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# Is Computer-based Communication A Valuable Addition to Victim-offender Mediation? A Qualitative Exploration among Victims, Offenders and Mediators

Florian Bonensteffen<sup>a</sup>, Sven Zebel<sup>a,b</sup>, and Ellen Giebels<sup>a</sup>

<sup>a</sup>Department of Psychology of Conflict, Risk and Safety, University of Twente, Enschede, The Netherlands;

<sup>b</sup>Department of Private Law, Vrije Universiteit Amsterdam, The Netherlands

## ABSTRACT

Computer-based communication (CBC) has become an inevitable aspect of our communication infrastructure and a lasting alternative to face-to-face conversations. Yet, CBC (e.g. video conferencing) is not common practice for victim-offender mediation (VOM). Based on eighteen semi-structured interviews with adult victims, offenders and mediators, we provide a heuristic assessment of CBC applicability in VOM. Interviewees associated CBC with higher environmental safety compared to face-to-face mediation, and with richer emotional information compared to indirect VOM (e.g., letter exchange). Risks comprised technical and privacy concerns. Our findings provide insight into stakeholder perceptions of the usability of CBC-VOM and thus directions for effective employment.

## KEYWORDS

Restorative justice; victim-offender mediation; digital communication; ICT based communication

Global communication networks have increased tremendously within the past decades, providing readily available solutions to establish contact with communication partners around the world (Çiftçi, 2016). The role of computer-based communication (CBC) has received considerable critical attention on a personal and social level within the past year in which the COVID-19 pandemic has put the world into an extraordinary situation facing challenges affecting all parts of society (Donthu & Gustafsson, 2020). At the same time, COVID-19 enormously accelerated the global, digital transformation of our communication infrastructure (e.g., Livari et al., 2020; Nagel, 2020; Wu, 2021). People needed to identify new ways to communicate with each other amid the pandemic and online connectivity increased substantially. For example, worldwide internet usage grew by approximately 70% (Beech, 2020) and the use of phone applications virtually doubled. Solutions had to be found on a personal communication level (e.g., contacting friends and family members) as well as in other societal domains. This concerned, for example, the healthcare sector (doctors communicating with patients), industries and companies interacting with employees, customers and job applicants, or universities and schools that needed to expand online education (Khilnani et al., 2020; Nagel, 2020; Powell & McGuigan, 2021). Consequently, applications that allow one-to-one or group visual communication became increasingly important to maintain social connectiveness (Banskota et al., 2020). For instance, hospitals around the globe requested donations for tablets to make use of CBC

**CONTACT** Florian Bonensteffen  [f.bonensteffen@utwente.nl](mailto:f.bonensteffen@utwente.nl)  Department of Psychology of Conflict, Risk and Safety, University of Twente, Enschede, The Netherlands

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to let patients see the faces of their families and to talk with them.<sup>1</sup> During the pandemic, CBC has therefore proven to be a significant, indispensable alternative to real-life meetings. Regarding a longer-term prospect, the COVID-19 crisis also provides an opportunity to gain important insights about the role of digital technology and CBC in the future (Wang & Tang, 2020), and about the extent to which it might expand our communication in specific fields. These contributions are also highly relevant in a criminological context, such as in the domain of conflict management (Giebels et al., 2014). Societies all over the world have integrated restorative approaches in their justice system to humanize court processes and to manage disputes between conflicting parties more effectively (Hansen & Umbreit, 2018; Latimer et al., 2005; Zebel et al., 2017; Zehr, 2015). A prevalent goal of restorative justice practices is that victims and offenders who were involved in minor and major offenses are encouraged to engage in the conflict solving process (e.g., Gromet & Darley, 2011). One of the most common forms in which this is organized is through victim-offender mediation (VOM; Bonensteffen et al., 2020; Bradshaw et al., 2006; Gromet & Darley, 2011; Hansen & Umbreit, 2018; Zebel, 2012). Until recently, the most prevalent way in which VOM is offered is through direct, face-to-face meetings or offline indirect forms that entail letter exchanges and shuttle mediation, in which a neutral mediator relays the (written) messages between the two parties (Choi & Severson, 2009; Hansen & Umbreit, 2018). Due to the COVID-19 pandemic however practitioners were urged to postpone VOM programs or to consider alternatives to deliver their cases.<sup>2</sup> Given the increasing importance of restorative practices around the world (e.g., Hansen & Umbreit, 2018; United Nations, 2020), the applicability of CBC forms in VOM strongly deserves further examination.

## Research Objectives

However, to our knowledge, so far no systematic approaches have been undertaken to examine the potential of CBC for restorative justice approaches. Individual cases in which mediators have employed CBC via online chat services or video messages to establish communication between victim and offender are known in the researchers' networks, however, systematic examinations of these undertakings are lacking. Gathering "first-hand information" about stakeholders' perceptions is a crucial initial step to estimate if a system or technology succeeds in a new field (Hasu, 2000). Investigating proper conditions for and possible consequences of implementing technology in a new field is necessary to estimate its presumable effects and gives decision support for future implementation (Grunwald, 2009). In line with widely accepted standards of technology assessment (Grunwald, 2009), information about end-users expectations reveals if the technology suits the contextual environment and requirements. By examining end-user perspectives, the risks of ineffective design and poor investment decisions can be reduced prior to testing and implementing new technology in practice (Grunwald, 2009). The purpose of this study was therefore to take a first step in exploring how adult victims, offenders and mediators as end users and experts in VOM (mediators) perceive the applicability of CBC in this domain and to examine how CBC would compare to existing, commonly implemented forms of VOM. We sought to identify what interviewees believed to be important considerations to take into account when using CBC as an additional or alternative form to communicate in VOM. Components of the Technology Acceptance Model (TAM) and its extended successors (e.g., TAM2, TAM3, Unified Theory of Acceptance and Use of Technology [UTAUT])

established the basis for our research instrument and were utilized to explore end-users' standpoints on digital VOM forms. The model provides widely accepted frameworks to predict the *perceived usefulness*, *applicability* (i.e. how useful is technological innovation within the context or a specific situation), and *ease of use* (i.e. how much effort is necessary to use the technology) of new technologies in various organizational contexts (Lai, 2017; Mortenson & Vidgen, 2016). All three concepts were consequently adapted to design our interview scheme and to answer the research questions. Based on these frameworks, we define *perceived usefulness* in this study as the extent to which end-users believe that using CBC will enhance the mediation process and outcome. Second, we understand the *perceived applicability* as the extent to which an individual believes that CBC can be applied in the context of VOM. Third, *perceived ease of use* constitutes the anticipated effort that should be invested to use CBC during the mediation process, resulting in perceived requirements and preparation before use. Consequently, this study uses semi-structured interviews with victims, offenders and mediators to answer the following research questions:

RQ1: Which attitudes, perceived advantages and disadvantages do victims, offenders and mediators indicate regarding the applicability and ease of use of CBC in VOM?

