

How restorative justice 'works': Psychological changes expected and experienced by victims who communicate with offenders

Diana Batchelor
Centre for Criminology, Faculty of Law
New College, The University of Oxford
diana.batchelor@crim.ox.ac.uk

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Abstract

There is evidence that some victims benefit from communication with offenders, at least some of the time, but little is known about *how* these benefits occur. Many have theorised about the mechanisms by which restorative justice produces outcomes for victims, but few have empirically tested these theories. This thesis proposes five main types of psychological change generated for victims by a specific restorative justice practice (communication with the offender), which in turn lead to satisfaction and wellbeing. Three studies were designed to test whether victims expect and experience changes in their perceptions of 1) procedural justice, 2) punishment, 3) prevention, 4) the offender and 5) themselves. Analysis of quantitative data from a national victimisation survey and a complementary smaller-scale online survey demonstrated that four of the five types of victim perception predicted willingness to meet the offender. Victims were particularly motivated to meet the offender when they believed the criminal justice system had failed to fulfil their justice objectives. Analysis of qualitative data from interviews with forty people demonstrated that victims expected and experienced each of the five types of psychological change, and attributed improvements in their wellbeing and satisfaction to having experienced these five changes. This constitutes preliminary but promising evidence that together the five mechanisms explain how communication with the offender benefits victims. The thesis also provides conceptual clarity on the precise nature of the changes that take place during victim-offender communication, and a theoretical framework upon which future studies can build. Knowledge of the mechanisms by which victim-offender communication ‘works’ can help victims make informed choices about participating, can enhance preparation and facilitation, and can contribute to the wider conversation about how to deliver meaningful justice for victims.

Table of Contents

Chapter 1: Introduction	6
1.1 Why this research?	9
1.2 What does this research contribute?	11
Chapter 2: A framework for theories of victim-offender communication.....	16
2.1 What is a mechanism?	17
2.2 Mechanisms versus active components.....	19
2.3 Development of the theoretical framework	22
2.4 Five mechanism theories	23
2.5 Research questions	30
2.6 Thesis methodology	31
2.7 Conclusion.....	34
Chapter 3: A review of the literature on victim participation in restorative justice	35
3.1 Evidence for the five mechanisms.....	38
3.2 Other predictors of victim willingness to communicate with offenders.....	51
3.3 Conclusion.....	68
Chapter 4: Identifying predictors of victim willingness to meet the offender	72
4.1 Hypotheses	76
4.2 Method	82
4.3 Results	87
4.4 Discussion.....	92
4.5 Conclusion.....	102
Chapter 5: Explaining crime type and identity group as predictors of victim willingness to meet the offender.....	105
5.1 Hypotheses	107
5.2 Method	111
5.3 Results	112
5.4 Discussion.....	117
5.5 Conclusion.....	124
Chapter 6: Victims' justice objectives as predictors of willingness to meet the offender	128
6.1 Hypotheses	130
6.2 Method	133
6.3 Results	139
6.4 Discussion.....	152
6.5 Conclusion.....	161
Chapter 7: Victims' self-reported expectations and experiences of communication with the offender	164
7.1 Methodology	165

7.2 Evidence for mechanisms in the interview data	175
7.3 Perception of procedural justice.....	176
7.4 Perception of punishment.....	181
7.5 Perception of prevention.....	187
7.6 Perception of offender.....	193
7.7 Self-perception	202
7.8 Limitations	209
7.9 Conclusion.....	210
Chapter 8: Patterns in victim motivation and outcomes from communication with the offender	213
8.1 Method.....	213
8.2 Six case studies	215
8.3 Discussion.....	235
8.4 Conclusion.....	239
Chapter 9: Discussion.....	241
9.1 Evidence for the five mechanisms.....	242
9.2 Are (all) the mechanisms necessary?.....	260
9.3 Are the mechanisms sufficient?.....	264
9.4 Moderators of victims' experiences	269
9.5 Conclusion.....	276
Chapter 10: Conclusion.....	277
10.1 Applying the research findings	278
10.2 Reflections on design and execution of the current studies.....	286
10.3 Future directions for mechanism theory research.....	287
10.4 Final thoughts	290
References	292
Appendices.....	312

Table of Figures

Figure 2.1 The five mechanisms	16
Figure 2.2 Path diagram depicting a mediator relationship, from Baron & Kenny (1986).	18
Figure 4.1 Quadratic relationship between severity and willingness to meet	99
Figure 5.1 Hypotheses summary.....	111
Figure 6.1 Self-assessed seriousness of crimes experienced by the participants	134
Figure 6.2 Participant willingness to meet the offender	135
Figure 6.3 Reported level of violence of crimes.....	136
Figure 6.4 The extent to which participants rated each of the justice objective items as important.....	140
Figure 6.5 The extent to which participants felt that each of the justice objectives had been fulfilled	141
Figure 6.6 The extent to which participants expected justice objectives fulfilment through meeting	142
Figure 9.1 Mechanism model as proposed in Chapter 2	264
Figure 9.2 Mechanism model revised to reflect intermediate role of 'Uncertainty about offender'.....	264

Chapter 1: Introduction

This thesis considers what happens when victims are given the chance to communicate with the people who committed an offence against them: why they choose to communicate, what they get out of it, and how their motivation to communicate affects the outcomes they experience.

While people often describe communication between victims and offenders as restorative justice, the term is much broader; restorative justice can be used to mean a justice paradigm, theory, philosophy, or movement. This thesis is not about ‘restorative justice’ in its fullest sense. I make no claim to evaluate these broader concepts, but focus entirely on communication between victims and offenders. I nevertheless start with a brief history of restorative justice (RJ), to explain the context within which victims are offered the chance to communicate with the offender in the UK criminal justice system.

The set of practices now known as RJ arose in Canada, the USA, New Zealand and Australia in the 1970s and 80s, and included Victim-Offender Mediation (VOM) and Victim-Offender Reconciliation Programmes (VORP).¹ A body of academic literature soon followed, emerging partially from the concurrently developing field of victimology (Wemmers, 2010). In 1989, Braithwaite wrote in Australia about the victim’s role in reintegration of the offender (J. Braithwaite, 1989). Almost simultaneously in the USA, Zehr suggested that RJ could bring about a paradigm shift in criminal justice (Zehr, 1990). The practice of RJ also spread in this time, reaching many parts of Europe in the 1990s, including the UK. This generally took the form of victim-offender communication (meetings or letters between victims and offenders), offender involvement in repairing harm caused by their crimes (e.g. community service), victim

¹ In most places around the world, informal justice processes have existed that share some elements of modern-day ‘RJ practices’. However, these four countries are listed because their intentional use of such processes led to the development of the term RJ, and subsequent attempts to define it.

involvement in conveying the impact of crime to offenders (e.g. victim awareness programmes) and community involvement in offender rehabilitation (e.g. circles of support and accountability).

Many early definitions of RJ included claims that have since been criticised or even rejected. Zehr (1990) and Fattah (1998) both contrasted restorative with retributive justice, proposing that its foundations and objectives were diametrically opposed to those of the existing punitive system. Many scholars have subsequently argued that this is simply not the case, as there are numerous similarities and overlaps between the two e.g. Cunneen & Hoyle (2010). In 2016, Daly said unequivocally that the dichotomy is a ‘nonsense’ (p. 15), and noted that even Zehr now contrasts RJ with ‘traditional’ criminal justice practices rather than retributive ones (Zehr, 2014). Daly (2002) has also argued that this is just one of four myths about RJ that are untrue. She challenged the myth that RJ processes are based on ancient indigenous justice, as this ignores the diversity of practices among indigenous cultures, including many that have been selectively erased from memory such as corporal and capital punishment. She also debunked the myths that RJ represents a more feminine approach to justice², and that it is always transformative. Given that to a greater or lesser extent these myths appeared in the early definitions of RJ, it is perhaps unsurprising that so much confusion has ensued.

In this thesis I steer away from a broad philosophical meaning of RJ, not only because a definition is so elusive, but also because such nebulous language is an unhelpful obstacle to the safe and effective implementation of what is still a relatively new set of criminal justice practices. Strang and Sherman (2015, p. 6) cautioned that some interventions could cause harm because of the ‘wide array of justice practices called “restorative”’. They suggested that the obligation therefore falls on practitioners to constantly evaluate their work or adopt only

² As argued, for example, by Masters & Smith (1998) who propose that RJ is an example of a justice system based on a ‘concrete, relational, expressive, feminine’ ethics of care (p. 6).

evaluated, off-the-shelf programmes. While monitoring and evaluation of programmes is certainly good practice, a more useful approach would be for the research community to better define the practices they are assessing and find out how they work. This would allow service-delivery organisations to escape the rather stark options of either designing and evaluating a programme from scratch or picking one in its entirety from the ‘tested’ shelf. Instead, they would have evidence upon which to adopt and adjust proven practices to their particular context.

I concur with Daly, who in 2016 retracted her earlier view that the lack of consensus on a definition of RJ was unproblematic. Instead, she now argues that we *must* more narrowly define RJ in order to assess it empirically. She positions RJ as a ‘justice mechanism’; an activity or tool to use as a response to crime, seeing its defining feature as meetings between victims and offenders. While Daly suggests that the term RJ should be used only to mean victim-offender meetings; I expect that its broader definition will nevertheless endure. Preventing its use as an aspirational, philosophical, umbrella term seems simultaneously both counter-productive and unattainable. Where we undoubtedly should moderate use of the term, however, is in reference to a disparate set of *practices*. It is impossible to develop academic rigour and evidence-based policies whilst using the same term for two different things: for example, when a victim-awareness group and community service are both referred to simply as ‘RJ’. The logical alternative, therefore, is to name the intervention that is occurring; the intervention that will be the subject of research or evaluation. In keeping with this, I focus in this thesis on a single type of RJ *practice*: communication between victims and offenders (including both direct meetings and indirect forms of communication, such as letters and messages).

The focus of this thesis on victim-offender communication could theoretically include any communication between victims and offenders, regardless of whether it occurred under an RJ banner. Indeed, I would argue that incidences of victims communicating with offenders in a variety of different circumstances (including without facilitation) have more in common with

one another than many of the unconnected interventions that are labelled 'restorative'. In practice, however, this research is limited to victim-offender communication offered by the 'police or other criminal justice agencies' (Chapters 4-6) or facilitated by practitioners trained in RJ (Chapters 7 and 8). The facilitators' RJ training, experience and application of core RJ principles all play an important role in the process, but their practice differs from one another and over time. For this reason, and due to the absence of a clear definition of RJ described above, in this research I neither presume nor attempt to measure 'restorativeness'.

1.1 Why this research?

It is uncontroversial to claim that we are awash with RJ research, and it would be reasonable to ask why any further research is necessary. One reason is that there is an increasing tendency to refer to RJ as a therapeutic intervention for victims, yet there is an absence of good quality, empirical research into the psychological changes that occur for victims when they participate.

Despite the preponderance of books and articles on RJ, a surprisingly high proportion of the literature constitutes opinion pieces. It is admittedly important to debate a concept that potentially has substantial implications for criminal justice practice. However, RJ has been dissected at a disproportionately high rate – perhaps precisely because it means so many different things to different people. Academics first began trying to define it in the 1980s (e.g. Umbreit, 1989), and attempts to settle on a definition continue (Daly, 2016; Suzuki & Hayes, 2016). Perhaps because of the tendency for people to become RJ advocates or critics - with little room for a middle ground - a significant proportion of the literature is taken up by articles either defending or critiquing it (e.g. Acorn, 2004), often unsupported by evidence. Thus, while the volume of RJ literature is high, only a small proportion consists of empirical evidence.

The past few decades have seen an increase in the volume and quality of empirical evidence, but our knowledge of the factors that influence victims' experiences of RJ remains relatively limited. Gehm's 1990 study is an unusual example of early quantitative work conducted with victims who were offered an opportunity to participate in meetings with offenders, and only much more recently has such an approach been replicated (e.g. Batchelor, 2017; Zebel, Schreurs, & Ufkes, 2017). Qualitative studies are becoming increasingly focused and systematic in their exploration of participants' experiences, for different types of crimes and under different circumstances (e.g. Walters & Hoyle, 2011). Yet, most research on victims has focused on why victims do or do not take part in meetings with offenders and, if they take part, whether they were satisfied with the process. While these studies are of course important, this means that a thorough exploration of *how* RJ leads to benefits for victims is still lacking.

Lack of knowledge about *how* RJ produces benefits for victims is a major barrier to providing a safe and consistent service to victims who are considering taking part. Studies have found that victims are often satisfied with the process (Shapland et al., 2007), on average their sense of wellbeing improves (Rugge & Scott, 2009), or that their symptoms of trauma reduce (Angel et al., 2014). However, other studies have demonstrated negative effects (Choi, Bazemore, & Gilbert, 2012), and there have been only a few explicit attempts to understand the *mechanisms* by which any positive changes occur (Bolitho, 2017; Strang et al., 2006; Wemmers & Cyr, 2005). Asking a victim to take part in RJ is therefore somewhat like asking them to step into the proverbial black box. We know that some people, under some circumstances, will come out the other side feeling better, but we do not know how to assess whether the black box is right for them – because we do not know what is inside it.

Even without knowing what is inside the black box we could more carefully measure *when* RJ has the effect we hope it will have. Historically, some types of crimes have been seen as more suitable for RJ than others; for example, its use remains controversial in cases involving sexual violence (Koss, 2014; Wager, 2013) and domestic abuse (Lünnemann & Wolthuis, 2015).

The public tend to believe that RJ is most appropriate for young offenders and minor crimes (Roberts & Stalans, 2004), which may be one reason that RJ has been embedded in the British youth justice system but not in the adult system. In police settings, RJ has more often been offered to victims of minor property crimes than serious violent crimes (Shapland, Crawford, Gray, & Burn, 2017), despite empirical evidence that it is more effective for serious violent crimes (Sherman & Strang, 2007). It is both necessary and feasible, therefore, to find out both how and *when* the black box ‘works’, if we are to continue asking victims to step inside it.

1.2 What does this research contribute?

As we have seen - and as Chapter 3 will demonstrate in more detail - there has been plenty of research on victims’ experiences of RJ processes, and the field continues to grow. Two key things have been missing however, which this research brings to the field: 1) A theory-driven, systematic investigation of *how* RJ produces outcomes for victims (mechanisms), and 2) Triangulation of mixed-method studies, to ensure that findings are both in-depth and generalisable.

