

The Role of VOM in Probation

VOM in Austria
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NEU**START** is...

- ... **Association NEU**START** – probation, mediation, social work**
- ... **1 headquarters (Vienna), 13 agencies (in the provinces) with 2 departments each**
- ... **Approx. 580 employees and 900 volunteers**
- ... **Services**
 - ... Probation services (founded in 1957)
 - ... Aftercare (since 1975)
 - ... Mediation in penal matters (for juveniles since 1985)
 - ... Acting as an intermediary for community service (since 2000 under the Diversion Act, and since 2008 as an alternative to prison terms for people failing to pay fines)
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Origins of VOM in Austria

- ... **Social constructive alternatives to court proceedings**
 - ... juveniles
 - ... no criminal record
 - ... probation services were not indicated
- ... **1985 pilot study – mediation in penal matters for juveniles / 1989 Juvenile Court Act (diversional measure)**
- ... **1992 pilot project – mediation in penal matters for adults / 2000 (diversional measure)**

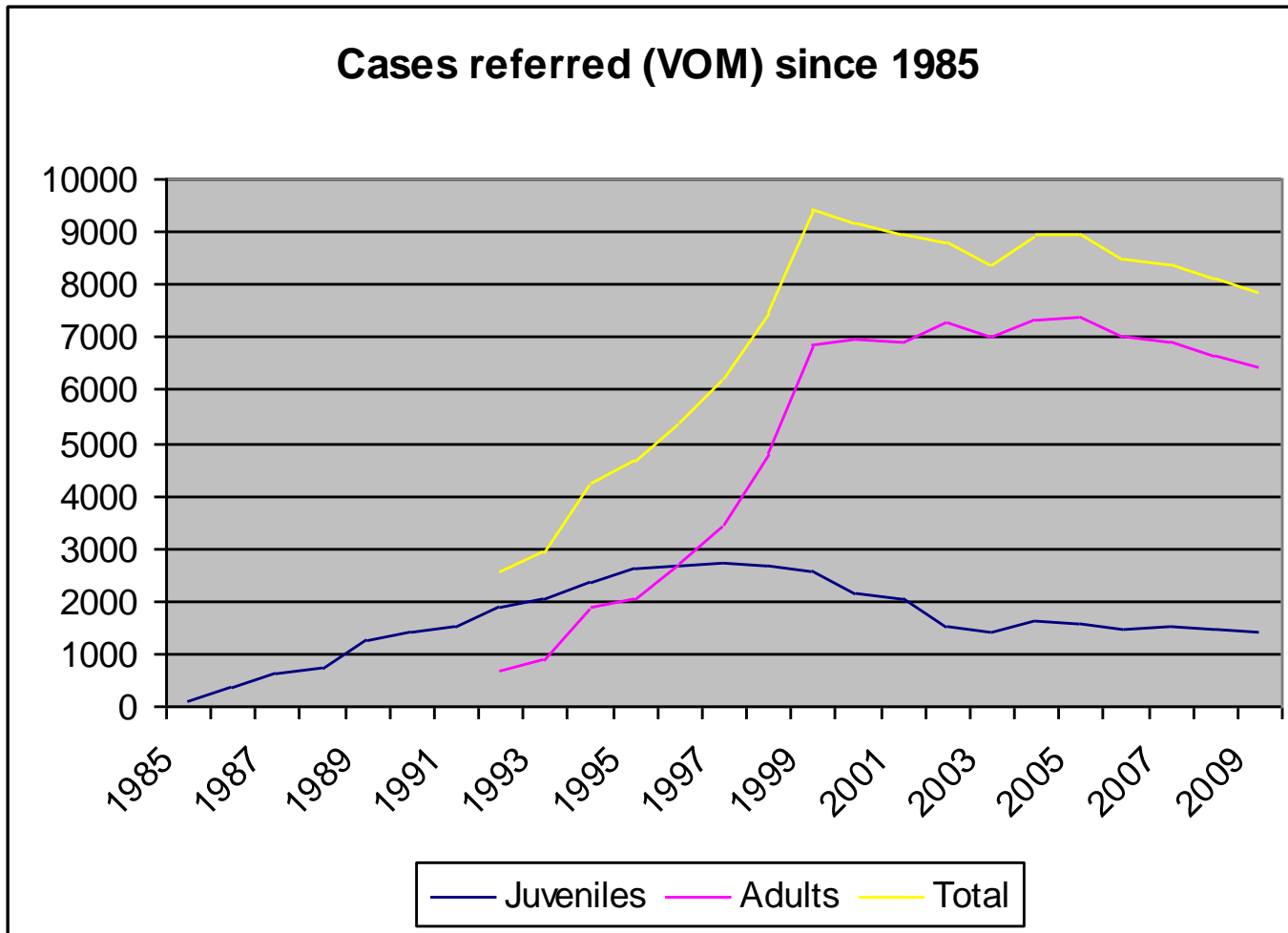
Legal Context of VOM

- ... **VOM can be ordererd by the public prosecutor or by court (always diversion measure)**
- ... **Circumstances of the case must be sufficiently clarified**
- ... **Penalty instead of a diversion measure does not appear indicated with a view to special or general prevention**
- ... **The offence must be within the jurisdiction of a single judge (applies to most offences with a maximum penalty of 5 years)**
- ... **The suspect's guilt must not be deemed grave**
- ... **The offence must not have resulted in the death of a person**
- ... **Consent of both parties to the mediation**
- ... **Perpetrator: taking responsibility, making compensation of damages**