RQ2: To what extent and why do they think CBC can provide an effective addition to existing forms of victim-offender mediation (i.e. perceived usefulness)?

### ***Drawbacks of Existing Forms of VOM that CBC May Remedy***

Despite the positive potential of VOM for victims and offenders, the literature indicates that contemporary direct and indirect VOM practices have structural limitations that can lead to dissatisfaction with the mediation process (e.g., Hansen & Umbreit, 2018; Shapland et al., 2007). One issue is that many victims and offenders perceive face-to-face contact with each other to be too confronting or dangerous (Hansen & Umbreit, 2018; Shapland et al., 2007) leading to refusal to engage in VOM. A second issue is that concerns are not always balanced between the parties; scholars detected in conflict situations, and especially in high-stakes conflicts, *symmetrical* and *asymmetrical perceptions* of such conflicts (Giebels et al., 2014). In an asymmetrical conflict, for one party the conflict causes more distress and a higher willingness to change the situation than for the other party. In the context of third-party mediation, it has been shown that such asymmetrical conflicts less often lead to mediated contact, compared to symmetrical conflicts in which both parties have similar perceptions of the severity of the misconduct and willingness to deal with it (Ufkes et al., 2012). Accordingly, in asymmetrical VOM cases, one (initiating) party might consider a face-to-face meeting to be helpful or even necessary to re-built justice, while the other side declines this opportunity, considering the crime to be too trivial to put effort in traveling long distances or invest costs and time in preparing for the encounter (Hansen & Umbreit, 2018). Indirect VOM in the form of letter exchange and shuttle mediation could overcome these weaknesses. However studies indicate clear drawbacks that prevent these forms of VOM from being equivalent alternatives to face-to-face mediation leading to less beneficial outcomes (Bouffard et al., 2017; Hansen & Umbreit, 2018; Shapland et al., 2007; Zebel, 2012). Indirect contact has low capability to establish rich and fluent communication

between victims and offenders, which is associated with lower satisfaction among participants and more doubts about whether mediators transmitted messages as intended (Shapland et al., 2007). Communicative body cues from the communication partner are absent during indirect forms of VOM, making it more difficult to perceive and interpret what the other person wants to express (see also, Jonas-van Dijk et al., 2020; Ponce-López et al., 2015) and possibly leading to misunderstandings (Choi & Severson, 2009), turning indirect VOM readily into an ambiguous process. In sum, both direct and indirect forms seem unable to adequately address all the needs that parties may have, revealing a huge gap between face-to-face and indirect contact via letter or shuttle mediation. The important question arises whether alternative forms of communication may provide a valuable addition to current practice. CBC can be expected to be associated with fewer logistic challenges, given that aspects such as (traveling) time and arranging a physical location to meet safely are no longer necessary (Baltes et al. 2002). In addition, meeting visually but remotely through CBC might feel safer than meeting face-to-face, which could be a substantial consideration for victims and offenders to engage in VOM. In this context it is important to explore how computer-based communication compares to offline, face-to-face or indirect communication during VOM; we will explore this below.

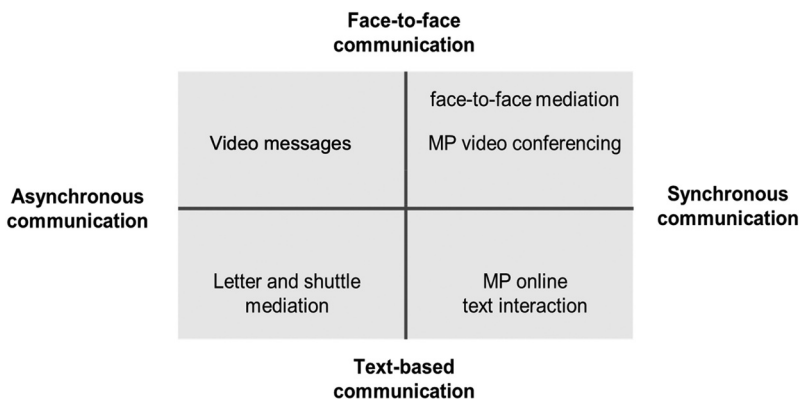
### ***The Quality of a Conversation: Aspects Proposed in Communication Theory***

Early communication theories proposed by a variety of scholars converge on the idea that communication entails content, which is transmitted in a message, a source of information (the sender), a channel (e.g., the medium) and a receiver (Berlo, 1960; Lasswell, 1948; Shannon & Weaver, 1949). When we communicate with each other, messages are en- and decoded between sender and receiver. That is, when we attach meaning to the words of a message, we interpret the sender's intention behind the words. Therefore the nonverbal components of the message (tone, pitch) are as important as the verbal aspect for exact understanding. This implies that not only the content of *what* has been said, but also *how* we say something influences the reception and understanding of the message we send to our communication partner (Koudenburg et al., 2017). Depending on how a conversation unfolds, a subjective feeling of being on the same wavelength with the communication partner may arise. Koudenburg and colleagues propose that *conversational flow* lies at the basis of this: The experience of a suitable tone of voice, non-verbal cues, mimicry and sociolinguistics creates more flow during the conversation, which contributes to the perceived similarity of standpoints, goals and quality of the conversation (Koudenburg et al., 2017). When a conversation is not fluent, for instance, interrupted by awkward silences or misunderstandings, barriers between communication partners emerge, meaning that an engaging, cooperative dialogue cannot take place. Importantly, Koudenburg et al. (2017) argue that compared to face-to-face communication, CBC (i.e. video-conferencing) is more likely to disrupt the conversational flow as it is subject to technical processes that may cause delays or frozen images during communication outside of the participants' control. In contrast, conversation partners can better understand silences occurring during face-to-face conversations, because they can better see and interpret each other's non-verbal signals. This puts them in a better position to take steps to restore the flow during such face-to-face interactions than during CBC. In general, unresolved flow disruptions can have a detrimental impact on the level of consensus and solidarity felt between the

communicating parties. Koudenburg et al. (2017) conclude that conversations also serve to socialize rather than merely exchange information. This is particularly important to the VOM field that aims to engage victims and offenders in a meaningful dialogue to restore harms caused by the offender and to help both parties cope effectively with the consequences of the crime rather than just compensate for material losses (e.g., Dhami, 2017; Hansen & Umbreit, 2018; Latimer et al., 2005). Often, VOM is not (only) a rational but a highly emotional process for both victim and offender (Nair, 2008). Therefore, we conclude that for victims and offenders, a meaningful conversation during VOM is a key aspect to come to terms with each other, providing space to express their emotions, feelings and thoughts and perceive the conversational partner as vividly as possible. Anticipated disruptions during CBC in VOM might be seen as harmful for this. We therefore expected victims, offenders and mediators in this study to indicate that they would be less willing to engage in VOM via CBC compared to face-to-face VOM. However, we do anticipate that compared to indirect forms like letter exchange or shuttle mediation, CBC might have added value in the interviewees' perception.