Johnson, Tilley, and Bowers published a framework by which to assess mixed-method crime-prevention reviews (2015). They note that in the quest to establish whether an intervention ‘works’, research often focuses only on establishing an ‘effect’: in the case of crime-prevention this would be a measure of whether the intervention led to a reduction in crime. Building on recommendations from medical, psychological and justice research (e.g. Lipsey & Wilson, 1993; Pawson, 2006; Pawson & Tilley, 1997), Johnson, Tilley and Bowers argue that attempts to establish effect size are inadequate; to truly understand an effect we must also interrogate *causal mechanisms* by which the effect is produced, and factors that *moderate* its efficacy

(e.g. location, context, participant characteristics, etc.).³ They give the example of broken-windows policing, and the possible mechanisms by which it reduces crime, citing Weisburd, Hinkle, Braga, and Wooditch's (2015) study as a good example of how to test a mechanism. Weisburd and colleagues propose and test the idea that broken-windows policing reduces fear of crime, which in turn leads to increased trust among communities, and thus to fewer crimes.⁴

In keeping with Johnson, Tilly and Bowers' recommendations (2015), in this thesis I move beyond the question of whether there is an effect (outcomes for victims), to examining the potential causal mechanisms by which the effects are produced. Drawing on previous literature and exploratory studies, I propose five main changes generated by communication with offenders; changes in victims' perceptions of 1) procedural justice, 2) the offender's punishment, 3) the extent to which the offender has been prevented from reoffending, 4) the offender in general, and 5) themselves. I also propose that these five changes are the mechanisms by which the more frequently measured ultimate outcomes (satisfaction and overall wellbeing) are produced, i.e. they are a part of a 'causal chain' (Johnson et al., 2015, p. 466). These five theories about the mechanisms by which victim-offender communication leads to outcomes for victims (hereafter referred to as the 'mechanism theories') form the framework for the rest of the thesis.

The theoretical framework is described in depth in **Chapter 2**. I present each of the five mechanism theories, and how the development of the framework was informed by a review of the literature and analysis of my own emerging empirical data. I present the types of evidence that are used in the thesis to support, challenge or expand this framework. The chapter finishes with a description of the research questions and how the thesis attempts to answer them.

³ They also include two other dimensions of research that are important for the assessment of evidence on interventions, but which are irrelevant to the current study: Implementation issues and Economic costs of the intervention.

⁴ Their systematic review does not find evidence for this theory, which they attribute to a lack of studies explicitly setting out to test the mechanisms underlying the broken windows policing model.

In **Chapter 3**, I review the existing literature and collate it according to the framework presented in Chapter 2. The existing evidence for the five mechanisms is fragmented; some elements of each mechanism have received more empirical attention than others. Given deficient evidence for each of the mechanisms, as well as an absence of strategic attempts to test or compare the mechanisms, I argue that the existing body of literature fails to provide a coherent explanation of victim participation in RJ.

Chapter 4 investigates whether victims' willingness to meet offenders is influenced by their perceptions associated with each of the five mechanism theories. The Crime Survey for England and Wales collects details about the victim, the nature of the crime, and victims' responses to the crime, as well as asking victims whether they would have wanted to meet the offender. Willingness to meet the offender is the main dependent variable in a series of analyses. I briefly describe the exploratory analysis of data from the years 2011-15 of the survey, and the resulting hypotheses. These hypotheses are tested using data from 2015-17 of the survey. I arrive at a short-list of the main influences on victim willingness to meet the offender, and the contribution this makes to our understanding of the five mechanisms.

I continue to analyse data from the Crime Survey for England and Wales in **Chapter 5**. In this chapter, I investigate whether differences in victims' perceptions (associated with the five mechanism theories) explain the relationships identified in Chapter 4 between the nature of the crime, victim and offender identity groups, and victim willingness to meet the offender, i.e. whether the mechanism proxy variables are mediators in these relationships.

In **Chapter 6** I attempt to further understand the relationships identified in Chapters 4 and 5, through an online questionnaire conducted with victims of crime. The study recreates many of the survey questions from the Crime Survey for England and Wales, modified to improve validity. It tests whether victims' perceptions (associated with the five mechanism theories) predict willingness to meet the offender. In particular, it tests whether victim willingness to meet the offender is predicted by the extent to which certain justice objectives

were important to them, the extent to which they felt these objectives had already been fulfilled, and the extent to which they thought the objectives could be fulfilled through meeting the offender.

Chapter 7 draws on interviews with 40 victims of crime. The interviews conducted prior to communication with the offender are examined primarily for victims' motivation and expectations of the process. The interviews conducted after communication with the offender are inspected for implicit and explicit references to the mechanism theories and the outcomes victims experienced: what changed, what did not change, and how victims related the changes in their perceptions to their overall wellbeing and satisfaction. I also search for counter-examples, where victims did not mention particular mechanisms, where they seemed to prioritise one mechanism over others, or where they explicitly stated that a particular mechanism was irrelevant to their experience of communication with the offender.

In **Chapter 8** I focus on six case studies, involving participants who were interviewed both before and after an RJ process. I present in detail victims' motivation and expectations, and compare them to the outcomes they experienced. In the discussion section, I supplement the findings with evidence from the rest of the 15 victims who were interviewed both before and after the process, to explore patterns of motivation and how these patterns influenced the outcomes victims experienced. This fine-grained analysis of victims' stories complements the findings from the large-scale studies presented in the earlier chapters.

In **Chapter 9** I discuss findings from all of the studies described in Chapters 4 - 8. This chapter looks in turn at each of the mechanism theories, as well as attempting to compare them. Based on the data, I further develop understanding of each of the mechanisms, outline their relation to one another, and consider whether the framework is both necessary and sufficient as an explanation of how RJ 'works' for victims. I touch briefly on the limited contribution the findings make to our understanding of *when* victim-offender communication benefits victims.

Finally, **Chapter 10** reviews the practical contributions made by this thesis, and describes the ways in which this knowledge can be used to improve RJ policy and practice. I also reflect on the design and execution of the studies in this thesis and consider directions for future research in this area.

Chapter 2: A framework for theories of victim-offender communication

This research is built on the proposition that there are five main mechanisms by which communication with the offender benefits victims. This chapter defines the term mechanism (2.1 & 2.2), relates the development of the theoretical framework (2.3), and describes each of the five mechanisms (2.4). At the end of the chapter I describe how the framework leads to specific research questions (2.5), and the methodology by which I attempt to answer them (2.6). In brief, the framework suggests that five types of psychological change lead to the outcomes victims experience, and that victims are motivated to participate by the anticipation of such changes. The changes occur in victims' perceptions of 1) procedural justice, 2) the offender's punishment, 3) the extent to which the offender has been prevented from reoffending, 4) the offender in general, and 5) themselves (See Figure 2.1).

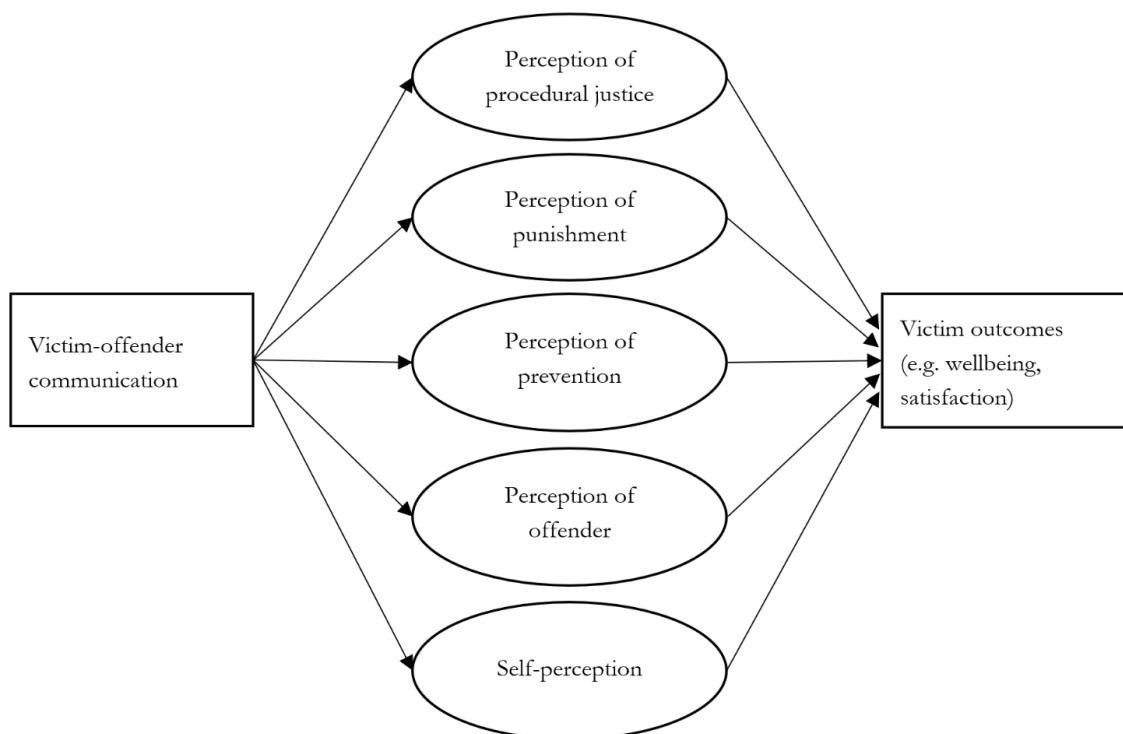


Figure 2.1 The five mechanisms

2.1 What is a mechanism?

For over 2000 years, patients in pain have been given aspirin. Since at least several centuries B.C.E, Greek doctors produced it by boiling the bark of the willow tree. In 1763 the first experiments were carried out to determine the active ingredient: salicylic acid. In 1897 Dr. Felix Hoffman acetylated the acid to make it more palatable, resulting in its current pill form. But it was not until the 1970s that the *mechanism* by which it reduces pain was correctly identified. And it took even longer to determine the mechanism by which it reduces the risk of heart attacks.⁵

In medicine a mechanism is a physical and/or bodily change that is the cause (or one of multiple causes) of an outcome. Aspirin, for example, blocks the production of the enzyme cyclooxygenase, which in turn suppresses the production of certain hormones (prostaglandins and thromboxanes). A *change* in the level of these hormones in the body is the mechanism by which the outcome (feeling better) is produced. The current research focuses on psychological mechanisms, which are often harder to conceptualise. In psychotherapy, the question of *how* therapy leads to change for clients is called ‘change process’ research (Greenberg, 1986).

Baron and Kenny's (1986) statistical method for assessing whether something is a causal mechanism is useful because it also provides conceptual clarity: A predictor (e.g. communication with the offender) causes a change in the mediator (e.g. increases a victim's sense of procedural justice) which in turn causes the outcome (e.g. the victim ‘feels better’). The relationship between the predictor and the outcome is *explained by* the mediator. Thus we can think of the mediator as on a ‘path’ between the predictor and the outcome. There are two types of path between the predictor and the outcome: a direct path (the predictor's direct influence on the outcome) and indirect paths (the predictors influence on the outcome via one or several mediators). We can test whether something is a mechanism by whether an indirect

⁵ <https://www.aspirin-foundation.com>

path exists (e.g. does communicating with the offender increase victims' sense of procedural justice, and does this in turn lead to feeling better), and then by comparing the indirect path to the direct path⁶. Baron and Kenny depict these paths as follows:

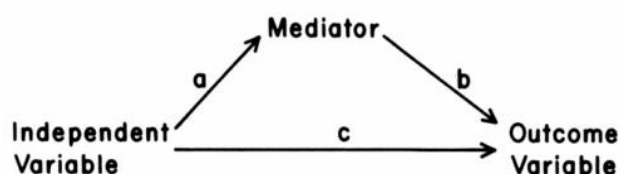


Figure 2.2 Path diagram depicting a mediator relationship, from Baron & Kenny (1986).

Like aspirin in the early 1900s, even specifying which outcomes we are testing for is not easy – doctors knew that it made patients ‘feel better’ but the independent effects of pain reduction and heart-attack prevention have only relatively recently become clear. Some RJ studies have found a positive effect on victims’ physical and psychological wellbeing (Rugge & Scott, 2009) and even a reduction in symptoms of trauma (Angel et al., 2014). The most consistently measured outcome has been a simple measure of satisfaction (e.g. Shapland et al., 2007), but as Holder (2015) points out, this conflates satisfaction with the service provided, with the justice process, and with the outcomes. Moreover, there has been very little analysis of negative outcomes for victims, despite the fact that at least a small proportion of victims in most studies are unsatisfied, do not feel their wellbeing has improved, or may even be made to feel worse (Morris, Maxwell, & Robertson, 2009).

It is important, therefore, to define the potential outcomes of victim-offender communication, and my research will contribute to this. For the purposes of this research, I consider victim wellbeing and satisfaction to be the main victim outcomes, both for consistency

⁶ In statistical terms, including the indirect path in a model should reduce the size of direct path. The statistical analysis proposed by Baron and Kenny has since been updated by other scholars (e.g. Preacher & Hayes, 2004) but the underlying principles still stand.

with previous research and because they indicate recovery from the crime. I also, however, use the five mechanism theories to identify potential intermediate outcomes (e.g. perception of punishment, perception of the offender, etc.), and to evaluate their importance to victims. This will contribute to answering the more normative question of which outcomes *should* be included in the aims of an RJ service and therefore used to evaluate the process.

2.2 Mechanisms versus active components

The mechanism by which aspirin works is a change in the level of certain hormones, which in turn lead the person to feel better. By contrast, the salicylic acid in aspirin is a physical component - an active ingredient - that triggers this change. The five mechanisms I investigate here are changes in victims' perceptions, which in turn lead to certain outcomes. I do not investigate specific occurrences during the process that trigger these changes, which I am calling here active components. These include, for example, things that might happen during communication between victims and offenders: talking about the impact of the crime, asking questions, expressing emotion, etc. This decision is based only on a need to limit the scope of the research; a full investigation of the potential changes a victim may experience *and* all the potential active components is beyond the scope of a single thesis. The decision to exclude the active components is not because they are of any less importance. In fact, it is vital to understand what contribution the various components make to victims' satisfaction and wellbeing, and I hope that more researchers will undertake strategic tests and comparisons of these components.

