore, not only offenders are to take their responsibility towards the victim, but also the community has to take its responsibility in this part. Overall, the social factors are more present in restorative justice when it comes to analyzing both the rise of- and the reactions to a crime.

The interviewees express that mediation could be an excellent instrument in crime prevention, it is found to be very positive for the victim and the suspect when they can meet each other and the perpetrator can ask for forgiveness, and/or get an explanation under more relaxed conditions. This is of course, if they have been informed about the method, and if it has been followed through in a correct manner.

BiG and their cooperation's, in working with voluntary mediation, is working structurally with the method and process, and hopes it will have a breakthrough within the judicial system so it can be spread more as a working method as well as accepted as a method for restorative justice.

We can clearly notice from those who we interviewed, that they think mediation is a method with potential; they have all positive attitudes to mediation as a preventative method for further crime. It is certainly positive that there is a rather satisfactory cooperation between mediators

and cooperating partners, although the interviewees express a desire for more and extensive cooperation around mediation as a process, where social workers consider that there is a certain expectation to deliver cases where mediation as a method can be measured clearly.

We conclude that it's important that the concerned parties can deal with the conflict themselves with neutral support, and that mediation therefore should be offered in minor criminal offenses. As mentioned, many speak of the positive characteristics the method entails and what could be gained from it. However, one has also to be aware of the risk of a mirrored image on doable deficiencies or weaknesses in applying mediation from the theory of restorative justice. It might mean that some put it in as a system to participate in the mediation process to escape penalization and then go to commit new crimes, or that victims experience mediation as a method for perpetrators to escape punishment. If awareness regarding this is lacking, then the many part of the positive effects of protecting the victims, or the work as crime prevention, can fail and the method may be perceived as useless and works discouraging for the victim.

## 7.2. Discussion of methodology

Our thesis is a qualitative study based on semi-structured interviews. We consider that the qualitative approach has been proper in relation to the purpose of this thesis. We realized that conducting interviews has been a useful method of data collection.

We can motivate why it is useful, since the general interview guide allowed us to find out the attitudes from personal interviews through several questions, where some questions were discussed and formulated beforehand, and some questions were raised in the order that suited the interview situation. Since the idea came from BIG's working process with the voluntary mediation, we started with contacting the staff at BIG, through them, pinpointed their local cooperating staff from the police as well as the social services.

The interview questions helped to find the main attitudes with voluntary mediation, to discover if the staff's attitudes are impacting them towards using the method frequently, and if the staff perceives the method as helpful in preventing further criminality.

The fact that we, as authors, are inexperienced as interviewers may have influenced the result, perhaps more experience would have resulted in an even deeper comprehension of the data. The interview guide could also have had an influence on the results. The interview guide included

open questions, some of the questions were formed from knowledge that we gained from previous research, while others were formed solely by us.

The data was collected in Swedish and was later translated to English. Specific effort has been made to preserve the original meaning of the sentences, even though it is feasible that the translation process can affect readers' understanding of quotes. Another aspect of the method that can influence the results is the sampling; the respondents were a police officer, a social worker and a mediator, who worked with this in different workplaces. The limited sample can make the information appear as narrow. The sampling unit can therefore be a disadvantage for this study.

### **7.3. Suggestions for future research**

In future research, certain questions and developments concerning the effects of mediation as a crime prevention matter, would be of interest to several organizations and for the judicial system to have good, relevant and updated information to lean on when developing the method and process.

To research the difference mediation may or may not make on a perpetrator who has integrated within criminality would as well be of interest for further research.

Any research concerning development of the method and, for instance, how the method may be used better in the judicial system, how the attitude can affect the meeting, or how mediation may be integrated in the everyday school- or workplace to change how persons treat each other or start changing the way of thinking in a consequential matter, would be a good subject to do more research about.

There is a need for more research and knowledge on about voluntary mediation and how to help different communities and organizations so that they may get a good understanding of the mediation method.

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## **Appendix I**

### *Interview guide.*

This interview guide has been translated to English since it was originally utilized in Swedish tongue.

interview guide.

Please tell us about BiG.

What is BiG in general?

How do BiG co-operate with the Police and the Social Services?

How common is it to work with voluntary mediation?

How is the process from crime to mediation?

What's the attitudes on the mediation process?

What kind of method/s is used?

What's the attitudes on the the method/s?

Is it hard keeping personal attitudes out of the process?

What kind of theories are used?

What's the mediator / mediators roll, and how's the attitudes toward a mediator?

Are there any follow ups in the cases?

What's the attitudes about mediation as a preventative method?

What can be improved about voluntary mediation?

What can be improved about the information about mediation to the general population?

## Sekretessavtal

Intervjun beräknas ta ca en timme och är frivillig.

Deltagandet i studien innebär att en intervju kommer att genomföras muntligt vid ett personligt möte. Hela intervjun kommer att spelas in på band. Intervjuerna kommer att behandlas konfidentiellt vilket betyder att intervjuerna kommer att avidentifieras och behandlas i enlighet med bestämmelser i Sekretesslagen. Dina svar kommer efter avidentifieringen att kasseras.

Din medverkan är frivillig och kan när som helst avbrytas.

Skriftligt, informerat samtycke till

medverkan i intervjustudien

Jag har informerats om studiens syfte, om hur informationen samlas in, bearbetas och hanteras. Jag har även informerats om att mitt deltagande är frivilligt och att jag, när jag vill, kan avbryta min medverkan i studien utan att ange orsak. Jag samtycker härmed till att medverka i denna intervjustudie.

Ort/Datum/År \_\_\_\_\_

Namnunderskrift \_\_\_\_\_

Namnförtydligande \_\_\_\_\_

Intervjuarnas underskrifter \_\_\_\_\_

Namnförtydliganden \_\_\_\_\_