### ***The Richness of Existing Forms of VOM and Computer-Based Communication***

The richness of a communication medium is defined as its “capacity for immediate feedback, (. . .) the number of cues and channels utilized, personalization, and language variety” (Walther, 2011, p. 448). In their Communication Orientation Model, Swaab et al. (2012) provide a two – dimensional framework of communication media with four quadrants in which all (digital) communication channels such as text-based messages (e.g., letters/e-mail), multi- party videoconferencing, video messages, face-to-face or phone conversations can be categorized on two axes (Figure 1). First, channels vary in their amount of synchronicity, meaning that high synchronicity allows both communicators to react immediately to messages whereas channels low in synchronicity provide the exchange of messages only with time delay. The criterion of the second axis is the communication channel's degree of sight and sound that it enables.



**Figure 1.** A two-dimensional model of communication in VOM with existing and proposed communication means plotted (MP = multi-party).

Scholars agree that face-to-face contact is the richest form of communication, offering the possibility for direct feedback (high on synchronicity) and the highest degree of verbal and non-verbal information, such as facial expressions, intonation and tone of voice (see, [Figure 1](#); Hampton et al., 2017; Koudenburg et al., 2017; Rhoads, 2010; Swaab et al., 2012). In contrast, text-based communication, such as letters (or e-mails), is commonly regarded as the form that is low on both synchronicity and sound as well as sight cues, which makes direct emotion expression more difficult (see, [Figure 1](#); Rhoads, 2010; but see also, Derks et al., 2008). In between these two extremes, CBC can offer multiple forms that vary in richness; some of them (e.g., video-conferencing) approaching levels of face-to-face communication in terms of their capacity to transmit audio and visual information in a synchronous fashion (Hampton et al., 2017). Importantly, Swaab et al.'s (2012) main point is that the richness of a communication channel does not directly indicate whether it is suitable for a specific communication or negotiation context – this depends on the parties' communication orientation toward each other. That is, partners might have a cooperative, neutral or uncooperative orientation toward each other, which in turn determines parties' tendency to share information or to display antagonism during the communication process (e.g., aggression; Swaab et al., 2012). The authors propose that richer, synchronous forms are particularly useful to reach consensus or agreements for conversation partners with a neutral to positive orientation toward each other. On the other hand, uncooperative parties might profit from more indirect, asynchronous channels that give each communicator enough space to bring forward his or her arguments – forms of communication that are too rich are in danger of fueling further antagonism between conflicting parties. Swaab and colleagues did not, however, test these predictions in the domain of VOM, which comprises a multi-layered context aimed at repairing the harm caused by the crime (Choi & Severson, 2009; Gromet & Darley, 2011). Therefore, in this study we explored whether victims, offenders and mediators indicate that the applicability, ease of use and perceived usefulness of CBC in VOM may differ depending on victims' and offenders' stance toward each other. Altogether, Swaab et al.'s model and research clearly suggests that rich communication forms might be most valuable to have a meaningful, fluent, and satisfactory dialogue during the mediation process. From this it follows that participants who perceive a direct, face-to-face meeting to be too stressful or not feasible logistically, might profit more from alternative, richer CBC forms than from shuttle or letter mediation to establish a more fluent communication flow and a higher quality of the dialogue. We therefore anticipate that in situations in which face-to-face communication is seen as impossible for VOM, respondents will indicate that visual CBC forms might be preferred over current indirect forms that depend on verbal transcripts, such as letter exchange or shuttle mediation.

### ***The Present Study***

This study used data obtained from semi-structured interviews with victims, offenders and mediators to understand their perspectives on the use of CBC in VOM. To this end, this study aimed to explore if VOM through CBC can be an effective addition to face-to-face, letter and shuttle mediation and which advantages and disadvantages end-users indicate regarding the applicability and ease of use of CBC in VOM.



## Method

### *Research Design and Selection of Interviewees*

This study adopted a qualitative research design. The interviews were conducted between 2016 and 2019. All mediators were working for Perspectief Herstelbemiddeling (PHB), a well-established, government-funded organization initiating and guiding contact between victims and offenders in the Netherlands ([perspectiefherstelbemiddeling.nl](http://perspectiefherstelbemiddeling.nl)). A policy worker of PHB purposively approached eight mediators who had a permanent contract and had multiple years of experience with VOM cases at PHB, which we deemed important for in-depth reflections on the use of digital VOM. All eight mediators were willing to participate; their contact information was sent to the researcher. Purposive sampling was used with preselected key criteria that were as diverse as possible to select victims and offenders. The selection was based on role (victim or offender), age span (younger and older respondents), types of offenses (minor and serious) as well as interviewees' status of application (before or after mediated contact). Due to data privacy protection, the researchers were not involved in recruiting the interviewees and did not receive further details about the selection (e.g., response rate). The eight mediators in our sample identified victims and offenders in their closed and ongoing cases based on these selection criteria resulting in a group of 5 victims and 5 offenders who were interviewed (Table 1). This was considered an adequate sample size to achieve thematic saturation, assuring that the most substantial thematic concepts could be assessed (Trotter, 2012). The sample contained six female and two male mediators; all had several years of working experience in the restorative justice field, and in particular, three to ten years as a mediator for PHB. Four victims were female and between 18 and 73 years old; in one case, a father (53) spoke for his three minor daughters. All offenders (N = 5) were male and between 20 and 31 years old; three were serving prison sentences during the interviews.

### *Procedure and the Interviews*

Respondents received information about the interview and the expected duration (60 minutes). Each interview (for victims, offenders and mediators) focused on three main themes: The first section focused on the victims' and offenders' experience with- and motivation to engage in VOM and provided case specific information; mediators reflected on their work and how they came in contact with PHB. In the second section, we explored interviewees' affinity with and their daily life usage of CBC. In the final part, they elaborated on potential usage of CBC in the VOM context and assessed risks, effects, requirements and opportunities of such communication means in VOM.