Some of the terms used in this thesis (in particular procedural justice and punishment) could theoretically refer to either an active component or a mechanism. I focus in this research only on the internal psychological changes for victims rather than the active components of the victim-offender communication. For example, when a victim speaks about the impact of the

crime in a meeting with the offender, this is an example of procedural justice (having their say) and we could assess the extent to which it functions as an active component in a victim-offender meeting. However, the construct of interest in the current study is not whether a victim spoke in the meeting with the offender, but whether the victim *feels* they have had their say. This distinction is important, because a victim's perception of procedural justice may change without having had the chance to speak in a meeting, and vice versa: a victim's perception of procedural justice may not change even if they did speak in a meeting.

Researchers have put forward various theories about the active components of RJ. These include, but are not limited to: the expression of emotions (the 'resonance' principle within Tomkin's affect theory, applied to RJ by O'Connell et al., 1999); 'collective effervescence' (interaction ritual theory described by Durkheim and applied to RJ by Collins, 2004: 102-111); the opportunity for participants to tell their stories and be listened to (narrative theory, Winslade & Monk, 2000); acknowledgement and apology (Tavuchis, 1991); trust of the facilitator (Bradshaw & Umbreit, 1998); and RJ being done 'with' participants rather than 'to' them (McCold & Wachtel, 2003). Wenzel and colleagues propose an RJ theory that looks at first glance like a mechanism rather than an active component: value-restoration theory suggests that RJ changes the degree to which victims feel community values have been recognised. A closer inspection of their measures of 'value-restoration', however, reveals that they are actually referring to two active ingredients: bilateral consensus-based decision making, and acknowledgement that the offence breached societal values (Okimoto, Wenzel, & Feather, 2009; Wenzel, Okimoto, Feather, & Platow, 2008, 2010; Wenzel & Thielmann, 2006).

When victims are asked why they want to participate in RJ, they often answer with a list of active components, i.e. events that they would like to occur during the meeting with the offender. A number of different studies have identified that victims tend to want to: ask questions of the offender, communicate the impact of the crime, and receive restitution/reparation (Bolívar, Aertsen, & Vanfraechem, 2009; Borton, 2009; Coates, Burns,

& Umbreit, 2003; Umbreit & Coates, 1992; Umbreit, Coates, & Vos, 2001; Umbreit & Vos, 2000). Borton (2009) recorded some of the other things victims want (from 213 case files): to ask why the crime happened (24%), to ask what happened (12%), to communicate the impact of the crime (11%), to express forgiveness (11%), to ask other questions (9%), to ask if the offender is sorry (7%), and to find out how the offender is doing in prison (6%).

Unfortunately, some studies have conflated theories about the mechanism by which RJ works with theories about the active components that make it work. Sherman et al. (2005), for example, set out to test Collins' (2004) interaction ritual theory. According to Collins, the main feature of an interaction ritual is that participants share emotions and a sense of solidarity, which Durkheim had previously called 'collective effervescence' (1895). The theory primarily describes an active ingredient rather than a mechanism: Collins posits that 'effervescence' is the salicylic acid in aspirin. Yet Sherman et al. do not measure whether there is something akin to 'collective effervescence' in the RJ processes in their study; instead, they take an apology to mean that an interaction ritual had occurred. Even more problematically, they imply that reduced feelings of revenge provides evidence for interaction ritual theory, despite the fact that this is not a prediction made by the theory.⁷ In 2013, some of the same authors in a systematic review concluded that 'no tests have yet compared competing or complementary theories of why [RJ conferences] can affect offending behavior and victim outcomes' (Strang, Sherman, Mayo-wilson, Woods, & Ariel, 2013).

⁷ The same authors in a different study (Strang et al., 2006) describe desensitisation and interaction ritual theories in the introduction, as if they intend to test them or at least use them as a framework for their findings. They go on to find that RJ reduces victims' fear and anger but, strikingly, they do not make any claims regarding the validity of the two theories, nor are they even mentioned in the results or conclusion sections.

2.3 Development of the theoretical framework

The five mechanism theories I present in this chapter form the theoretical basis for the rest of the thesis. The purpose of this thesis is to determine the extent to which these mechanisms explain how victim-offender communication ‘works’ for victims, thus they will be tested and thoroughly examined. At the same time, the framework is also a *result* of the research I present in the following chapters.

The literature review in Chapter 3 both contributes to the theoretical framework and is organised according to the five mechanism theories. Thanks to numerous attempts to find out how RJ works from the comfort of a metaphorical armchair, we are not at all in short supply of theories. Take, for example, the book *The Psychology of Restorative Justice* (Gavrielides, 2015). The book includes twelve chapters by different authors who each draw on a theory from psychology or a related field, and speculate on whether the theory can be applied to RJ. Only two of these twelve chapters analyse empirical data. I use this example not to invalidate the contribution the book makes, only to illustrate that there are a multitude of RJ ‘theories’ in circulation. What is desperately lacking, however, are attempts to crystallise, improve and potentially amalgamate these theories, so that they can be tested.

I carried out the analysis of each data source in two distinct stages. The first stage took place before creation of the theoretical framework, was exploratory in nature, and contributed to the creation of the framework. The exploratory analysis of the Crime Survey for England and Wales highlighted that victims may choose to meet the offender to fulfil unmet justice objectives. The pilot study in Chapter 6 demonstrated that offender-oriented justice objectives were important predictors of willingness to meet. I conducted and transcribed all but ten of the

qualitative interviews (Chapters 7 and 8) before creation of the framework,⁸ and from this process learnt about the importance of punishment to some victims.

In the second stage, I ‘tested’ the theoretical framework, drawing on analysis conducted after the creation of the framework. Analysis of the Crime Survey (Chapters 4 and 5) was pre-registered to demonstrate transparency i.e. confirming or disconfirming a priori hypotheses. Similarly, the online survey (Chapter 6) was designed and pre-registered after the formation of the framework. Finally, although I was immersed in the interview data whilst developing the theoretical framework, I only commenced systematic coding of the data after this stage, using the five mechanisms (and their sub-elements) as specific codes.

This approach combines the best of exploratory and confirmatory approaches. By incorporating my learning from the early stages of data analysis into the theoretical framework, I avoided imposing a fully pre-conceived framework onto unsuspecting participants; instead they each contributed to it. At the same time, this approach avoids the mistakes made by purely ‘exploratory’ research (often disguised as confirmatory) which picks and chooses findings to suit theories, inflates the likelihood of finding ‘false positives’ and upon which it is dangerous to generalise.

2.4 Five mechanism theories

2.4.1 Perception of procedural justice

Tyler's (1989) concept of procedural justice combines Thibaut and Walker's (1975) earlier definition of having agency or control, with Tyler's additional findings that neutrality, trust, respect and voice influence judgements of procedural justice – independent of the justice outcome. Tyler (2006) described RJ and procedural justice as complementary - particularly in

⁸ The final ten interviews were transcribed after the creation of the framework.

increasing offenders' compliance with the law – although he noted then that the psychological mechanisms underlying RJ were still unexamined (2006, p. 317). The development of victimology as a field paved the way for victim participation in the justice system (Wemmers, 2010), and Christie's (1977) call to restore victims' rights to ownership over their own conflicts highlighted the importance of victim agency. For many, the victim's ability to have a voice in the process is part of the very definition of RJ (e.g. Dignan, 2004).

In the following chapters I assess whether victims opt for communication with the offender in order to increase their sense of procedural justice, whether they experience such a change, and whether they attribute other outcomes to the change. In other words, does feeling that the criminal justice system has treated them unfairly increase the extent to which they want to communicate with the offender? Do victims say they want to communicate with the offender in order to achieve a sense of fairness, voice, or respect? Does communication with the offender change the extent to which victims believe they have been treated fairly? And if victims do feel that they have been treated more fairly, does this explain their satisfaction with the process and/or any improvements in wellbeing?

2.4.2 Perception of punishment

As discussed in Chapter 1, early scholars of RJ described it as a paradigm shift away from retributive justice (e.g. Zehr, 1990). This view is now outdated, and the two approaches to justice are generally seen as at least partially compatible. However, no one has explicitly proposed the fulfilment of punitive justice objectives as a mechanism by which RJ 'works' for victims. Indeed, there remains a strong reluctance to acknowledge this possibility, perhaps because it risks portraying RJ as too close to vigilante justice. As Hoyle has argued in *Debating Restorative Justice* (Cunneen & Hoyle, 2010), if we concede that RJ incorporates elements of punishment, we must provide the relevant protections for offenders.

Von Hirsch, Ashworth, & Shearing (2003) proposed a model of RJ that is perhaps closest to a past-focused, proportionate and potentially punitive response to crime, which they called 'making amends'. They suggested that RJ should be limited to providing a response to past wrongdoing rather than aiming to fulfil future-focused consequentialist goals such as rehabilitation. However, they went on to complicate this normative message by saying that preventing reoffending could legitimately become an objective of RJ because it is part of 'making amends'. Like many of the theories described in this chapter, the main problem is not so much the lack of clarity as the fact that it has never been explicitly tested.

A conflicting, but related, explanation of RJ for victims is that they are motivated to take part by forgiveness, and that the process 'works' by enabling them to forgive (Armour & Umbreit, 2006; Blyth, 2016; Witvliet et al., 2008). Forgiveness has many definitions, and the degree to which it involves replacing one's negative thoughts and emotions towards the offender with positive ones is much debated (Van Tongeren, Burnette, O'Boyle, Worthington, & Forsyth, 2014). A minimal definition, however, is that forgiveness involves 'letting go' of one's anger and/or one's desire for punishment (e.g. Rye et al's 'Absence of Negative' scale, 2001). Using this baseline definition, a punishment theory and forgiveness theories both predict that communication with the offender would result in reduced levels of anger and desire for punishment, though in the one case it is because the objective has been met, and in the other it has been 'let go of'. Where forgiveness theories differ from punishment theories, is in the predictions they each would make as to which victims would be most likely to participate. Punitive theories suggest that those who are most angry will opt to communicate with the offender, whereas forgiveness theories predict those who are least angry would be most likely to do so.

In the following chapters I will assess whether victims choose to communicate with the offender out of a desire to see the offender punished, and whether fulfilment of this desire explains any of the outcomes produced for victims. I will also look more broadly at what Darley

& Pittman (2003) call retributive impulses – moral outrage, including anger, disgust and contempt. Finally, despite clear differences between punishment and revenge (e.g. Osgood, 2017), I also include evidence regarding victims’ desire for revenge here, as I make the assumption that it functions as an imprecise and exaggerated description of a desire for punishment.

2.4.3 Perception of prevention

Carlsmith and Darley have found - across a range of studies with different samples of participants - that people often state the main purpose of administering justice is to prevent future crime, be it through specific deterrence, general deterrence, rehabilitation, or incapacitation (summarised in Carlsmith & Darley, 2008). Carlsmith and Darley simultaneously call this premise into question, however, by demonstrating that people tend to make decisions about sentencing based on retributive rather than utilitarian principles - leading some to call humans ‘brute retributivists’ (Nichols, 2013). The picture is further complicated by evidence that people may see prevention as the underlying goal of punishment, even when punishment is delivered according to just-deserts principles such as proportionality. For example, people describe punishment as most satisfactory if it is communicated to the offender, and if the offender understands why they were punished (Gollwitzer & Denzler, 2009) and shows signs of reform (Funk, McGeer, & Gollwitzer, 2014). McGeer and colleagues therefore argued that we are not as brutally retributive as recent studies suggest, and proposed that victims are motivated to take part in RJ precisely in order to prevent future crime (McGeer & Funk, 2017; McGeer & Pettit, 2015).

As I describe in Chapter 3, victims often state that their motivation for participating in RJ is to help the offender, especially when the offender is a young person (e.g. Doak & O’Mahony, 2006). Nevertheless, that victims might benefit from communicating with the offender because they believe they have contributed to prevention has not been formally

articulated as a mechanism by which RJ produces outcomes for victims, and it has received comparatively little attention. Of course, the measure of whether RJ ‘works’ for the *offender* is most often whether it prevents him or her from reoffending (e.g. Sherman, Strang, Mayo-Wilson, Woods, & Ariel, 2015), particularly as this is the easiest route to demonstrating that RJ is financially viable. However, it is not the extent to which RJ leads to prevention that is of primary interest in the current research, but the extent to which this is important to victims.

The overall purpose of justice is an age-old debate, which I do not attempt to settle here. Instead, I look in this thesis for evidence that victims are motivated to communicate with offenders because they want to prevent the offender from reoffending, that communication makes them believe that the offender is more likely to desist, and that victims attribute other outcomes to this change.

2.4.4 Perceptions of the offender

Many existing theories of how RJ ‘works’ for victims suggest that their view of the offender changes, usually towards seeing them as more human, and less of a ‘criminal’, ‘thug’ or ‘monster’. One of the early principles of RJ described by Braithwaite (1989), for example, was that its purpose is to condemn the action but not the person – or to separate the ‘sin from the sinner’. Others say that the main mechanism by which RJ works is the development of empathy on both sides (Wallis, 2014), or that victims find out that offenders are not ‘monsters’ (e.g. Walters, 2015). Similarly, Starbuck (2016) noted that victims may find out that the offender was less responsible for the offence than they previously thought. Drawing on Weiner's (1985) theory of attribution as a framework, she suggested three components of victims’ perceptions of responsibility that are likely to change – controllability, locus (internal or external) and stability.

To investigate victims’ perceptions of offenders in this thesis, I draw on two main dimensions along which people judge themselves, others and groups of people (Fiske, Cuddy,

Glick, & Xu, 2002): warmth (whether someone is perceived as socially or morally good/bad, kind, trustworthy, etc.) and agency (whether someone is perceived as competent, powerful, skilful, etc.). Fiske, Cuddy, and Glick (2007) describe these two dimensions as important to judgement of others because they enable us to determine firstly whether the person might want to cause us harm, and secondly whether they have the capacity to do so. Wojciszke (1994) also demonstrated that the two dimensions are independent of one another – that we can judge somebody as high in competence and low in warmth, or vice versa. The ‘offender’ stereotype is almost by definition someone who intends harm (low in ‘warmth’) and has at least some capacity to enact the harm (medium to high in ‘agency’) (Sadler, Meagor, & Kaye, 2012). Researchers have given the two dimensions various different labels; for the purposes of the current research I adopt the broader term ‘morality’ (Reeder, Kumar, Hesson-McInnis, & Trafimow, 2002) to refer to the ‘warmth’ dimension. This is because it is a clearer reference to whether the person is seen as a ‘good’ person, incorporating sub-elements ranging from moral to social qualities.