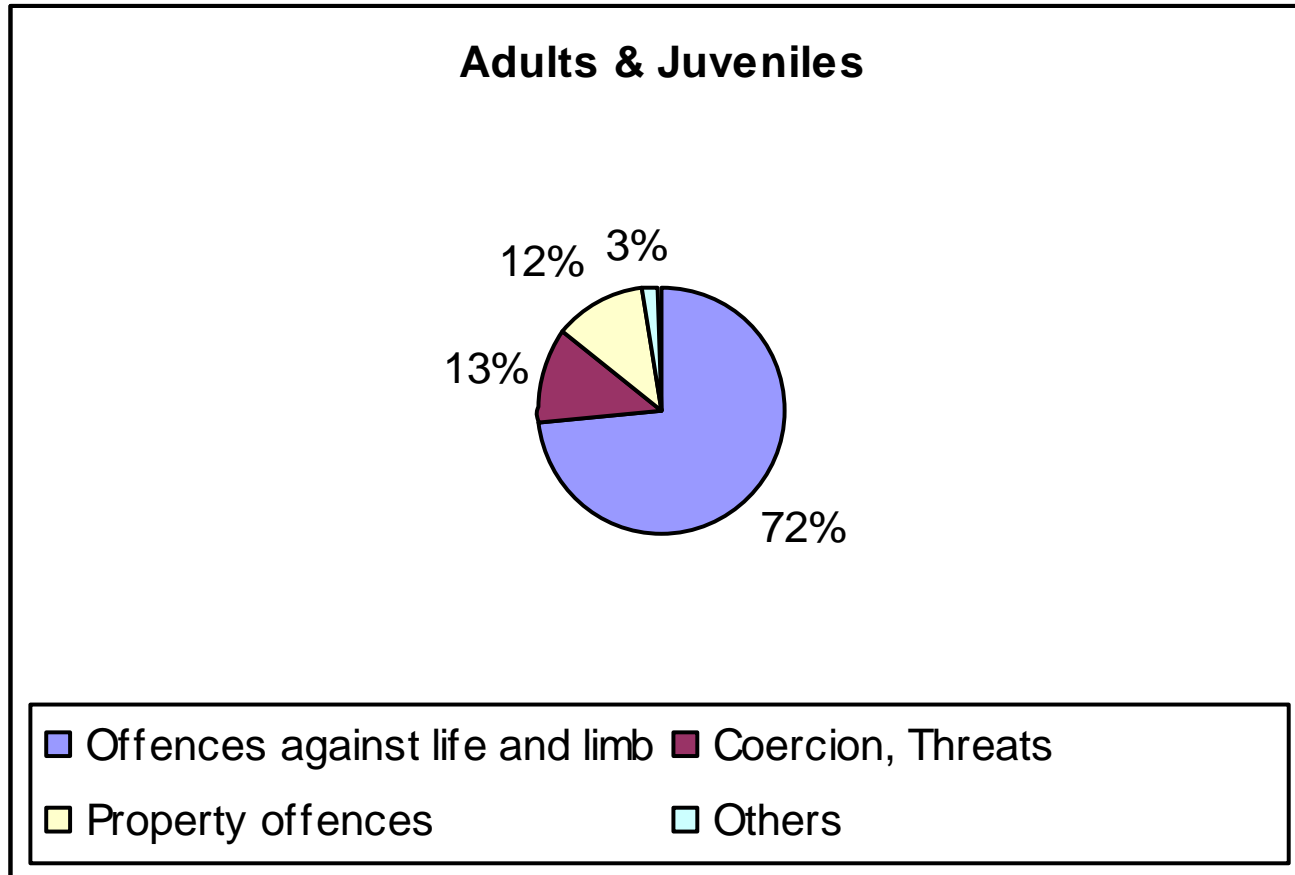
Procedure

- ... **Offence →**
- ... **Report to police →**
- ... **Report to public prosecutor →**
- ... **Referral to NEU**START**-VOM →**
- ... **Assignment to mediator(s) →**
- ... **Feedback report to public prosecutor (whether mediation has been successful or not)**
- ... **End of proceedings in case of a positive report / continuation of proceedings in case of negative report**