### *Interviewees' Characteristics and their Overall Attitude Toward Digital VOM*

Most respondents used CBC (e.g., FaceTime) to communicate with friends or family members (n = 17) and for work-related purposes (n = 9), with 14 interviewees using CBC on a regular weekly or daily basis. Table 1 gives an overview of respondents' demographic characteristics and indicates respondents' attitude toward digital VOM. If



**Table 1.** Interviewees' characteristics based on the sampling criteria.

Role	Type offense	Other party	Age	Gender	Name	Attitude	
						CBC in VOM	Form of mediated contact/ initiator
Victim	Sex. harassment	unknown	34	Female	V1	positive	FtF (scheduled)/ O
	Sexual abuse	known	53*	male	V2	neutral	FtF/ V
	Armed robbery	unknown	n/a	Female	V3	neutral	FtF/ O
	Theft	unknown	73	Female	V4	negative	FtF/ V
	Murder	unknown	18	Female**	V5	positive	FtF/ V
Offender	Violent assault	unknown	20	Male	O1	positive	Letter (scheduled)/ O
	Traffic accident	unknown	23	Male	O2	positive	Letter/ V
	Violent assault	unknown	23	Male	O3	positive	FtF/ O
	n/a	known	n/a	Male	O4	negative	FtF/ n/a
	Armed robbery	unknown	28	Male	O5	positive	Attempt/ O
Mediator	Working experience in VOM in years (related to interview date)						
	9		n/a	Female	M1	positive	
	6		n/a	Female	M2	positive	
	9		n/a	Female	M3	positive	
	3-4		n/a	Female	M4	neutral	
	9		n/a	Female	M5	neutral	
	10		n/a	Female	M6	neutral	
	3		n/a	Male	M7	positive	
3		n/a	Male	M8	positive		

FtF = face-to-face mediation; V = victim; O = offender; \*V2 attended the interview to represent his daughters aged 13, 15 and 17; \*\*the interviewee took part in a mediation program to contact the offenders who murdered the victim's family member; scheduled = the interviews took place before the mediation appointment

a respondent could imagine several situations in which CBC forms would potentially be an effective alternative compared to existing forms, we inferred a positive attitude toward CBC usage in VOM. An interviewee who appeared to be unsure about CBC in VOM was characterized as neutral. If the interviewee was strictly against CBC forms, this attitude was negative.

### **Ethics**

The research design was approved by the ethics board of the faculty of the Behavioral, Management and Social Sciences of the University of Twente, Enschede. Permission was given from all corresponding stakeholders (PHB, penitentiary institutions). Respondents gave informed consent for the confidential, voluntary and anonymous nature of the study.

### **Rigor**

To assure the trustworthiness of the data and to gather information that is as diverse as possible, data was triangulated using various sources of information (i.e. perspectives of three different groups of end-users with different motives to participate in VOM).

### **Data Collection and Processing**

Most (n = 15) face-to-face interviews occurred in the homes and offices of the interviewees, across the Netherlands. They were recorded, transcribed and coded with Samsung & iPhone 7 standard audio recording apps, Microsoft Word and Excel. To gain a first impression of

the data, each transcript was read and annotations were made. When interviews were held in penitentiary institutions where recording equipment was prohibited, the second author made notes of the answers during the interviews and discussed them afterward with the first author to assure that the answers were paraphrased correctly. The first author conducted two interviews with offenders via telephone, because an appointment for a face-to-face interview was not feasible logistically.

### **Data Analysis**

Thematic content analysis through inductive coding was applied to structure all aspects emerging from the interviewees' multiple perspectives, to create meaningful units, paraphrase the data and compare noticeable themes relevant to the research questions (e.g., Burnard et al., 2008; Mayring, 2010). In the first step, based on the interview scheme, categories of interest related to the research questions were created. Consequently, the first interview was studied to define categories that were in line with or additional to the interview scheme. Analysis then progressed iteratively by comparing interviews within and between the three interviewee groups, which allowed to excerpt the most relevant themes and, if necessary, add more categories that emerged or recode categories that were similar to each other and could be merged. The second and first author discussed the categories and themes that emerged from the interviewees' responses and corrected for differences in order to assure that reliable data was excerpted from the interviews. In addition, a sample ( $n = 7$ ) of the interviews was compared with relevant themes that were compiled by a third researcher (student assistant).

### **Results**

The research questions that directed the analyses were:

RQ1: Which attitudes, perceived advantages and disadvantages do victims, offenders and mediators indicate regarding the applicability and ease of use of CBC forms in VOM?

RQ2: To what extent and why do they think CBC can provide an effective addition to existing forms of victim-offender mediation (i.e. perceived usefulness)?

The results are structured as follows: In each paragraph, we summarize the most salient responses and themes mentioned throughout the interviews. If applicable, differences in themes between the groups will be discussed within each section. To understand interviewees' opinions about the current VOM practices, we will first present their views on existing mediation forms and then compare these with CBC mediation. After this, we provide an overview of the main advantages and disadvantages mentioned of CBC forms of VOM. We then present the anticipated risks of such forms and have a closer look at their anticipated applicability in each mediation phase. The final paragraph is dedicated to a topic that was raised in some interviews: The opportunity to send and receive (offline) video messages which are delivered by the mediator.

### **Existing Mediation Forms in Comparison: Direct, Face-to-Face and Indirect VOM (Shuttle Mediation and Letter Exchange)**

We were first interested in interviewees' opinion about the most commonly implemented forms of VOM. Many victims, offenders and mediators ( $n = 15$ ; 83%) regarded face-to-face mediation as the most effective form of mediated contact, compared to other existing forms. Fifteen respondents explicitly mentioned to prefer it over indirect options, such as letter exchange, or, even more, regard this form as the only feasible way to engage in a meaningful conversation with the other party: V3 said: *"I wanted to talk to them [the offenders]. Face-to-face or nothing!"* An offender clearly stated: (O3) *"I would not have done it via letter, I think you can not cope with it via letter."* Another offender (O1) explained: *"In a personal contact, it is more easy to speak [to express yourself] and you can use nuances or give more explanations when you talk."* Face-to-face mediation had the highest potential to express emotions, to send and receive mutual reactions and feedback due to the non-verbal content, that turned out to be crucial for having a meaningful conversation with the conflicting party according to the interviewees. One mediator (M2) said: *"Because you can not feel words"* and made this issue more clear when talking about shuttle mediation: *"If I go [to one part and another], and say: 'he is really sorry,' I can say that but it has less value. It is my impression, but the other person can not feel it."* However, ten interviewees also noted that face-to-face mediation might often be very or too confronting and direct, putting too much stress or fear on parties; as one victim (V1) noted: *"[. . .] if you had a traumatic experience, for instance, or if you are really scared of that person, [. . .], then, I think, it would be too shocking to see that person in real life."* Interestingly, however, four victims identified this confrontation as a strong aspect having a therapeutic effect to cope with traumatic feelings caused by the crime. One victim (V5) explained that she had a strong desire to regain her feeling of power and therefore sought to have a confrontation with the offender, who had to serve a prison sentence. One of her major ambitions to engage in VOM was to get the opportunity to "face her fear": *"I just wanted to look him in the eyes!"*