2.4.5 Self-perception

I told my story – it was good. It gave a face to 'victim.' I don't like labels – that made it a personal process.

- Victim interviewed by Umbreit et al. (2001)

Some victims say that participating in RJ helped them to stop feeling like a victim (e.g. the quotation above). ‘Feeling like a victim’ comprises a complex set of emotions and attitudes. Jackson and Gouseti (2016) found that having been a victim increases people’s perceptions of the likelihood and consequences of future victimisation, and decreases the extent to which they believe they will have control in the future. Massad & Hulsey (2006) found that attributing the crime to internal, stable and global causes (or what Hassija & Gray (2013) call ‘characterological self-blame’) is linked to the development and maintenance of trauma symptoms. Moreover, studies have shown that adoption of the ‘victim’ label (e.g. in school bullying) predicts worse

mental health outcomes, even while controlling for actual victimisation experiences (Sharkey et al., 2015).

To introduce clarity to these many dimensions, in this thesis I consider victims' perceptions of their own agency and morality. As described in the previous section (2.4.4), these two dimensions are important to our assessments of others (Fiske et al., 2002). They are also integral to our perceptions of ourselves (Deci & Ryan, 2000; Reis, Sheldon, Gable, Roscoe, & Ryan, 2000; Sheldon, Ryan, & Reis, 1996), and thus are a helpful way of conceptualising how people return to a 'non-victim' identity, i.e. one high in agency and morality.

Some theories of RJ suggest that victims increase in agency through communicating with the offender. For example, some victims may find out that they were not targeted because of personal characteristics (Sherman et al., 2005). Sherman et al. (2005) propose that fear could be 'extinguished' through Foa and Kozak's (1986) theory of de-conditioning, i.e. in a safe environment victims confront the 'anxiety-provoking stimulus', in this case the offender him or herself. This theory of RJ as desensitisation was also recently adapted by Bolitho (2017) who posits that the mechanism is in fact Memory Reconsolidation, related to but distinct from desensitisation.

Some theories suggest that RJ reduces self-blame, and implicitly therefore that it can increase victims' sense of their own morality. Lerner stated that humans tend to believe in a just world, so if something bad has happened to someone we believe they must have been a bad person, even when that 'someone' is ourselves (M. J. Lerner, 1980). Communicating with the offender may challenge the extent to which victims believe they were the cause of the crime, and thereby the associated shame and guilt (Strang et al., 2006).

This thesis will assess whether victims' perceptions of themselves affect their motivation for participating in RJ, and whether it is something that changes throughout the process. It will focus on victims' perceptions of their own agency and morality (and associated

emotions such as fear and guilt), as well as perceptions of themselves as conforming to Christie's (1986) 'ideal' victim type. Christie first wrote about the 'ideal' victim as criteria upon which observers judged victims to be legitimate and deserving of help. It included, for example, that they were weak in relation to the offender, were carrying out a respectable activity in a respectable location at the time of the crime, and were not in a relationship with the offender prior to the crime. Since then, others have investigated how these characteristics can affect victims' views of themselves. Fohring (2018, p.207), for example, wrote about how some people 'aspire to acknowledgement as 'real' victims', whereas others choose to reject the 'victim' label entirely. Fohring described how the common conflict between a positive self-identity and adoption of the 'victim' label is heightened by the potential for self-categorisation as an 'ideal' victim. Yet, adoption of the 'victim' label and more specifically the 'ideal' victim label, tends to increase the extent to which people report crimes and engage with support services (Fohring, 2015). The framework of the 'ideal' victim will be used throughout the thesis as an additional measure of a victim identity.

2.5 Research questions

The overall purpose of this thesis is to investigate the extent to which these five mechanisms explain how communication with the offender benefits victims. As described at the beginning of this chapter, one approach to the identification of a mechanism would be to assess its role as a 'mediator' variable. This would mean measuring the outcome variable and potential mediator variables before and after communication with the offender, and then by a statistical comparison of the direct and indirect paths, establishing whether those variables did indeed mediate the relationship between communicating with the offender and 'feeling better'.

Initially I hoped to carry out mediation analysis on quantitative data collected through questionnaires administered to victims participating in RJ processes, but unfortunately it was

impossible to recruit enough participants to do so. However, mediation analysis is not the only method by which to collect evidence for (or against) a mechanism. If victim communication with the offender ‘works’ by changing particular perceptions, then we would expect those perceptions to predict willingness to communicate, and to change when communication occurs. We would also expect victims to *want* to change those perceptions, and to *attribute* other benefits to having achieved such changes. This rationale forms the basis for the five research questions I attempt to answer in this thesis. The term ‘perceptions’ here refers to the five types of victims’ perceptions associated with each of the five mechanisms:

1. Do victims’ perceptions predict appetite for communication with the offender?
2. Do differences in victims’ perceptions explain the relationship between other predictors (e.g. nature of crime and group identity) and victims’ appetite for communication with the offender?
3. Are victims motivated to communicate with the offender by wanting to change their perceptions?
4. Does communicating with the offender change victims’ perceptions?
5. Do victims attribute other outcomes (e.g. feeling better) to a change in their perceptions?

2.6 Thesis methodology

This thesis contributes to the field a mixed-methods approach, encompassing 1) statistical analysis of data from a very large sample of respondents, 2) medium-sized quantitative studies, and 3) an in-depth qualitative study comprising interviews with victims who have been offered RJ. The individual methods for each study will be presented in the respective chapters, but I explain briefly here how this combination of data sources allows for triangulation of findings from different contexts and with different samples, drawing on the advantages of both quantitative and qualitative research.

The first data source I turn to is the Crime Survey for England and Wales (CSEW), in which people who have been victims of crime are asked *hypothetically* if they would have opted to meet with the offender had the option been available to them. It is reasonable to generalise from this data because the sample is so large and representative of victims across the country, particularly as the response rate is so high. However, it is hard to know whether these victims are answering the hypothetical question differently to those who are *in reality* offered a meeting with the offender. It is also limited by the types of questions included in the survey, which was not designed for research on RJ.

To address these limitations, my second source of data is an online survey conducted with a smaller sample of victims of crime. This study replicates some of the questions from the CSEW, combined with additional questions about the participant's emotions, attitudes and motivation for communication with the offender. Like the CSEW participants, they have in reality experienced a crime, but their reported willingness to meet the offender remains hypothetical. This study improved on the measures used in the CSEW in a number of ways. I drew on some pre-existing, validated scales; I measured each concept using more than one item; and where it was necessary to create new questions I based them as far as possible on existing theories and/or scales. In particular, I improved the main dependent variable (whether they would have met with the offender if given the opportunity) by asking participants to rate on a scale how likely they would be to meet the offender, rather than simply to give a yes/no answer.

All of the quantitative studies are influenced by my background in psychology, which is currently experiencing what some have called a 'replication crisis' (Pashler & Wagenmakers, 2012). Despite the ongoing debate about the scale of the problem, there is no doubt that some researchers mine data for statistically significant findings, nudge non-significant findings into the significant category through data manipulation, shelve negative findings, and in some cases actively falsify data. This 'crisis' does not seem to have yet reared its head in the field of criminology, with the exception of a few warnings that it is probably only a matter of time

(Lösel, 2017). Given that it has made an appearance in all sciences, including and perhaps especially the social sciences, I would argue that it is time for criminology to pay it some more attention. Replication attempts should be made on criminological studies whose results have thus far been taken for granted. Moreover, there is an onus on the next generation of quantitative criminologists to conduct research that is transparent, honest and reproducible. In the field of RJ research – which is replete with data-free opinions and very small samples - this is even more important. I therefore adhere in this research as far as possible to guidelines and recommendations stemming from the collaborative project which estimated that it is possible to replicate the results of only 36% of psychological research (Open Science Collaboration, 2015), and which are summarised by the Open Science Collaboration (2016).

As explained further in Chapter 4, the findings from the quantitative studies (CSEW and online) are insightful because they do not rely on victims' ability to reflect on their motivation – they measure whether victims' perceptions predict willingness to meet the offender. This is valuable because sometimes people are unable to reflect on why they want to do something, and have biases in how they think about and represent their choices. However, it is also essential to explore people's *stated* motivation, for many reasons – too numerous to fully list here. The reasons most pertinent to the current studies are that: the choices I, the researcher, make in quantitative studies are influenced by my own biases and mistaken assumptions; participants may be motivated in ways I could not have anticipated (e.g. are not covered by the literature, etc.); in interviews participants can be asked further to reflect on the source and implications of their motivation, as well as relate them to their emotions and other attitudes; and finally, participants' stated motivations are those that they present to friends and family, practitioners, and to themselves - they are thus important in their own right, regardless of any underlying attitudes or influences of which participants are unaware.

For all of these reasons and more, this thesis combines data from the quantitative observational studies, with qualitative data from interviews with victims. This study enables

exploration of the relationship between people's motivation and the outcomes they experience. The methodology has two important strengths. First, few other studies interview victims both before and after the process, and therefore have the ability to compare stated motivation for participating with the outcomes people did (or did not) gain from the process.⁹ Secondly, because people gave consent to participate before they had communicated with the offender, I was able to interview some of them for a second time, even when communication with the offender did not proceed. Accessing participants who had any kind of negative experience of RJ is difficult because RJ projects often want to present their best cases (for understandable reasons). While there are nonetheless limits on my access to people with truly negative experiences, this study allows for an exploration of a wider range of experiences of communication with the offender than studies which only include post-RJ interviews.

2.7 Conclusion

This chapter introduced the theoretical framework, consisting of five potential mechanisms by which victim-offender communication benefits victims: change in victims' perceptions of procedural justice, punishment, prevention, the offender and themselves. I have described how the framework was developed, and how it will be explored and tested throughout the rest of the thesis. In the next chapter I consider the existing literature, both as a contributor to the framework and as a first step in assessing the evidence for it. The chapter demonstrates how the mechanism theories are derived (in part) from previous studies. It is also structured in accordance with the framework in order to demonstrate where existing evidence supports (or challenges) the five proposed mechanisms, and to identify the ways in which the current research can best contribute to the field.

⁹ With some notable exceptions, discussed further in Chapter 7: (Bolívar, 2013; Van Camp, 2017)

Chapter 3: A review of the literature on victim participation in restorative justice

I don't think it's like a one size fits all. You can't say that in this situation really. If it was a 17 year old boy who broke into a house, how's that the same as this? ... I don't know why [the RJ facilitators] are so convinced either that it's going to work. Where's their evidence?

- Michelle (#35), victim of childhood sexual abuse perpetrated by her father.

In this chapter I present and evaluate the evidence from existing research for the five mechanism theories described in the previous chapter. The literature is replete with theories about how RJ produces outcomes for victims, thus there is no advantage to proposing a new one. Instead, the first step is to collate, organise, and refine the existing theories, so that they can then be tested. This chapter is therefore structured according to the five mechanisms, and I present existing evidence for each.

In the first part of the chapter I scrutinize the existing literature for four types of evidence for each mechanism theory:¹⁰ 1) That victims' perceptions predict willingness to communicate with the offender.¹¹ For example, does dissatisfaction with the offender's punishment predict willingness to communicate with the offender? 2) That victims state they are motivated to participate by wanting to change their perceptions. For example, do victims give 'seeing the offender punished' as a reason for wanting to communicate with the offender? 3) That victims' perceptions change through communication with the offender. For example, do victims feel differently about the offender's punishment before and after they have

¹⁰ Corresponding to research questions numbers 1, 3, 4 & 5.

¹¹ Where evidence for its direct influence on willingness to communicate is scant, I include evidence that it predicts related decisions about justice – e.g. the type of sentences victims opt for or that they have more of an 'orientation' towards RJ (Okimoto et al., 2012).

communicated with one another? and 4) That victims attribute other outcomes (e.g. wellbeing or satisfaction) to changes in their perceptions. For example, do victims say they feel better after communication with the offender *because* they have seen the offender punished?

In the second part of the chapter, I consider the factors that influence victims' willingness to communicate with the offender, and whether differences in victims' perceptions may explain these relationships.¹² For example, do victims of more serious offences tend to feel more satisfied with the offender's punishment? And does this predict their willingness to communicate with the offender? Do victims of a particular gender or ethnicity give different motivations for wanting to communicate with the offender? Do they experience different outcomes?

In each section I describe what we know from studies on RJ, which are primarily conducted within the field of criminology, but which may also appear in philosophy, sociology, theology, law, psychology and other disciplines. The volume of RJ literature is immense, so I focus on that which includes empirical research, including analysis of both qualitative and quantitative data. Within each section I also consider psychological studies that may not have been carried out specifically on victim-offender communication, but which nonetheless have something to offer in terms of understanding the choices and outcomes for victims in such circumstances.

Research on victims' experiences of RJ has achieved, broadly speaking, three levels of ecological validity.¹³ Firstly, vignette studies have become increasingly popular, in which researchers present a hypothetical crime scenario to a sample of the general population. They then ask participants to imagine that they have been victims of the offence, and that they are offered the opportunity to meet with the offender (e.g. Greene & Doble, 2000; Gromet &

¹² Corresponding to research question number 2.

¹³ 'Ecological validity is the extent to which research findings would generalize to settings typical of everyday life' (Baumeister & Vohs, 2007).

Darley, 2006, 2009b, 2011; Okimoto, Wenzel, & Feather, 2012; Paul, 2015b, 2015a; Pereira, 2017; Roberts & Stalans, 2004; Wenzel, Okimoto, Feather, & Platow, 2010; Wenzel & Thielmann, 2006). The second level of ecological validity includes studies undertaken with people who really have been victims of crime, but whose choice to participate in RJ is only hypothetical (e.g. V. Braithwaite, Huang, & Reinhart, 2013; Huang, Braithwaite, Tsutomi, Hosoi, & Braithwaite, 2012; Julich, 2006; Marsh & Wager, 2015; Mattinson & Mirrlees-Black, 2000; Nancarrow, 2006). Finally, there are studies undertaken with victims of crime who have in reality been offered the opportunity to participate in RJ (e.g. Coates, Burns, & Umbreit, 2003; Gehm, 1990; Hoyle, 2002; Kirkwood, 2010; Umbreit, Coates, & Vos, 2001; Van Camp & Wemmers, 2013; Wyrick & Costanzo, 1999; Zebel et al., 2017). Many of the early examples of this type of research were undertaken after a meeting with the offender had taken place. This meant that victims were often asked *after* communicating with the offender what their motivation for participating had been *before* it took place. This was problematic because participants may have been rationalising their answers to reduce cognitive dissonance - i.e. aligning their stated motivation with the outcomes that were, in fact, achieved. There have fortunately been subsequent efforts to avoid this confound by interviewing participants before the process (e.g. Bolívar, 2013; Van Camp, 2017).