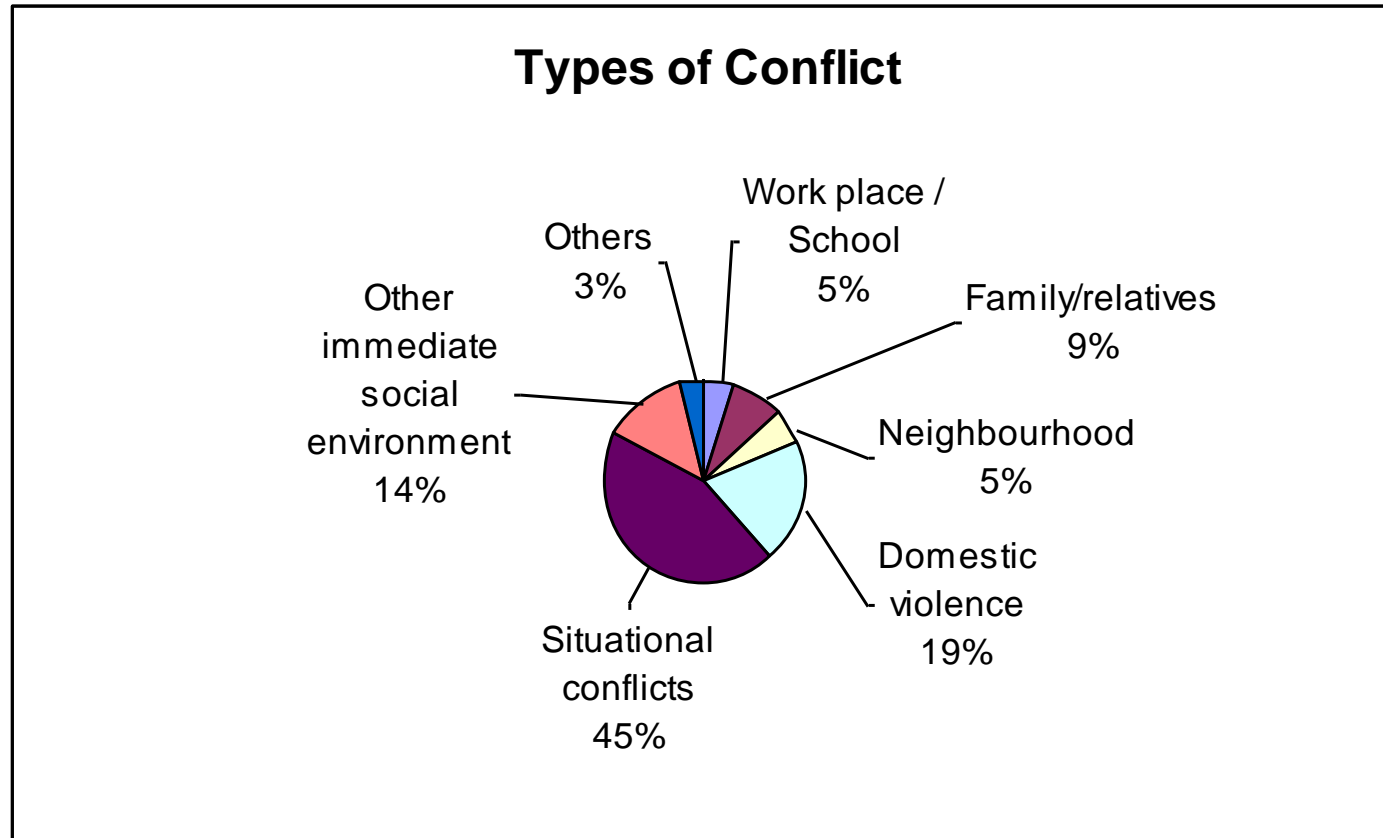
Cases referred



Division of Offences



Types of Conflicts



Objectives/Benefits of VOM

- ... Needs and emotions of the victim are taken seriously
- ... Restitution (emotional and material)
- ... Victim and offender play an active role – offender can repair the harm caused
- ... Conflict is “returned“ to involved parties
- ... Viable agreement – chance for lasting social peace
- ... Dismissal of proceedings after positive report
→ avoids criminal record and possible negative consequences

Results/Recidivism

- ... Adults: 67% of the referred cases were dismissed after a positive report to the public prosecutor (2009)**
- ... Juveniles: 85% of the referred cases were dismissed after a positive report to the public prosecutor (2009)**
- ... Recidivism: 84% of offenders after VOM were not convicted after a period of 2.5 years (Hofinger/Neumann: Project Report Recidivism, Institute for Sociology of Law and Criminology, Vienna (2008))**

VOM in Cases of Domestic Violence

- ... **No „chronic“ violence**
- ... **No pronounced imbalance of power**
- ... **Co-mediation (female and male mediator)**
- ... **Objectives:**
 - ... Stop further violence
 - ... Empowerment of the victim
 - ... Cooperation with domestic violence shelters

- ... **Christa Pelikan: Empirical Study on the Efficacy of Victim-Offender-Mediation in Cases of Partnership Violence in Austria, Institute for Sociology of Law and Criminology, Vienna (2009)**
European Journal on Criminal Policy and Research , vol 16, issue 1 (2010) 48ff

Benefits of VOM in a PS Organisation

- ... **Customized services – social constructive measures for different target groups**
 - ... Community services
 - ... Anti-violence training in cases of domestic violence
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- ... **Influences/developments in probation service**
 - ... Especially victim's view
- ... **Referring institutions (public prosecutor, court)**

Contact Details

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