### **Interviewees' Perceived Advantages of CBC VOM**

The vast majority of the interviewees had specific ideas about advantages that digital VOM would have compared to face-to-face or indirect letter exchange and shuttle mediation. The most important aspects mentioned fell within two categories, referring to interpersonal and practical advantages (Table 2). Advantages were defined as interpersonal, when interviewees indicated that CBC would enhance the quality of the dialogue between the two parties or when these related to emotional well-being and comfortability when facing the other party during VOM. Advantages were labeled "practical" if interviewees perceived digital victim-offender mediation to contribute to greater efficiency in planning, organization and/ or implementation of VOM meetings. The following section describes the most striking themes and provides examples for each.

**Table 2.** Advantages of CBC VOM in comparison to existing forms (face-to-face mediation, letter exchange, shuttle mediation) as indicated by the interviewees (n = 18).

Category	Thematic aspect	N interviewees (%)	Compared form	Description of key points
Interpersonal	Perceived environmental safety	10 (56%)	Face-to-face	A victim can remain in a secure, comfortable location, not exposed to a stressful environment.
	Emotional distance	10 (56%)	Face-to-face	Dig. VOM creates a feeling of distance, that is less confronting than meeting each other in the same place
	Richness of information	8 (44%)	Indirect VOM	Digital VOM contains more information than indirect forms to draw conclusions about the conversation partner
	Non-verbal content	7 (39%)	Indirect VOM	
	Immediate feedback	4 (22%)	Indirect VOM	
Practical	Logistic advantages	14 (78%)	Face-to-face	Contact is still possible, even if both parties live far from each other
	Efficiency/flexibility (technical)	8 (44%)	all	Time and cost saving, easy implementation
	control	5 (28%)	Face-to-face	The users can easier leave a meeting.

### Interpersonal Advantages

**Perceived Environmental Safety and Emotional Distance.** According to ten respondents, an important advantage of CBC-VOM lies in its capacity to establish a meaningful dialogue while creating a feeling of environmental safety, assuring that the other party is not physically present or nearby. The interviewees perceived multi party video conferencing as less confrontational compared to face-to-face encounters, but recognized characteristics of richer communication. One offender (O3) said: *“If offenders did it [the crime] on purpose, video conferencing could be a better option [for them, the offenders]. It is more easy than facing the other party. . . ]You talk to each other. You see each other. But there is distance.”* Accordingly, one offender (O4) told about other inmates who were intimidated or ashamed to meet the victim in person: *“Skype is also a good idea for other inmates who do not want to meet physically – because they are afraid to have a personal conversation”* He also added: *“I would feel less nervous [when using Skype].”* Similarly, ten interviewees thought that such a digital, visual communication form might be appropriate for victims experiencing high fear to meet the offender in person. For example, one victim (V2) said: *“I can imagine for people . . . who are very afraid of the offender, that they think: Well, then I will ask him through the computer- screen.”* Mediators also raised concerns about unreasonable circumstances under which face-to-face mediation could take place, for instance, (M1):

I had a mediation [case] with a woman who was 94 years old, I think. She said that she really would like to engage in VOM, but I will not go to a prison, this is too much for me. She wanted [to meet the offender], but finally, it turned out to be a letter exchange. Who knows what else could have been possible?”

More generally, she explained: *“We must not underestimate how difficult it is to enter a room where this person is sitting . . . Sometimes in prison, when the door closes . . . this is very hard to handle [for victims], for instance, if the offense involved kidnapping.”*

According to the interviewees, CBC VOM could establish an environment in which both parties feels more comfortable and safe, therefore being appropriate for *“those who want a dialogue but not want to be in the same room”* (M3).

**The Richness of Information: Preference for CBC VOM Over Indirect Forms.** Eight interviewees considered communication in CBC to be richer than letter exchange or shuttle mediation, providing direct audio or visual cues. Interviewees mentioned that CBC offers ample opportunities to express emotions (V1, E7) and to adjust the tone of voice (e.g., *trembling*), and intonation (O1, M4) and to recognize sincerity and behavior (V2, O2). More general, one offender (O4) noted: *When I called my mum, I wanted to see if she's doing well. If she said "I am ok," you might not know if it is true. If you use Skype, you can see if she's fine.* Mediators also observed that victims and offenders often face difficulties in putting their thoughts and emotions into written words (e.g., V1):

If it is just too much to meet the offender in person . . . But you can just say what it [the crime] did with you [in an online, video conference]. And in a letter, this is always . . . Not everyone is good in writing this down . . . I can imagine that it is very difficult to 'write' your feelings down and then, you can just tell [how you feel], and show your emotions.

Several interviewees indicated that in contrast, text-based communication is likely to lead to misinterpretations, making a meaningful conversation more difficult. CBC forms could also provide the opportunity to directly react to the other party. One mediator (M1) said: *"Then, I [the mediator] can adjust my tone of voice, I can listen, I can hear what someone says. I can ask more questions, so I get more information."*

### **Practical Advantages**

**Logistic Efficiency and Control.** Most interviewees (from all groups) emphasized logistic advantages (n = 14; 78%) and organizational efficiency (n = 8; 44%) as key practical advantages of CBC during VOM. They explained that digital VOM would be a time and cost-saving way to establish a conversation if there are geographical burdens that hinder parties to meet or if there are other circumstances (e.g., different job times) that would make physical appointments impossible. One mediator (M1) said:

I support a victim that will immigrate to Brazil soon but would still like to have contact [with the offender] . . . if he is ready for it . . . this could be done via Skype, I thought about this option!" Another mediator (E7) said: If there is physical distance . . . the victim lives in Limburg and the offender in Groningen and they want to have contact . . . but who will travel? This could be cost-saving.

Two victims and two mediators also added that each party would have more control over the conversation, for instance, by pressing a button to stop the connection or to mute the conversational partner or to hide negative feelings more easily, therefore appearing less vulnerable than in a face-to-face conversation. Their perceived usefulness of CBC VOM seemed to be case dependent, mainly enhancing VOM when one party cannot or does not want to meet the other in person.