The highest level of ecological validity – i.e. real-world before and after studies with victims who communicate with offenders – is difficult to achieve. Large samples of victims who both are given the opportunity to meet the offender and agree to take part in research are usually elusive to even the most dedicated researcher. Such studies therefore often have small sample sizes, and there have only been a handful of quantitative studies in this category. For this reason, in this chapter I include studies at all three levels of ecological validity, and in some cases I include studies that assess predictors of whether an RJ process *goes ahead*. This measure is very different to whether victims are *willing* to participate, of course, and is influenced by numerous factors that are completely independent of victims' choices, such as the willingness

of the offender, the logistics of arranging a meeting, and decisions made by practitioners. Nevertheless, I present these studies below where relevant, as they may contribute to our understanding of the role of some victim-oriented predictors.

3.1 Evidence for the five mechanisms

3.1.1 Perception of procedural justice

There do not seem to be any studies testing the relationship between victims' prior experience of procedural justice and their desire to communicate with the offender. There are, however, a multitude of studies which find that victims who *want* procedural justice also want to take part in an RJ process. For example, Paul (2015) and Braithwaite, Huang, & Reinhart (2013) found that those who rate having a voice as important were more likely to say they would meet the offender. When asked, a common reason victims give for participation in RJ processes is that they want to have voice (Hallam, 2015; Hoyle, 2002; Strang & Sherman, 2003). As De Mesmaecker (2014) notes, although the concept of 'voice' is often used to describe the need for representation to authorities, many of the victims she interviewed desired voice in relation to their peers or the offender as well.

Wemmers & Cyr (2004) found that, overall, victims thought that they should have 'process control' but not 'decision control'. This may be because decision control interferes with a sense of fairness to the offender (Pemberton, Winkel, & Groenhuijsen, 2008). Hough, Jackson, Bradford, Myhill, & Quinton (2010) point out that many victims are also offenders, and this could be one reason why people are reassured by institutions that treat both fairly. De Mesmaecker's interview studies also suggested that there is an optimum level of participation rather than simply a linear correlation between participation and satisfaction, and that if the burden of responsibility is too heavy, victims can feel revictimised (De Mesmaecker, 2014).

Similarly Hallam (2015) cites a victim who, when asked about RJ, wanted a balance between 'structure (which helps to make the process feel safe) and flexibility (which could help victims to feel in control).'

A number of studies suggest that communicating with the offender does increase victims' sense of procedural justice, at least some of the time. Miller & Hefner (2015), for example, interviewed facilitators and concluded that RJ increases victim voice and other outcomes. Strang (2002) found that in most cases an RJ process enabled both parties (victim and offender) to feel they had control and respect in the process, and that it was fair. In Strang's study, one party (but she does not specify whether it was victim or offender) felt the process was unfair in about 25% of the cases, and both parties reported that the process was unfair in a small proportion of cases (1-2%).

Victims also attribute other positive outcomes to their increased sense of procedural justice. Van Camp & Wemmers (2013) interviewed 34 victims of violent crimes who had participated in an RJ process, and found that a majority of their sample said they were satisfied *because* they felt the process gave them a voice, offered them respect, that they trusted the facilitators and felt they were neutral and fair. Van Camp and Wemmers went on to say that the total benefit to victims was greater than a sense of procedural justice, but they nevertheless demonstrate its importance. In the majority of their interviews, they found that victims were satisfied because of the process, to a greater degree than because of the outcomes. Wemmers and Cyr (2005, 2006) found correlations between people's fairness rating of victim-offender mediation, and the extent to which they reported feeling better and having put the crime behind them. Similarly Beven, Hall, Froyland, Steels, & Goulding (2005) found that victim's overall level of satisfaction was predicted most strongly by satisfaction with their own level of participation in the process, rather than by any other elements of satisfaction (including satisfaction with the outcome).

Finally, there is considerable evidence that people's perception of procedural justice is linked to other benefits. Frazier, Berman, & Steward (2001), for example, find that a greater sense of control after a traumatic incident was associated with having fewer PTSD symptoms. Procedural justice can also increase people's perceptions of the legitimacy of justice institutions (Hough et al., 2010), compliance with the law (Murphy, Bradford, & Jackson, 2016), cooperation with justice institutions (Murphy, Cherney, & Teston, 2018), social inclusion (Bradford, 2014), and some have argued that it is a core ingredient of a functioning and fair society (Bottoms & Tankebe, 2012).

3.1.2 Perception of punishment

No explicit test of whether a desire for punishment predicts willingness to communicate with the offender has been carried out, and the related evidence is hard to interpret. Wenzel and Thielmann (2006) found that a preference for 'traditional punishment' (such as prison sentences) was primarily related to the importance a participant placed on the concept of just deserts, whereas sentences including community service or compulsory education were primarily related to the importance participants placed on reaffirming the shared values breached by the crime. People often have multiple justice goals, and are more likely to opt for a restorative response to crime when 'punishment goals' have already been met (Gromet & Darley, 2009a). While Gromet and Darley's participants most consistently and intuitively desired punishment, when their attention was drawn to the needs of victims and the community they also tended to consider alternative justice goals e.g. restoration of victims, restoration of the community and rehabilitation of the offender. Paul (2015) found that the importance participants placed on punishment did not predict their (hypothetical) willingness to meet the offender, whereas other types of justice goal did (e.g. offender rehabilitation).

Despite these mixed and limited findings, it is likely that people's perception of the offender's punishment would affect their willingness to communicate with them, simply

because it affects almost every other justice-based decision. Numerous studies indicate that people are motivated by just-deserts when thinking about justice in general, for example when making sentencing decisions. Even when people state that they favour a utilitarian model of justice, their behaviour often tells a different story (Carlsmith & Darley, 2008). Research suggests that humans use proportionality to determine sentences even when deterrence-related information is available, and they want to punish even when the offender is not aware they are being punished (Carlsmith, 2006; Crockett, Özdemir, & Fehr, 2014; Darley, Carlsmith, & Robinson, 2000).

Psychological studies indicate that anger might motivate victims to want to communicate with the offender. Anxiety is associated with avoidance behaviours e.g. withdrawing from the situation, whereas anger is associated with approach behaviours e.g. physical violence or verbal confrontation (Carver & Harmon-Jones, 2009). Similarly, in intergroup contact research, Mackie, Devos, & Smith (2000) found that anger predicts a tendency to act against the outgroup whereas anxiety predicts avoidance, and this has been replicated repeatedly (e.g. Van Zomeren, Fischer, & Spears, 2007). From these studies we might expect that anger would motivate victims to want to confront the offender rather than avoid them.

I found no evidence from the previous literature that victims gave ‘wanting to see the offender punished’ as motivation for communicating with offenders. On the contrary, where an RJ process is offered as an alternative to traditional criminal justice sentences, people were by definition willing to participate only when they were willing to forgo punishment (e.g. Doble & Greene, 2000; Pereira, 2017). Where people chose between some kind of traditional punishment alone, or punishment *with* RJ, people’s willingness to consider RJ was generally much higher than if they were asked to choose between the two (Gromet & Darley, 2006). Additionally, many studies find links between willingness to forgive and to communicate with the offender (e.g. Borton, 2009), or that forgiveness is part of an ‘orientation’ towards RJ

(Okimoto et al., 2012). Some victims gave as a reason for *not* participating that they were too angry (Aertsen & Peters, 1998).

Some studies find that communication with the offender changes victims' desire for punishment, their anger and their levels of vengefulness. Sherman et al. (2005), for example, in their meta-analysis of four randomised control trials (RCTs), found that the desire to take revenge against the offender reduced as a result of participation in an RJ process. They did not find any significant differences when they asked victims how 'forgiving' they felt. Various studies also find a reduction in anger from pre- to post-RJ measures (Strang et al., 2006; Umbreit, Coates, & Kalanj, 1994), although others have found that anger can also increase (Morris et al., 2009; Rugge & Scott, 2009). Poulson (2003) combined data from two previous studies (McCold & Wachtel, 1998; Umbreit & Fercello, 1997), resulting in a sample size of 140 victims. Those who had taken part in an RJ process were significantly more likely to say that the offender had been 'held accountable' than those who had gone through court. In sentencing research, there is evidence that people assign lesser sentences to offenders who have demonstrated remorse (e.g. Felson & Ribner, 1982; Kleinke, Wallis, & Stalder, 1992).

Stokkom (2013, p. 170) argues that victims' 'retributive needs' are often ignored in RJ, and that there is a place for 'civilised expression of vindictive feelings' in order to contribute to therapeutic benefits for victims. Indeed, some victims say that they were satisfied with the RJ process precisely because it gave them an opportunity to express their anger (Van Camp & Wemmers, 2013). Van Camp and Wemmers cite an RJ case in which the victim chose monetary compensation over an apology because she knew it would be a good way 'to get back at' and 'hurt' the offender, but the authors imply this is an unusual motive for RJ (p. 130).

3.1.3 Perception of prevention

Paul (2015) measured what he called victims' desire for 'offender restoration' (e.g. for the offender to learn from what happened) and found it was one of the three strongest

predictors of willingness to participate in a victim-offender conference ($\beta = .37$, $n = 131$). Huang et al. (2012) also found that the importance of offender rehabilitation positively predicted support for RJ.

Umbreit, Coates, & Kalanj (1994) asked their sample of victims who participated in victim-offender mediation ($n = 280$) to rank what was most important to them, and 'providing help for the offender' was given most often. Umbreit, Coates, & Vos (2001) found that one of the two most common reasons victims gave for wanting to meet the offender was wanting to help the offender ($n = 104$) and Coates, Burns, & Umbreit's (2003) also found it was one of the top three reasons ($n = 18$). When the offender is a young person, this may be even more important to victims, such as the 52 of Doak and O'Mahony's (2006) 60 victims who said that they wanted to help the young offender. When Bolívar, Aertsen, and Vanfraechem (2009) gave victims statements about taking part in an RJ process, 34 of their 46 victims said that preventing reoffending was very or extremely important to them – it was the most frequently occurring reason for participating.

It is important to bear in mind, however, that victims (like the general public and legal philosophers) may all be motivated to prevent reoffending but have very different ideas about the best way to do so. Some victims may want to communicate with the offender to prevent future crime, others may refuse to participate because they believe more punitive responses to crime are better at preventing reoffending. Stokkom (2013) notes that one of the reasons humans seek revenge can be to prevent the offence from happening again. Similarly, Strang & Sherman (2003) suggest that the public may call for longer sentences, not because they are punitive per se, but because they wish to prevent future crime and believe that current sentences are unable to achieve this.

Armstrong's (2012) interviews with 35 victims suggest that if they received reassurance that the offenders would not commit future crimes, this contributed to their sense of satisfaction with the victim-offender mediation. In some cases, this was true even though other

elements of the process were absent (e.g. reparation); perhaps suggesting that it is one of the more important aspects of the process to victims. Indeed during meetings with the offender, victims often focus on how the offender will desist – what they have done to turn their life around, what their future plans are, what rehabilitation programmes they could participate in, etc. (Strang et al., 2006).

Umbreit et al. (1994) found that victims commonly said they were satisfied with victim-offender mediation because it helped the offender ($n = 2014$), giving as an example a victim who said ‘I think the kid finally realized the impact of what happened and that’s not what he wants to do with himself’. Strang (2002) found that 18% of victims who went through court thought that the offender might revictimise them, compared to 5% of victims who went through the RJ conferences. Just over half (54%) of victims who went through the court process thought that the offender might repeat the offence on another victim, compared to 35% of victims who met the offender.

3.1.4 Perception of the offender

Intuitively, it would not be surprising if victims who think of the offender as more human (less of a ‘monster’, ‘criminal’ or ‘thug’), are more willing to communicate with the offender. But is there any evidence for this? Bolívar (2013) found that among her 74 interviewees, those who chose to meet with the offender already had a more positive view of their character. She suggested that having a positive view of the offender’s character predicts willingness to meet because the victim does not see the person as dangerous, nor think that they will pose a danger to them in the meeting.

Paul (2015) found that affective empathy for the offender and a desire to rebuild a relationship with the offender positively predicted willingness to meet the offender. Kirkwood (2010) found that meetings between victims and offenders were more likely to go ahead if the offender did not have a history of offending. This was the case even when controlling for the

age of the offender, which was also a significant predictor in its own right (meetings were more likely to go ahead when the offender was young). Pereira (2017) found that people who strongly value loyalty (one of five Moral Foundations described by Haidt, 2012) were the least willing to meet the offender, which she explained by the fact that those people are more likely to dehumanise the offender. Similarly, V. Braithwaite et al. (2013) found that people who endorsed what they called 'love thy neighbour' values (e.g. we should not hate others) were more likely to say they would participate in a meeting with the offender.

A prior relationship between the victim and the offender before the crime may be another potential indicator of the degree to which the victim thinks of the offender as human – though certainly a much more complex one. Perhaps people have more empathy for those they know than for strangers, and if their view of the offender is not more positive it is at least likely to be more nuanced. At a minimum, a victim making a judgement about the offender's character has more information to go on, including the distinctiveness and consistency of the behaviour, key elements people use to establish whether the cause of someone's behaviour is internal or external (Kelley, 1967). Hess, Cossette, & Hareli (2016) looked at very low level 'offences' (e.g. rudeness) and found that if the offender was the victim's friend (rather than a stranger) the victim was more likely to judge the offence as less severe, less a reflection of their character, and to think the offender was more likely to apologise. This is similar to the view people often have of their own offences, i.e. they tend to minimise them and attribute the cause more to the situation than their character. Petersen, Sell, Tooby, & Cosmides (2012) found that the more participants valued their relationship with the offender, the more they wanted to 'repair' rather than 'punish' after a crime.

These studies suggest that victims would be more willing to communicate with the offender when they know the offender before the offence. However, Borton (2012) found that a prior relationship with the offender was a negative predictor of completion of victim-offender mediation, which he suggests is because victims are hurt more by betrayal within a relationship

than by crimes committed by strangers. Bolívar's (2013) study of 74 victims found that those who knew the offender before the offence were more likely to have negative views of them than victims who did not know the offender.

