

**ASSESTMENT OF THE COSTS OF RESTORATIVE
JUSTICE INCLUDING QUANTITY AND QUALITY
INDICATORS: THE CASE OF THE VICTIM-
OFFENDER MEDIATION FOR MINOR OFFENCES IN
ARABA REGION DURING 2013 (SOUTH OF THE
BASQUE COUNTRY)**



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“It is high time that the ideal of success should be replaced by the ideal of service”

Albert Einstein

A restorative justice (RJ) program calls for an active participative answer for crimes and offences (victims, offenders and community participation). The goals are to meet and to repair, helped and accompanied by a third person as facilitator whose participation serves a link somehow with the justice administration.

The aim of this research is to assess the economic impact of the Victim-Offender Mediation (VOM) for minor offenses in the Basque Country (Vitoria-Gasteiz). The research focuses not only on the study of the cost-benefit ratio but it tends to spread beyond the boundaries of the meaning of the costs and the efficiency of the programs of RJ; especially the research tries to estimate the costs in relationship with the effectiveness and efficiency of the different answers given to delinquency and victimization.

The challenge is to study the costs and advantages that cannot be measured within the RJ program studied. Those unmeasurable costs and advantages are: the well-being of the parties during the process, their prominence, the reduction of the level of stress and anxiety before an upcoming trial, the pacification of relationships, conflict prevention, symbolic reparation, the assumption of responsibility, the confidence in the justice system and in the official agencies, etc. The aforementioned aspects can be summarized as a reduction of the secondary victimization. In our review, these aspects are studied and measured using surveys amongst people who have been part of the restorative processes.

According to the theoretical standpoint of the critical victimology, economic analysis and positive criminology, we have used a mixed methodology: both quantitative and qualitative one, based on the following indicators:

- Flow-charts which compare the traditional trial proceedings and the proceedings regarding RJ in the cases of minor offenses.
- Economic assessment of the traditional trials and proceedings and the restorative ones (including timing and its costs).
- Satisfaction level of the parties (222 citizens) involved in both kinds of processes.
- Prevention and pacification effects.

In our view, cost-efficiency studies are adequate to evaluate the cost of the process for a citizen (or the particular parties) involved in a trial for minor offenses, with mediation or without it. It does not imply that RJ or traditional justice has to be measured only in economic terms but it also provides another viewpoint: a different perspective of RJ regarding the various dimensions of RJ, including social benefits.

At first glance, it can be concluded that the cost of RJ processes (the one developed by the mediators) is only slightly lower than that of traditional justice processes. But if we look below the surface, we could reason that RJ processes are similar in cost to traditional ones because Victim Offender mediation is carried out as part of the traditional trial proceedings. Therefore, the costs of traditional Justice are added to the specific costs of RJ processes, increasing the economic costs of these RJ processes, when RJ itself bears fewer costs than traditional Justice.

Our findings show the success of the VO mediation services in terms of number of agreements, their observance, appreciation of mediators' work and improvement of management abilities for future conflicts.

This last (commentary) is especially relevant as we analyse (interpersonal) criminal offenses. On the other hand, the prominence of symbolic reparation makes us reflect upon the interest of the parties managing their emotions and needs beyond the conflicts. Besides, personal treatment and parties' participation increase trust in our Justice System.

Finally, ethics keeps being a paramount criterion in a democratic criminal justice system. In that regard, RJ programs (from a point of view of human rights and the ethics of care) promote trust among people involved in minor offenses, which is the case of most judicial files examined in this research. In addition, interpersonal trust is related to interprofessional and institutional trust, as many studies have concluded.

AS A CONCLUSION

As the results of the research reflected, the restorative approach applied to minor offenses can contribute -in quantitative and qualitative terms- to a more rational, effective, efficient and ethical judicial management.

From a strictly economic point of view, the research shows significant evidence in the management of the minor offences, summarized in the following table:

	Averaged economic assessment
Restorative process	85.59 €
Restorative process within a traditional judicial process	146.71 €
Traditional justice process	168.14 €

But, as we have noted above, the results also reflect significant evidence from the qualitative point of view which, in summary, we note below:

	Percentages	Content/Expressions
Number of agreements	78.80%	Symbolic (62.2%) Economical (22%)
Observance of agreements	87.80%	"She promised not to bother again and fulfilled it". "That agreement has prevented us future problems, although there was some initial problem" "That agreement was the change so that there are no more conflicts".
Existence of new conflicts	27.9%	"We often run into and our behaviour is normal. We even greeted each other". "Since then, they have not reoccurred similar conflicts or conflicts with the same person. On the contrary, it has been very good, compared to the fight that involves trial. They feel that you have given them a second chance". "There has not been any problem; in fact, the relationship is good".
Improvement of management abilities for future conflicts	59%	"The fact that we sat and being able to speak". "It helps you think about the mistakes you make and reach an agreement by talking about the facts". "The most useful is to practice listening. The opportunity that no winner or loser is more than positive. I did not know such a service, and of course, I felt very positive. The effort to listen has a high value".

Thus, the key question when asking "how much" is not only the price of the RJ programs, but rather their social value. Quality, efficiency and the indicators and processes to assess them are not our goals. Those indicators and outputs are complementary work-tools to make achieved goals visible -expected and unexpected- of the RJ program, given the right resources and social, economic and cultural conditions. In the case of the RJ programs, there are implicit and explicit outcomes and processes to be valued according to international standards. The programs are contained, according to international rules.