### **Disadvantages of CBC in VOM**

Interviewees perceived several barriers and appraised important requirements of CBC in VOM. Again, these could be categorized into interpersonal disadvantages, which are related to the interaction between the communication partners, and practical disadvantages,

referring to the setup and planning of the mediation procedure (Table 3). Importantly, all disadvantages were mentioned in comparison to face-to-face mediation, but not vis-à-vis indirect forms of VOM.

### **Interpersonal Disadvantages Compared to Face-to-Face Mediation**

**Lower Richness of Information and Emotion Expression.** Many members of all three focus groups (n = 13; 72%) agreed that video conferencing would lack crucial information that a face-to-face meeting provides and that helps to interpret a person's emotional state correctly. Importantly, interviewees think this is related to fewer observable non-verbal information (n = 10) and lesser capacity to express and perceive emotions during video conferencing (n = 13). One victim (V2) of an armed robbery explained her experience when the offender came in the room:

You felt tension, you felt his emotions, my emotions and my anger. I think this is different if you do this via the television [screen] . . . I think you would miss the feeling . . . how he entered the room . . . how the whole situation would be different in front of a screen I think.

**Seeing the Complete Picture: Grasping the Context.** Most interviewees (n = 14; 78%) think digital VOM is less capable to display the whole person and to provide contextual information to understand a message in the correct manner. First, this relates to the entire visible information about the person itself (i.e. body language and gestures); one victim (V1) described:

You do not see the whole person [during digital VOM] but just a piece and you cannot clearly see the body posture and, for instance, what he's doing with his hands . . . someone can sit there with a motionless expression but in the meantime having sweaty hands, which might be a sign of serious stress.

Furthermore this information refers to the temporal context, that includes the perceptions of the conversational partner's appearance (e.g., body posture) before mediation begins (V3): *"The way he came into the room . . . you could already see that something is not right*

**Table 3.** Disadvantages of digital VOM in comparison to face-to-face mediation (no disadvantages mentioned in comparison to indirect forms of VOM) as indicated by the interviewees (n = 18).

Category	Theme	N interviewees (%)	Description of key points
Interpersonal	Richness of information	13 (72%)	Less amount of information about the other party and the message
	Emotion expression	12 (67%)	More difficult to express and understand emotions, to interpret one's behavior
	The context	14 (78%)	Lower capacity to interpret the other party's gestures and behavior
	The atmosphere	11(61%)	Getting in contact in VOM is an extraordinary situation, that might cause tension and reliving traumatic experiences
	Impact of mediator	7 (39%)	The mediator's physical proximity during face-to-face mediation makes it easier to control the conversation dynamics than in CBC, in which every participant is in his own place
Practical	Symbolic meaning	8 (44%)	CBC VOM is a less strong symbolic form of reparation or closure
	Privacy concerns	13 (72%)	Assuring confidentiality of data is more difficult
	Technical risks	11 (61%)	Internet connection is unstable or stops

[the offender was very nervous]" Digital VOM, which usually starts right after everyone is sitting in front on the camera and ready to talk, is thought to miss such crucial contextual information.

**The Atmosphere.** Another key theme throughout the interviews was the experience of a specific ("basic" [M5]) atmosphere; ten (56%) interviewees were convinced that is a unique and highly important aspect of face-to-face mediation. Consequently, interviewees raised concerns that this atmosphere is less transmittable in CBC. One victim (V3) said:

What is that? Yes, there is a specific atmosphere in the conversation. There is more atmosphere in a face-to-face meeting than via internet, I think. You cannot see fear [via internet]. If you see each other [in real life], you see that. Or insecurity, or embarrassment ... there is more emotion, I recognize this in a better way if I talk to someone in reality.

**The Mediator's Influence.** Seven mediators and victims (38%) were concerned that the mediator's control of the conversation will diminish. Escalating conversations might be more difficult for the mediator to re-organize, mediators feel to have less control over external disruptions occurring during the meeting and might be less able to intervene in heated situations to manage emotions (M2):

You have less influence, usually, I sit at a table with [victim and offender], if there are many emotions, you had meetings to build up trust, and you remind someone to calm down [i.e. to let the other part speak], put a hand on his arm and explain "well I recognize that you want to tell something, but please wait until the other one has spoken." You can manage it, much better than if there is distance. So I think your influence is not that strong. And that is a risk for the situation to turn out the wrong way (M4):

It is not that easy to comfort a person, or to put a hand on the shoulder [during digital VOM]"; one victim (V1) indicated: "You are alone with your emotions.

**The Symbolic Meaning of VOM.** Several (n = 8; 44%) interviewees believed that VOM needs to serve a symbolic function, having, for instance, therapeutic transformative power to reach closure. A mediator (M5) told about his experience: "*They did not talk that much, sometimes, they just sit together, crying, and say nothing. . .*" On the other hand, an 18-year old victim (V4) stated: "*I just wanted to look him in the eyes!*" as a means to cope with her traumatic experiences and fears. An offender (O3) was convinced that a face-to-face meeting "*is more personal, a personal conversation is better to cope, especially for the victim.*" Five interviewees from all three groups were concerned that this symbolic meaning of VOM would be weakened in a digital venue.

### **Practical Disadvantages: What Could Go Wrong and Should be Avoided**

**Safety and Confidentiality: Privacy Concerns.** Many interviewees (n = 14; 78%) raised concerns about maintenance of privacy, e.g., assuring that material could not be shared with unauthorized third parties, that no other people were present in the room during video conferencing and listening to the conversation or taking pictures. M7 for instance,



wondered: *How would we check that it is really a one-by-one conversation? It is a victim-offender mediation, how do I know that there is no journalist [who is not visible in the camera] sitting on the table as well?*

**Technical Malfunction: Dependency on Technology.** A majority of the interviewees (n = 11; 61%) identified technical disruptions as a major risk of CBC in VOM. If a system or internet connection is unstable, the connection could break and the conversation would freeze or stop. Interviewees thought that the probability is rather low, however some of them feared technical disruptions would have major implications for the mediation process, especially in high emotional situations: One victim (V2) warns:

In the moment when there is victim-offender mediation, it is about a severe incident, [. . .] and in the moment in which the connection does not work [. . .] then such a mediation has failed already.

One mediator mentioned: (M1) *“The conversation will no longer be real.”*

### **Aspects to Consider When Setting up CBC VOM**

We asked each interviewee to imagine having mediated contact with the other party and the mediator via an online chat application that allows video conferencing. Interviewees identified several key requirements that such a well-designed setup should comply with (Table 4).