Does participating in RJ tend to change victims' views of the offender? Von Hirsch et al. (2003) most explicitly say that evaluation criteria for RJ should include 'meeting of the minds' i.e. the victim and offender developing empathy for one another (p. 40). Qualitative evidence suggests that this often does occur – the victim finds out that the offender is not a monster (Umbreit et al., 1994; Umbreit & Vos, 2000; Walters, 2015), is a real person (Aertsen & Peters, 1998), or is younger or more vulnerable than they imagined (Hoyle, Young, & Hill, 2002; Umbreit et al., 1994). Jacobsson, Wahlin, & Andersson (2012) describe a meeting between victim and offender in which the victim and the offender created what they call "we-feeling", by establishing a common position towards the 'others' (p. 240).

Beven et al. (2005) found that of their 83 victims of crime, those who had taken part in a meeting with the offender reported more positive attitudes towards the offender compared to victims whose case had been through court. However, these results may simply be a product of self-selection – that those who wanted to communicate with the offender already had more positive attitudes towards them. Strang et al. (2006)'s study, using a sample from four randomised control trials, provides slightly more convincing evidence, as more victims said they felt 'sympathy' for the offender after a meeting with the offender than before the meeting.¹⁴ Strang et al. do not report the wording of the question, and they confusingly use the terms sympathy and empathy interchangeably. However, this finding is a compelling one, because while a time lapse could explain their other findings (such as a reduction in anger and fear) it is unlikely to explain the increase in sympathy/empathy.¹⁵

¹⁴ 19,15,11&16% of victims said they felt sympathy for the offender, compared to 48,74,47&52% after the restorative process.

¹⁵ Research on empathy interventions find that empathy levels usually decline rather than increase with time (e.g. with pharmacists, Lor, Truong, Ip, & Barnett, 2015).

There is no research demonstrating that victims' views of the offender change in the opposite direction through communication with the offender (i.e. that they come to see the offender as *less* human or *more* criminal), despite evidence that this may not be an unhealthy response to crime. Demonising offenders enables us to maintain our belief in a just world (Darley, 1992), to fix blame exclusively on the perpetrator, to project our own wish to harm others on to someone else, to maintain our own self-esteem, or to avoid seeming to excuse the behaviour (Ellard, Miller, Baumlé, & Olson, 2002). Batson et al. (1997, p. 106) point out that one of the barriers to empathy is the 'implications for costly prosocial action'. Indeed one danger of victims developing empathy for offenders is that they may then feel an obligation to help the offender and could be set back in their own recovery because they are either unwilling or unable to help the offender. Walters (2015) describes the effects of a (mainly positive) restorative meeting between a murderer and the sister of the person who was murdered. By the end of the meeting she found herself 'liking' the offender, which then produced feelings of guilt. Walters raises the concern that this type of 'new emotion' produced by a victim-offender meeting could lead to re-traumatisation.

3.1.5 Self-perception

3.1.5.a Agency

As described in section 3.1.1, one reason that victims choose to communicate with the offender is to increase their sense of agency in the justice process, and in many cases, victims do experience such a change and they feel better as a result of communicating with the offender (for references see section 3.1.1). The literature and my exploratory studies suggest that two related but conceptually distinct changes could be occurring: an increased sense of agency in a particular process (along with other elements of procedural justice described above), and an increase in their overall sense of agency, competence and confidence as a person. Of course, these concepts are related because procedural justice (experiencing neutrality, trustworthiness,

and respect, as well as process control) communicates that the person is valued by the group to which they belong, and this can lead to changes in overall self-perception (Tyler, 1989; Tyler & Blader, 2003). Conversely, someone's overall level of confidence is likely to affect how involved they get in a criminal justice process, and thereby how much process control they feel they have had. They are distinct, however, because it is possible, and maybe even common, for someone to experience a change in one without the other. Having experienced procedural justice may *or may* not lead to significant changes in overall self-perception. Someone's perception of their competence and confidence may change, via routes other than through experiencing procedural justice – such as through the 'extinction' of fear by exposure (Sherman et al., 2005) or reprocessing traumatic memories (Bolitho, 2017). Thus, although there are clear overlaps between the two constructs, throughout this thesis I maintain a distinction and seek as far as possible to investigate the relationship between them.

Although many studies consider whether RJ produces a sense of 'process control' for victims, there do not appear to be any studies measuring victims' overall sense of agency. The closest common proxy is victims' sense of fear. Therefore, in this section, I consider whether fear/anxiety predicts willingness to communicate with the offender or is changed through communication with the offender, and whether victims state that they are motivated by reducing their fear or attribute achievement of other outcomes to having reduced their fear.

Bolívar et al. (2009) cite two studies published in Dutch, which suggest that victims who participated in mediation, on average, were less anxious than those who chose not to (Pemberton, 2012; Zebel, 2012). It would of course not be surprising if anxiety negatively predicted willingness to communicate with the offender, as the process itself can induce anxiety (Umbreit, Coates, & Kalanj, 1994: 22). However, Wemmers and Cyr (2005) predicted that fear might prevent people from taking part in mediation, but found no evidence for this. Of their 59 participants, 14 said that the offer of mediation had caused them fear, but 11 of those victims still agreed to participate. Of the 13 who refused mediation, only three reported the offer

causing them any fear and only one said that fear was their reason for refusing to take part. Some victims choose to communicate with the offender specifically in order to reduce their anxiety. Hallam (2015) for example, cites a victim interviewed before meeting the offender, who said: 'I think if I can see him in a safe environment it will take that fear away and then I won't be as scared to do just normal things.'

Several studies suggest that communication with the offender reduces victims' fear because victims find out they were not specifically targeted (Hoyle et al., 2002; Strang et al., 2006). Armstrong (2012), for example, cites a victim who says that it was 'important to hear how it happened and that we weren't being picked for any reason, that was good for peace of mind.' Remarkably, however, Strang & Sherman (2003) found that participating in a restorative meeting led people to report feeling *less* 'trusting of other people'.¹⁶ Perhaps even more remarkably, few studies of RJ have attempted to evaluate its effect specifically on trust, despite evidence that a major effect of crime is a decrease in victims' trust of others (Norris & Kaniasty, 1991; Norris & Thompson, 1993).

Overall, however, there is evidence that RJ processes can reduce victims' levels of fear. Beven, Hall, Froyland, Steels, and Goulding (2005) asked victims of crime to rate their sense of safety before and after either court or an RJ intervention, and found that while the court process reduced feelings of safety (n=47), RJ increased it (n=36). Rugge and Scott (2009) asked victims about their level of anxiety/stress before and after RJ, finding that 31 victims had 'some problems' or 'major problems' before RJ, and only 12 had 'some problems' afterwards (with no-one continuing to experience 'major problems'). Wemmers and Cyr (2005) asked the 39 of their participants who met with the offender whether the meeting had changed their levels of fear, and 15 agreed that it had. Fourteen of these said it had reduced their fear, and one said it had increased their fear because the offender was not remorseful. Strang (2002) found that fear

¹⁶ Text does not align with graph – either 56% said less trusting or 26%.

decreased significantly from pre to post-RJ for both property and violence offences, but there was a much bigger effect among victims of violence.¹⁷

3.1.5.b Morality

There do not seem to be any RJ studies that explicitly measure victims' perceptions of their own morality or the extent to which they identify as victims. However, if victims' perceptions of their own morality include the extent to which they blame themselves for the offence, then there is some (limited) evidence that it may affect and be affected by their experiences of RJ. Bolívar (2013), for example, found that victims' most commonly given motivation for taking part in meetings with the offender was to understand the offence. This, she proposed, was because victims who wanted to meet the offender tended to lack a meaningful explanation for the crime and engaged in self-blame, whereas victims who chose not to participate tended to have already identified the offender as the unique cause of the offence.

Rugge & Scott (2009) asked 50 victims about their levels of shame and guilt before and after an RJ intervention. Beforehand they categorised seven people as having 'problematic' levels of shame/guilt, and afterwards only one person. Sherman et al. (2005) were surprised to find - despite their 'clinical impressions that victims were greatly relieved to hear from offenders that the crime had occurred at random' - that levels of self-blame did *not* change significantly in any of their four randomised control trials (p. 390). Some studies have identified that outcomes for victims are most likely to be negative when the offender does not accept responsibility for the offence, perhaps suggesting that this reinforces self-blame (Shapland et al., 2006; Strang et al., 2006; Wemmers & Cyr, 2005).

¹⁷ The starting levels of fear were low, and unfortunately for this measure she does not have the comparative measure for victims who went through a trial in court.

Victims may seek to understand why the offence occurred in order to reduce their sense of self-blame, but they may also want to understand the cause of the offence for other reasons. They may want to protect themselves from revictimisation, to make the world *feel* more predictable, or to assess the offender's level of guilt. Such multiple outcomes are clearly interlinked and may even occur as a direct result of one another; perhaps an assessment of the offender's level of guilt enables a victim to stop blaming themselves, for example. However, only by conceptually separating these outcomes can we understand their relationship to one another. Throughout this thesis I attempt to maintain a distinction between the five mechanisms, while acknowledging the relationship between them. If a victim wants to ask why the offence occurred, for example, I label this as a desire to change their perception of the offender, because in the simplest, most superficial terms, that is what it constitutes (the victim is gaining information about the offender's motivation, their actions and decisions on the day of the offence, etc.). This certainly does not preclude, however, the possibility that the *reason* victims seek to find out about the offender is to change their perceptions of their own safety, or their levels of self-blame, etc. Maintaining conceptual separation of these outcomes not only permits the possibility of a relationship between them, it importantly enables the potential relationships to be made explicit and thereby investigated further.

3.2 Other predictors of victim willingness to communicate with offenders

This section explores potential influences on victims' willingness to communicate with the offender, including the nature of the crime and the identity groups of victims and offenders. If the crime is serious, does that make a victim less likely to want to meet the offender? What about victims from different backgrounds, are some more likely than others to want to

communicate with the offender?¹⁸ This is important to know in its own right, as it addresses the question of *when* victims choose RJ. More important in the quest to discover how RJ ‘works’, however, is to ascertain whether differences in the choices made by victims of different types of crime and from different identity groups can be explained by the five mechanism theories. This area is relatively unexplored, so I focus in this section on any evidence that these factors influence victim choice to communicate with the offender, and whether they influence the justice objectives that people think are important.

3.2.1 Nature of the crime

There is good reason to suppose that the nature of the crime would affect victim willingness to communicate with the offender, and their motivation for doing so. Victims of different types of crime recover differently, see the offender differently, and are likely to have different experiences of the criminal justice system. Additionally, the type of crime affects people’s justice goals – what they want and expect from agencies within the criminal justice system (e.g. Alter, Kernochan, & Darley, 2007; Darley & Pittman, 2003; Gromet & Darley, 2006; Richards, 2009).

There are many ways to distinguish between different types of crime, the most common being to use legal categories for different types of crime: burglary, robbery, theft etc. The problem with this is that within each type, crimes may vary widely on a number of dimensions. One burglary may differ from another by seriousness, by whether the victim came into contact with the offender, and by how long ago the crime took place. A crime classed as a burglary may or may not have been racially motivated, and may even have contained an element of sexual offending. Although crime may also differ on other dimensions (e.g. whether it was committed

¹⁸ I do not include personality variables as potential predictors for one simple reason: it would not be of use in RJ practice. While I do not doubt that a study of individual differences affecting willingness to meet would enhance our knowledge of human nature, my primary concern here is identifying predictors of participation that could have direct implications for practice and policy.

by a group, other hate-based crime, whether it was part of a series of crimes, etc.) I have selected the following five dimensions because the literature suggests that they make the most difference to victims' experiences of, and responses to, crime: severity, time elapsed, contact with offender, racial motivation, and sexual offending.

3.2.1.a Severity

Are victims more likely to want to meet the offender if the crime is serious? This aspect of crime is extremely difficult to define and measure, despite superficially sounding relatively straightforward. An objective measure of seriousness does not exist, and even its definitions in law are inconsistent and flawed. Some measures of severity are based on legal precedents and practices. The Cambridge Harm Index (CHI), for example, is derived from minimum sentence lengths for particular crimes (Sherman, Neyroud, & Neyroud, 2016). It is therefore neither a measure of harm (Ignatans & Pease, 2015), nor is it a particularly rational scale.¹⁹ This and other scales based on sentence length (e.g. Ratcliffe, 2014) are likely to reflect idiosyncrasies in the law, and where they are based on actual sentences (e.g. Francis & Humphreys, 2005) they are also influenced by the criminal history of the individuals involved.

Perhaps because of the complications with using the law to measure seriousness, many studies either limit the measure to a crude classification system (e.g. low, medium and high), or use a perception-of-seriousness scale. Perception-of-seriousness scales are based on how serious a particular sample of people believe certain crimes to be – the sample may include victims, judges, or members of the general population, and of course in practice they are often made up of psychology and criminology students. While there is much disagreement, there is

¹⁹ For example, Grievous Bodily Harm (GBH) is 700 *times* worse than Actual Bodily Harm (ABH) on the scale, even though there may be only a fine distinction between the two in practice. In 2013, Sherman himself recommended using the median sentence length, but it was changed to the minimum length for calculation of the scale.

also a remarkable degree of consensus especially at the higher end of most scales (Stylianou, 2003).²⁰

Stylianou (2003) identifies two commonly described sub-dimensions of severity: consequences and wrongfulness. The 'consequences' dimension is relatively straightforward and consistently described by various authors as the physical, emotional and financial harm caused by the crime (e.g. Blum-West, 1985). The 'wrongfulness' sub-dimension, on the other hand, is broken down in multiple different ways by different authors.²¹ The most commonly identified feature of 'wrongfulness' is the degree to which the crime and its consequences were caused intentionally by the offender.

Some studies have found no relationship between crime seriousness and victim willingness to communicate with the offender, others have found that seriousness increases victim willingness, and yet others that it decreases victim willingness. A good example of this set of mixed results is Umbreit, Coates, & Vos' (2002) review of why victims chose not to participate. Some victims gave as their reason for not participating that the offence was not serious enough, and others gave the reason that the offence was, in effect, too serious (a similar paradox was identified by Gustafson, 2005). Mattinson and Mirrlees-Black's (2000) analysis of the British Crime Survey (as it was then) found seriousness had no effect on victim willingness to meet the offender. They found that 43% of those who rated the crime as below seven on a 20-point seriousness scale said they would have wanted to meet the offender, compared to 41% of those who rated the crime as above seven on the scale. This difference is small and while they do not report whether it was significantly different, it is unlikely. Okimoto et al. (2012)

²⁰ Stylianou outlines the main ways such scales have been developed since Sellin and Wolfgang began trying to create a quantitative measure (1964). Participants are usually given offence scenarios, and are then asked to rate the seriousness on a fixed scale, an infinite scale, or to compare the seriousness of multiple pairs of crimes (resulting in an overall ranking).

²¹ Blum-West (1985), for example, found that in assessing the seriousness of a crime, their participants considered the offender's intent, purpose, motive, fair play, and the potential for harm – in addition to the actual consequences. Similarly (Forgas, 1980) finds four sub-dimensions: concern (to the victim), violence, commonness, and intentionality. The number of sub-dimensions identified ranges from two (Connell & Whelan, 1992; Fishman, Kraus, & Cohen, 1986; Warr, 1989) to 20 (Rossi, Simpson, & Miller, 1985).

found that seriousness of the crime did not predict people's choice of traditional criminal justice versus a victim-offender conference (n=531 students). Großkopf (2015) used severity of crime as a proxy for fear, and found it had no effect on hypothetical willingness to participate in victim-offender mediation (n=188).

Some studies seem to show that victims more often want to communicate with the offender when the crime is minor. If crimes are divided into offences against property and against the person, people seem to relatively consistently want to communicate with the offender more often in the case of property crimes, both in the US (Wyrick & Costanzo, 1999) and in the UK (Kirkwood, 2010). Niemeyer & Shichor (1996) found that victims of minor personal crimes were most likely to opt to meet the offender (79%), followed by victims of property crimes (both minor and serious = 74%), and lastly by victims of more serious personal crimes (58%, n= 1,276).²² Wemmers and Canuto (2002) cite a Dutch study (Wemmers & Van Hecke, 1992) which found that victims were least likely to participate when the offence was serious. The victims and offenders in this case were offered a chance to make a civil agreement, which would result in the office of the public prosecutor dismissing the case. Of Bolívar's (2013) sample, those who opted for direct mediation were also those who said they were the least 'harmed' by the crime.

Gehm's (1990) study is a rare example of a quantitative study with a large sample of victims who had actually been offered the opportunity to meet the offender (N=535). Using stepwise regression analysis, Gehm found that victims were significantly more likely to participate if the offence was a misdemeanour (rather than grievous misdemeanour or felony) – but it is unclear from the study whether a restorative intervention was offered in addition to other criminal processes or instead of them. Gehm also proposed a reason for this finding, suggesting that victims carry out a cost benefit analysis, and the additional anxiety they

²² Offenders were least likely to want to meet for minor personal crimes (69%), compared to property crimes (>80%) and serious personal crimes (77%).

experience after a more serious crime weighs heavier in the ‘costs’ category. Roberts & Stalans (2004) suggested that the more serious the offence, the more likely people are to view the offender as part of a ‘criminal subculture’, and therefore the less likely they are to want to meet them (p. 323). Gromet and Darley (2006) found that a decrease in preference for RJ with severity occurred only when it was offered as an *alternative* to other criminal justice processes. In their scenario-based study with a sample of the general population, participants opted less often for a victim-offender meeting when the offence was serious, but this was not the case when it was offered *along with* the possibility of a prison sentence.

Other studies seem to show that willingness to communicate with the offender increases with the seriousness of the crime. Coates, Burns and Umbreit, (2003) found a trend in this direction, although their sample was extremely small and they do not indicate that this was a significant finding. My own research (Batchelor, 2017) implies a non-linear relationship between seriousness and willingness to meet, although the limits of the method means that it is not possible to test whether this is the case. Zebel et al. (2017) found that perceived harmfulness (only one of their three seriousness measures) positively predicted victim willingness to participate in victim-offender mediation. This is one of the most precise and useful contributions to the debate, as it suggests that particular sub-dimensions of seriousness may have independent influences on victim preference.

Some studies have found that victims who were highly distressed by the crime were least likely to benefit from an RJ process (Daly, 2005; Morris et al., 2009). Shapland et al. (2007) carried out the only known quantitative study exploring the effects of the nature of the crime on victims’ justice objectives. They found that victims of minor offences more often wanted to help the offender, and were willing to communicate with the offender out of a sense of duty. Victims of more serious offences more often wanted to take part to receive reparation and to fulfil their own needs, such as having their questions answered. These findings should be treated with caution as the sample included both victims and offenders, and the analysis they carried

out had serious limitations.²³ Nonetheless, it is an important indication that different mechanisms may be involved under different circumstances. This is consistent with findings that the seriousness of the crime affects the extent to which people desire punishment (Alter et al., 2007; Darley & Pittman, 2003; Gromet & Darley, 2006; Orth & Wieland, 2006), procedural justice (Richards, 2009), and prevention (Darley et al., 2000). The consequences and ‘wrongfulness’ of the crime also affect how the victim perceives the offender (Winkel, 2007) and how they see themselves (e.g. their social standing, Bilz, 2007).

3.2.1.b Time elapsed since the crime

Just as severity seems to have inconsistent effects on willingness to meet, so too does the time elapsed since the crime. Coates et al. (2003), for example, suggested that victims were more likely to participate soon after the offence, but in the same study found that practitioners recommended allowing victims time to ‘heal’ before offering an RJ process. Given that the effects of crime on victims tend to change over time (Denkers & Winkel, 1998; Gale & Coupe, 2005; Norris & Kaniasty, 1994), there is good reason to suspect that victims’ self-perception also varies over time and thereby affects willingness to meet. Similarly, victims’ focus on prevention may increase or decrease over time, particularly if they are able to find out whether the offender has committed further crimes since the original offence.

Several studies have proposed and tested whether the seriousness of the offence moderates the relationship between the timing and victims’ willingness to meet the offender. Wyrick and Costanzo (1999) correctly predicted that they would find an interaction between the influence of time on victim appetite for RJ, and the offence being against either property or the person. They found that victims of property offences became less likely over time to opt for RJ, but that victims of offences against the person became more likely over time to do so. I attempted to replicate this finding using different measures of seriousness (Batchelor, 2017).

²³ The principal components analysis did not result in a simple structure.

Victims of minor and mid-range crimes became less likely to opt for communication with the offender as time passed, but there was no relationship for the most serious crimes – probably because my sample was limited to relatively minor crimes and relatively short time periods between the crime and the offer of RJ. Zebel et al. (2017) more successfully replicated and improved upon Wyrick and Costanzo’s study, finding that victims who perceived the crime to be most harmful became more likely to participate in victim-offender mediation (VOM) as time passed. Victims who perceived their crime to be least harmful became less likely to opt for VOM as time passed. They include a graph depicting both of these relationships as non-linear, but it is unclear whether they statistically tested for a non-linear relationship.

3.2.1.c Contact with the offender during the crime

To my knowledge, there has been no research into the effects of having contact with the offender during the crime on victims’ willingness to communicate with the offender. Many studies break down victim willingness by crime type, but this tells us little about the specific effects of contact because most crime types may or may not involve contact with the offender. Mattinson & Mirrlees-Black (2000), for example, show that offences that *usually* do involve contact (e.g. domestic violence, stranger violence, acquaintance violence and mugging) result in slightly fewer victims wanting mediation than offences that usually do not involve contact (e.g. vandalism, vehicle theft, an attempted burglary). However, there is no way of knowing whether contact with the offender is the cause of this difference, because the crimes also differ from one another along so many other dimensions.

A set of studies that have looked specifically at the differential effects of contact and non-contact crimes are those on ‘punitiveness’. Kühnrich & Kania (2005), for example, find that in their sample of German respondents, those who had not been victimised were the most punitive, victims of non-contact crimes were the least punitive and victims of contact crimes were somewhere in between. In their sample of British respondents, victims of contact crimes

were the least punitive. We might also expect contact during the crime to affect victims' self-perception and their perceptions of the offender, and therefore for contact during the crime to affect victim motivation for communication with the offender.

3.2.1.d Racially motivated crime

There has been some research on the potential benefits of RJ in cases of hate crime (Walters, 2015; Walters & Hoyle, 2010, 2011), but very little on whether victims of hate crime are equally likely to want to meet offenders compared to victims of other types of crime. A recent report by the University of Sussex (Paterson, Walters, Brown, & Fearn, 2018) suggests that on average 61% of Muslim and LGBT people who took part in more than 20 different studies were in favour of RJ as a response to hate crime. Analysis of the individual studies and submission for peer review has not taken place yet at the time of writing, but this is the first indication that people may, somewhat counter-intuitively, be more in favour of RJ in cases of hate crime.

I class this finding as counter-intuitive, because many victims of crime say that they benefit from communication with the offender because they find out that they, their house, or their property were not specifically targeted (Sherman et al., 2005). Given that the opposite is likely to be true in the case of hate crimes – that victims were targeted precisely because of a fixed aspect of their identity – it would be surprising if more victims of hate crime were interested in RJ, and important to find out the reason for this. It is likely that victims of hate crime have different perceptions of themselves and the offender compared to victims of other types of crime, particularly as others are less likely to blame the victim in cases of hate crime (Droogendyk & Wright, 2014). Thus, the objectives that victims expect to fulfil, and their experiences of communication with the offender, are also likely to differ according to whether the crime was hate motivated.

3.2.1.e Sexual offences

Julich (2006) suggested that none of the 18 survivors of childhood sexual abuse that she interviewed were in favour of RJ, for fear that a perpetrator would continue to wield power over them by refusing to attend a meeting or by controlling the meeting. Similarly, Herman (2005) concluded that the views of 22 victims of sexual offences did not accord with a 'restorative' view of justice. More commonly, studies show that victims of sexual offences are less likely to want to communicate with the offender than victims of other offences, but that a small proportion do still want to do so. Marsh & Wager (2015) found that five of 29 survivors of sexual violence said they would have considered communicating with the offender if they had been given the opportunity, and a much higher proportion of survivors (28 of 40) were in favour of it being made available. In a Canadian survey, 26% of sexual offence victims were 'very' or 'somewhat' interested in victim-offender mediation, compared to 51% of all victims (Tufts, 2000).

An evaluation of the RESTORE project in the US is a rare exploration of the views of survivors of sexual violence throughout the RJ process (Koss, 2014). Of the 66 referrals to the project, three-quarters of survivors were willing to meet with the offender in their case, and 22 conferences went ahead. The authors imply that this high rate of willingness is representative of all sexual violence survivors – citing other studies which found high rates of victim willingness even though those studies were conducted not just with victims of sexual offences (Sherman et al., 2005; Umbreit et al., 2002). This is unlikely to reflect the real proportions of victims who would be willing to participate, as it contradicts the other studies mentioned above. Nevertheless, those who did participate tended to feel that the process had been fair and reported high levels of satisfaction.

Victims of sexual offences are likely to blame themselves and to experience fear and trauma symptoms after the crime (Breitenbecher, 2006; Massad & Hulsey, 2006). People tend

to see the commission of sexual offences as part of the offender's character (Beling, Hudson, & Ward, 2002), and they are therefore more likely to believe the offender will reoffend. People are also more punitive when the crime is of a sexual nature (McCorkle, 1993). It seems likely then, that victims of sexual offences may have different types of motivation for communicating with the offender compared to victims of other types of offence.

3.2.2 Victim and offender identity groups

Members of certain groups are more likely to be victimised, and more likely to be repeat victims (Simmons & Dodd, 2003; Simmons et al., 2002). In England and Wales, young men (aged 16-24) are much more likely to become victims than women and older people. Most assaults by strangers are against men, but most domestic violence is committed against women. Simmons & Dodd (2003) also find that those living in council estates, ethnically diverse and low income areas are three times more likely to be victims than those living in wealthier suburban or rural areas, a trend also identified by more recent studies (Tseloni & Pease, 2015). People who are Black, Asian or from other minority ethnic groups are significantly more likely to be victims of personal crime than White people (Ministry of Justice, 2015). With group identity having such an impact on people's experience of crime, it follows that it might also influence their response to it, including whether they are willing to meet with the offender, and their motivation for doing so.

Group identity is known to affect people's view of justice (Clayton & Opatow, 2003; Skitka, 2003; Tyler & Blader, 2003). As well as differing experiences of crime, groups have different experiences of discrimination and injustice more broadly, affecting their perceptions of themselves and other members of their group. Groups have different amounts and types of power in relation to one another, and in relation to justice institutions. Group membership therefore affects people's experiences of justice institutions and the legitimacy with which they

view them. Some examples of group differences in views of justice include: procedural justice has less of a cushioning effect among minority groups (Lilly & Wipawayangkool, 2018); procedural justice may be of less importance in determining institutional legitimacy in some countries than in others (Jackson, Asif, Bradford, & Zakar, 2014); there are gender differences in attributions of blame for particular crimes (Beling et al., 2002); and there are cross-cultural differences in overall levels of punitiveness (Kühnrich & Kania, 2005), belief in a just world (Lucas, Kamble, Wu, Zhdanova, & Wendorf, 2016) and justice sensitivity (Wu et al., 2014).

Some studies have found that victims are most likely to opt for RJ when the victim and offender *share* an identity group, regardless of its nature (e.g. Wenzel, Okimoto, Feather, & Platow, 2008). The shared identity group could be a demographic one, or could be a narrower identity group such as an institutional affiliation. Their findings led Okimoto, Wenzel and colleagues to develop value-restoration theory (Okimoto, Wenzel, & Platow, 2010), in which they posit that RJ ‘works’ because it reaffirms shared values. The theory explains, they say, the finding that victims are more motivated to participate in RJ when the victim and the offender are part of a group that had shared values prior to the crime, values that the crime has violated. In section 2.2 I challenged Okimoto, Wenzel and colleagues’ definition of value-restoration as a theory of *how* RJ ‘works’. Nevertheless, it results in a rare example of a specific, testable prediction about an influence on victims’ willingness to meet the offender, so I turn briefly now to some of the relevant findings.