Many interviewees would like to be in a secure, calm place (e.g., police buildings) in which they would feel comfortable (n = 12), where others do not interrupt and where their privacy is not invaded (n = 11) (e.g., when the other party could see the person’s interior/ personal pictures). Similar to face-to-face mediation, an online meeting requires careful preparation to establish a smooth conversation. Victims, offenders and mediators (n = 10) agreed that before video conferencing could take place, participants need to receive detailed instructions about the procedure. Similar to current practices, mediators need to manage their expectations and to assess if applicants are eligible for mediated contact. Agreements (e.g., informed consents) have to be made beforehand, and privacy should be granted. A minority of interviewees (n = 6) would appreciate if there was a second mediator involved, so that victim and offender are each supervised (n = 6). The mediator who structures and supervises the (online) conversation needs to be well versed into the application used for the mediation.

**Table 4.** Requirements of video conferencing in VOM based on the interviews with victims, offenders and mediators (n = 18).

Theme	N interviewees (%)	Description of key points
Environment	12 (67%)	No disruptions and safety (comfortability)
Preparation/ structuring/ expectation management	10 (56%)	Similar to a face-to-face meeting, including considerations that proceed the mediation phase
Privacy	11 (61%)	Confidential handling of data, secure environment
System stability	7 (39%)	Stable internet connection without disruptions
Informed consent/ agreements	6 (33%)	Informed consent to respect the terms and conditions of use of data
Neutrality of mediator/ partners	6 (33%)	Neutral attitude of mediator; collaboration with a 2 <sup>nd</sup> mediator to grant privacy
Technical skills of mediator	4 (22%)	The mediator needs to know the functions of online chat applications, e.g., to reset and re-start the application

### ***Allocating Digital VOM in Between Existing Forms (Perceived Usefulness)***

The general tenor from all three focus groups was that digital forms of VOM were regarded as a valuable means that potentially closes the gap between face-to-face and indirect VOM: Most (n = 15; 83%) interviewees would appreciate digital forms offered as an addition to current practice, perceiving that additional communication channels could significantly enhance the mediation process. Two victims and four offenders explained that if face-to-face contact was not possible, they would prefer CBC over letter exchange or shuttle mediation. M7 stated:

Someone does not want a direct confrontation – but then we suddenly have an extra, tool' so that something can happen that does not happen now [...] but I would not regard it as an alternative to the face-to-face conversation ... So it is an alternative to have no contact or ... the letter ... it would be in second place so to speak.

Other interviewees shared this opinion, however with muted enthusiasm. V2 for instance, said: *“It could have been a plan B [...] but I notice in cases that are so sensitive that personal contact is very ... very important.”*

### ***The Perceived Applicability: The Phase of the VOM Process***

Almost half of the respondents including all mediators would perceive CBC being more applicable in the advanced stages of the mediation process (that implies the mediated contact and closing stage) rather than in the intake phase, in which the mediator gets acquainted with the applicants and their context of living (n = 8; 44%).

### ***Video messages: a spoken message***

In addition to video conferencing, ten interviewees (56%) also indicated that asynchronous VOM through video messages could be implemented in future practices. For two mediators and one victim, a major advantage of such a communication form would be that the data is in the mediator's hand, which gives a higher feeling of control and protection of privacy than during video conferencing. Two other mediators, two victims and one offender also appreciated that this form would be a valuable opportunity to transmit a message in a more natural, less biased way, than it is done in shuttle mediation (M1):

Then, you hear the voice of the other one. You make it more personal. If I relay messages between the parties, I do this the way I am, with my voice [...] The message will be perceived differently. In this way, I am influencing how the message is received. This is some kind of manipulation.

In line with this, a victim (V2) mentioned: *“Everyone can write a letter, but in a video message ... you need to put more effort in it. You can see it (the sincerity of the sender) better in a video message.”* Importantly, one victim and offender mentioned that such a message should be shown to the other party “as recorded,” without editing the data and -if possible- in the first try to appear natural.

As a disadvantage, three victims and one mediator pointed out that this form does not offer an opportunity for an immediate reaction to a message, therefore proposing to combine different forms throughout the VOM. In conclusion, five of the above-

mentioned interviewees would regard this as a valuable, additional form, that has less technical requirements than CBC VOM (e.g., an internet connection is not needed if messages are relayed offline, for example, on the mediator's tablet).

## Discussion and Recommendations

Restorative programs offer victims and offenders the opportunity to engage in mediated dialogue with each other, helping aggrieved parties to process the consequences of crime and increasing their satisfaction with their legal process (Hansen & Umbreit, 2018; Jonasson van Dijk et al., 2020; Zebel, 2012). Yet, many cases in such programs do not result in mediated contact due to geographical, practical or personal reasons (Hansen & Umbreit, 2018). Especially when face-to-face communication is not feasible, CBC has the potential to establish a visual-vocal informative conversation and to maintain social contact (Antonucci et al., 2017; Hampton et al., 2017). To our knowledge, no empirical research has examined how CBC would perform in victim-offender mediation settings. We therefore set out to gauge the potential of CBC in the context of VOM and explore mediators', offenders' and victims' views on its usability and applicability. The findings lead to considerations that practitioners may wish to consider when guiding VOM digitally. Interviewees' answers indicate that CBC could enhance the mediation process regarding (1) victims and offenders emotional well-being (e.g., higher perceived environmental safety and less confrontation) and (2) organizational efficiency (easier to set up, time flexibility). Compared to face-to-face contact, CBC is perceived to generate higher feelings of environmental safety for victims, as the other party does not have to be physically present or nearby. This perspective aligns with literature that identifies (stressful) confrontation as a major drawback commonly associated with face-to-face mediation (Bolívar, 2013; Choi et al., 2010; Wemmers & Canuto, 2002). Another, and consistent with previous CBC related literature (e.g., Antonucci et al., 2017; Hampton et al., 2017) is that interviewees from all three groups emphasized logistic advantages and organizational efficiency as key advantages of CBC; that is, meetings that are difficult to arrange, for instance, due to geographical burdens, could be set up more easily in an online environment and would require less preparation and organization. In accordance with Swaab et al. (2012), many interviewees identified key characteristics of rich communication in CBC. The outcomes of this study back the classification of CBC made in the Communication Orientation Model (Swaab et al., 2012). Interviewees consistently would prefer these forms to indirect, text-based mediation in order to gather information about the communication partner that is as rich and informative as possible. This richness of a communication medium was reflected in its capability to express and perceive non-verbal cues, which turned out to be a main thematic aspect throughout the majority of interviews. All interviewees considered visual and non-verbal input as essential to understand the other party's message correctly and to ensure that it reflects reality (i.e. how the other person feels). However, interviewees also agreed that this capacity is limited and not as strong as when seeing and talking to the other party in real life. The majority thought that this would be a main disadvantage compared to face-to-face VOM. Most importantly, in CBC, the context is not as visible, meaning that it is more difficult to interpret body language in its entirety. Most interviewees argued that digital VOM is less capable of displaying the whole person (e.g., nervous hands, gesture) or providing contextual information (e.g., the whole time span from the starting point of VOM, when the other party enters

the room) that are taken into account to process a message in the correct manner. Thus, several interviewees were doubting if CBC in VOM would still serve a symbolic meaning compared to face-to-face VOM: Many VOM applicants have a desire to find a way that is acceptable to cope with the aftermaths of the crime; often, symbolic gestures accompany this need (e.g., shaking hands at the end) when making reparations, such as offering an apology (Nugent et al., 2001; Shnabel & Nadler, 2015; Umbreit et al., 2005). This study also identifies the mediator's perceived lack of control as another issue that warrants further attention. First, mediators fear they would be less able to intervene if a person becomes emotional or distressed online. From a distance, it is more difficult to manage emotions because body contact (e.g., touching one's shoulder) is not possible. Second, mediators were not sure how to prevent disruptions (for instance, when another person suddenly enters the room) and how to handle data confidentiality from a distance. Third, all parties raised concern about what would happen if the internet connection is unstable. In line with Koudenburg (2017), most interviewees believe that this would dramatically affect the quality and outcomes of the conversation compared to face-to-face VOM. Our results suggest the following when using video-chat applications in VOM: Practitioners should ensure that both parties receive detailed instructions about the procedure beforehand to facilitate a smooth conversation and to manage expectations. Meetings should take place in a secure, calm environment (e.g., police buildings) in which participants feel comfortable and other people or background noise would not disrupt their concentration and privacy. The option of a second mediator might be considered so that one mediator can accompany each party physically. Additional agreements (informed consent) need to be taken to protect confidentiality. If this cannot be given, asynchronous communication by using video messages might be a better option for the mediator to keep control of data and the mediation dynamics. Importantly, a substantial part of the interviewees indicated that they would prefer such video messages over indirect forms of VOM such as shuttle mediation and letters.

### **Limitations**

Several limitations of this study need to be addressed. First, and although considered appropriate to attain data saturation, our findings are based on a relatively small sample size. The sample was also diverse in terms of the case and person specificities included as well as of the role of those involved in the mediation process: victims, offenders and mediators. Yet, our study could not explicitly differentiate variations in standpoints within each of the three interviewee groups. This would be interesting to explore in follow-up research as victims and offenders typically base their opinion on the specific and often very personal case they are involved in, whereas mediators' estimations were grounded on a wider variation of cases and from a more distant perspective. Furthermore, our study does not encompass the multiple realities that occur in restorative processes (Zehr, 2002). Interestingly, the interviews reflected this complexity of VOM. Against expectations, our data does not provide evidence that participants' communication orientation toward their counterpart was a major predictor to evaluate the applicability, usefulness and ease of use of having contact with the other party remotely. Rather, communication orientation seemed to play a more subtle role compared to other motives, expectations or wishes that interviewees based their statements on. Additionally, when

considering the advantages and disadvantages of digital communication, interviewees tended to refer to their general knowledge about digital communication and technology. Follow-up research might include additional perspectives of other stakeholders, such as family members or mediators who used CBC in their cases. In line with this, future research should explore the capacity of digital communication to ameliorate the mediation process for specific groups, such as juvenile victims and offenders. For example, Hayes and Snow (2013) argue that in highly emotionally charged processes, a noticeable number of juvenile offenders does not express their own emotions or is not capable to recognize emotions in their conversational partner appropriately. The question arises how and to what extent technology can help to remedy these concerns. Additionally, our findings may suffer from selection bias with regard to preferences for existing mediation forms. The majority of the respondents preferred face-to-face mediation over letter exchanges; the question arises whether applicants who would strongly prefer indirect contact perceived CBC in similar ways as interviewees in our sample did. Notably, interviewees also reflected on previous experiences with CBC in daily life but did not yet experience it in VOM. Actual effects and risks might therefore be over- or underestimated. Interestingly, offenders seemed more willing to use CBC in their own specific cases than victims would. Victims were also more determined in their communication preference (see also, Bolívar, 2013). We therefore recommend future research into determinants of actual willingness to opt for online mediation in ongoing VOM cases.

### **Conclusion and Future Directions**

Online communication has replaced face-to-face meetings on many occasions, showing a general trend for greater use and acceptance of CBC in many sectors over time. Within this study, we examined the role of online computer-based communication in the context of VOM. Notably, all interviews were administered before 2020. Our current perspective is that the increasing application of CBC in daily life may impact respondents' perceived usefulness and applicability of CBC in VOM. On the one hand, perceived risks and barriers might have reduced among VOM participants and mediators due to the increased use and familiarity. On the other hand, there are also many reports of the difficulties and risks of making a valuable connection via CBC, especially with unfamiliar others (see, also Mýlek et al., 2020). Future studies may seek to verify this. The current study in this respect may function as a baseline (i.e. before COVID-19) future studies on this topic can be compared with. Our findings suggest that CBC has the potential to enrich the ways in which VOM is organized – taking into account important privacy and technical concerns, CBC at the very least may help to close the gap between face-to-face and nonvisual indirect VOM.

For practitioners, this paper offers two major implications. First, it assists mediators in gauging whether digital VOM might be a valuable addition or alternative to face-to-face, letter or shuttle mediation to establish VOM meetings effectively. Second, it provides practical guidance on how to plan, prepare and conduct mediation online and remotely to set up a conducive and safe environment in which victims and offenders feel as comfortable as possible to express their standpoints. A deliberate choice of the mediation form(s) matching the needs of the parties and its professional execution are key aspects of the mediation process serving its intended purpose to establish a meaningful dialogue between conflicting parties.

## Notes

1. <https://news.ubc.ca/2020/05/04/making-a-difference-ipads-on-wheels-connects-hospitalized-covid-19-patients-with-loved-ones/>.
2. E.g. <https://www.euforumrj.org/en/justice-and-healing-during-pandemic>.

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## Disclosure Statement

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

## Data Availability Statement

The data that support the findings of this study are available from the corresponding author, upon reasonable request

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