Okimoto, Wenzel and colleagues found in several studies that when victims and offenders share an identity group, or when a shared identity is made more salient, victims are more likely to opt for RJ (Wenzel et al., 2010; Wenzel & Thielmann, 2006). For example, participants in an experimental scenario-based study were more likely to support an RJ response to an infraction that had been committed within a group described as cohesive, than a group described as low in cohesiveness. This finding does not seem to have been tested by others, but is relatively unsurprising given other evidence from social psychology. In-group bias and

out-group derogation are common features of human relationships, and the impulse to avoid members of the out-group after previous negative contact, or while experiencing anger and anxiety, are well documented (Plant, Butz, & Tartakovsky, 2008). The degree to which people are punitive also differs according to shared group membership, as people are generally more lenient with in-group members than out-group members when guilt is uncertain, but the reverse is true when guilt is certain (Van Prooijen, 2006). When an offender is from a different group, people are more likely to believe that the offence was intentional, that the offender is likely to reoffend, and that other members of that group are likely to do the same thing (the ultimate attribution error, see for a review Hewstone, 1990).

Overall, there is reason to believe that victim and offender identity groups influence victim willingness to communicate with the offender, their motivation for doing so and the outcomes of communication. In this section, I present four types of identity group, and the limited evidence available that these group memberships influence victims' expectations and experiences of RJ. The four identity groupings span different degrees of permeability, relative status, advantage, and numerical proportions within the population. More pragmatically, these are the four groupings about which I could find RJ-related research of any kind, however sparse. I have not included other identity groupings that might also have been of interest but where RJ-related research was absent, for example whether the victim has a disability. There is some overlap in a practical sense with the previous section, because most victims of racially motivated crimes are from minority ethnic groups and most victims of sexual offences are women. However, this is certainly not true across the board, and the type of crime and the identity of the victim are conceptually distinct, therefore I present the evidence separately in this section.

3.2.2.a Socio-Economic Status (SES)

One critique of RJ is that it is blind to socio-economic status, and therefore perpetuates power imbalances and structural injustice. Delgado (2000, p. 752), for example, worries that in RJ processes ‘a vengeful victim and a middle-class mediator will gang up on a young, minority offender’ and ‘exact an apology’, and that the mediator will have more in common with the victim than the offender. Is this indeed the case?

There is little research on socio-economic status as a predictor of participation in RJ. However, because victims are unlikely to even be offered RJ if they do not report the crime to the police, the literature on police reporting suggests that those with those with lower incomes are less likely to have access to RJ (because they are less likely to have reported the crime to the police, Murphy & Barkworth, 2014). Wenzel and Thielmann (2006) sought participants’ views on a prison versus a community sentence, and found that lower levels of education and family income were associated with choosing a prison sentence over a community one. This implies that victims who opt to participate in RJ may be on average of a higher socio-economic status than victims who opt not to, but is far from conclusive. Willis (2018) found that RJ processes may limit the engagement of people from less advantaged backgrounds because the process requires a particular (generally middle-class) type of linguistic competence and confidence. This inequality of opportunity means that socio-economic status could have a strong effect both on people’s motivation for communicating with the offender, and the extent to which they derive benefits from it.

3.2.2.b Age

Previous research suggests that victims’ and offenders’ ages are predictors of victim willingness to communicate with the offender. Kirkwood (2010) and Bolívar, Aertsen, and Vanfraechem (2009) found that victims of crime who had been referred to RJ were more willing

to participate in face-to-face meetings if the offender was young. Wyrick and Costanzo (1999) also found that referrals to an RJ service were more likely to result in mediation when the offender was young. Kühnrich and Kania's (2005) study on how punitive people were suggests that punitiveness decreases with age until late middle-age, when it starts to increase again (resulting in a u-shaped curve with the most punitive people being teenagers and those over 70).

3.2.2.c *Ethnicity*

Previous research has produced conflicting results regarding the influence of victims' and offenders' ethnicities on victim willingness to communicate with the offender. Some studies have found no effect of the *offender's* ethnicity on the likelihood of victim-offender mediation taking place (e.g. Borton, 2009). However, it would be surprising if ethnicity were to have no influence at all on victims' decisions, given that the offender's group membership influences how their actions are perceived, and in court it affects the sentences that they receive. Duncan (1979) found that an ambiguous 'shove' was labelled more violent if the shover was Black (by both White and Black participants in the US). Juries in the US are more likely to find Black defendants guilty than White defendants (Sommers & Ellsworth, 2000), and Black defendants are more likely to receive the death penalty, especially when the victim is White (Baldus, Woodworth, Zuckerman, Weiner, & Broffitt, 1998; Schopp, 2002; Zeisel, 1981). Gehm (1990) found that his sample of (mostly White) victims were more likely to participate in RJ if the offender was White. Wyrick and Costanzo (1999) found no difference between victims' tendency to opt for mediation when the offender was White compared to Hispanic, but that they were significantly less likely to do so if the offender was from another ethnic group (419 of the 2,363 offenders).

There is also little evidence regarding whether the *victim's* ethnicity influences their willingness to communicate with the offender. This may be because - as Gavrielides noted

(2014) - race relations as a whole have been somewhat ignored in the RJ literature. Gavrielides argued that this imbalance needs to be redressed, particularly when RJ is positioned as a challenge to existing, often structurally racist criminal justice systems. Some studies with large sample sizes have found no influence of victim ethnicity on their choice to participate (e.g. Borton, 2009; Gehm, 1990), and many others have struggled to even address the question because RJ services often do not keep consistent records about victims' ethnicities (e.g. Shapland et al., 2006). Though differences in nationality are far from equivalent to differences in ethnicity, perhaps the best indication that ethnicity influences RJ appetite comes from studies showing that there is more support for RJ in some cultures than others, e.g. Huang et al. (2012) found more support for RJ among Japanese respondents compared to Australian respondents.

Nancarrow (2006) found that the Australian indigenous women she interviewed (in a sample of 20 women) were more in favour of RJ as a response to family violence than White women. She suggested that one of the reasons for this was that the indigenous women were less trusting of the traditional criminal justice system. Kühnrich and Kania (2005) found in the UK that self-identified immigrants were less likely to endorse long prison sentences than the rest of the sample. Although Kühnrich and Kania do not suggest a reason for this finding, Nancarrow's interpretation could be relevant here too. Some minority groups in the UK have less confidence in the police and the criminal justice system, which could in turn influence their ideas about how to respond to crime. Additionally, different nationalities and ethnic groups may prioritise certain types of justice over others, for example Tankebe found that people in Ghana were more likely to value police effectiveness over procedural justice, unlike studies that have found the opposite in the UK and the USA (Tankebe, 2009).

3.2.2.d Gender

The evidence for an influence of *victim* gender on victims' decisions to communicate with the offender is once again mixed. Pereira (2017) found that participant gender had no

effect on a hypothetical choice for RJ (in a Portuguese sample of 147 participants). Mattinson & Mirrlees-Black (2000) found that women were slightly more likely to say yes to the hypothetical offer of meeting the offender (drawing on data from the British Crime Survey). Women are also more likely to prioritise prevention as a justice goal, be it through deterrence or rehabilitation (Bolívar et al., 2009; Haynes & Cares, 2015). A study on state-level predictors of RJ policy in the USA found that a higher number of female state legislators was associated with the state having more RJ legislation (Sliva, 2018). In contrast, Borton (2009) found that cases involving male victims were more likely to complete mediation than those involving female victims, drawing on 185 cases referred for Victim Offender Dialogue in Ohio, US.

In terms of how the *offender's* gender affects victims' justice responses, the story is not simple here either. In a sample of 323 women and men, those who were involved in sentencing (such as judges) gave harsher penalties if the offender was the same gender as they were, and those not involved in sentencing (the general public) gave harsher penalties if the offender was a man (Ahola, Hellström, & Christianson, 2010). Another study in the US with almost 25,000 defendants found that judges gave more lenient sentences to women (Steffensmeier & Demuth, 2006). A study in the US (Wyrick & Costanzo, 1999) and an exploration of data from three RJ services in Scotland (Kirkwood, 2010)²⁴ both suggested that RJ was more likely to proceed if the offender was male.

Österman and Masson (2018) interviewed 11 female offenders in the UK who had taken part in RJ. They suggested that when it works, RJ may have a bigger impact on female offenders than male (e.g. increasing empathy for the victim, etc.), but also that as female offenders are more likely to be vulnerable, poorly managed RJ processes may have a particularly detrimental effect on women. They note that having breached traditional gender ideals can lead to higher levels of shame and stigma for female offenders, and that this can be exacerbated by

²⁴ Only 19.6 % of the 2,363 offenders were female.

a face-to-face ‘shaming’ process. RJ processes often ignore the ways in which the offender is also a victim, which can be particularly problematic for female offenders because the prevalence and severity of victimisation among female offenders tends to be greater than among male offenders (Lowenkamp, 2001; McClellan, Farabee, & Crouch, 1997; Messina, Grella, Burdon, & Prendergast, 2007).

3.3 Conclusion

There is some evidence from the literature for each of the five mechanisms, summarised in Table 3.1. It is unfortunately impossible to know whether the identified patterns reflect the mechanisms’ relative roles in victims’ experiences of RJ, or if they are simply artefacts of researcher decision-making. There is, for example, the most evidence for procedural justice as a mechanism by which RJ produces outcomes for victims. Several studies find it predicts participation, motivates victims, changes throughout the RJ process, and that victims attribute other outcomes to having experienced procedural justice – they feel better *because* they were treated fairly, were respected etc. It is tempting to conclude that it is therefore the most common or most important mechanism of the five, but it is also possible that it has just been most frequently a topic of research.

There is less evidence overall for each of the other mechanisms, and they fall into two distinct camps: those with most evidence that victims seek to fulfil mechanism-related objectives through communication with the offender, and those with most evidence that mechanism-related perceptions change as a result of communication with the offender. There is a good deal of evidence, for example, that victims want to communicate with offenders to prevent them from reoffending, but there is less evidence that RJ processes successfully lead victims to believe that prevention has occurred. Like the other patterns identified here, this may be because victims in fact tend not to feel they have achieved this goal, or it may be because

fewer studies have even attempted to measure it. The absence of negative results in this area, however, suggests that the latter explanation is most likely (it has only rarely been included as an outcome measure in RJ studies).

In contrast, there is little existing evidence that people are motivated by the *desire* to change their perceptions associated with the remaining three mechanisms (perceptions of punishment, the offender and the self), but nevertheless a good deal of evidence that those perceptions do change when victims communicate with offenders. While the simplest explanation is that they could constitute mechanisms without acting as motivators, there are a number of other possibilities. Victims may be willing to admit that punitive goals have been fulfilled after the RJ process, for example, but unwilling to admit beforehand that it forms part of their motivation. Studies may have focused so much on the reduction of anxiety and self-blame as potential outcomes, that their potential as motivators for participation has been ignored.

In some cases, there is an absence of evidence that perceptions either predict participation or change as a result of RJ processes. I could not find any evidence, for example, that people strongly identifying as ‘victims’ predicted communication with the offender, or that their level of identification as victims changed through communication with the offender. Its complete absence from the research suggests that no one has measured this factor in relation to RJ participation, rather than that anyone has found it to be inconsequential.

In section 3.2, I presented limited evidence that the nature of the crime and the identity of the victims (and offenders) may affect victims’ expectations and experiences of communication with the offender. There is not enough research to draw conclusions in this area, but there is enough to suggest they are relevant factors, and worthy of further exploration. For example, different types of crime may lead victims to seek communication with the offender for different reasons, and this might in turn explain why existing research finds some types of motivation to be more common than others.

As we have seen, there is at least some evidence for all five mechanism theories. The problem, however, is that much of the evidence is inconsistent. There has been a lack of any attempt to compare their relative roles, and to understand when (under what circumstances) they are at work. The following five chapters describe analysis of three different sources of data, in an attempt to test the power of the five mechanism theories to explain victims' expectations and experiences of communication with the offender.

Table 3.1
Summary of literature review

	<u>Predicts victim participation in RJ processes?</u>	<u>Victims give as stated motivation?</u>	<u>Changes with RJ process?</u>	<u>Victim attributes outcomes to this change?</u>
<u>Procedural Justice:</u>	None	Yes - Strong (V. Braithwaite et al., 2013; Hallam, 2015; Hoyle, 2002; Paul, 2015b; Strang & Sherman, 2003; Wemmers & Cyr, 2004)	Yes - Some (Beven et al., 2005; Miller & Hefner, 2015; Strang, 2002; Van Camp & Wemmers, 2013; Wemmers & Cyr, 2005)	Yes - Some (Beven et al., 2005; Van Camp & Wemmers, 2013; Wemmers & Cyr, 2005)
<u>Punishment:</u>	Mixed Yes: (Gromet & Darley, 2009a) No: (Paul, 2015b)	Opposite (Borton, 2009; Doble & Greene, 2000; Okimoto et al., 2012; Pereira, 2017)	Yes – Strong (Poulson, 2003; Sherman et al., 2005; Strang et al., 2006; Umbreit et al., 1994) ²⁵	Yes – One study (Van Camp & Wemmers, 2013)
<u>Prevention:</u>	Yes – Strong (H. Huang et al., 2012; Paul, 2015b)	Yes – Strong (Bolívar et al., 2009; Coates et al., 2003; Doak & O'Mahony, 2006; Umbreit et al., 1994, 2001)	Yes – Some (Strang, 2002)	Yes – Some (Armstrong, 2012; Umbreit et al., 1994)
<u>Perception of offender:</u> Positive view of offender	+ve (Bolívar, 2013; Paul, 2015a)	None	Yes – Strong (Aertsen & Peters, 1998; Beven et al., 2005; Hoyle et al., 2002; Jacobsson et al., 2012; Strang et al., 2006; Umbreit et al., 1994; Umbreit & Vos, 2000; Walters, 2015)	Often assumed, sometimes explicitly stated (e.g. a positive view of the offender reduces fear).
<u>Self-perception:</u> Anxiety	Mixed (Pemberton, 2012; Zebel, 2012)	Yes – Some (Hallam, 2015)	Yes – Strong (Beven et al., 2005; Rugge & Scott, 2009; Strang, 2002; Wemmers & Cyr, 2005)	Seen as positive outcome in its own right.
Self-blame	None	Yes – Some (Bolívar, 2013)	Mixed. Yes: (Armstrong, 2012; Hoyle et al., 2002; Rugge & Scott, 2009; Strang et al., 2006). No: (Sherman et al., 2005)	Yes – Some (Armstrong, 2012; Hoyle et al., 2002; Strang et al., 2006)
'Ideal' victim identity measures	None	None	None	None
Victim-offender prior relationship	-ve (Borton, 2012)	None	N/A (Can't change)	N/A

²⁵ Some studies have found an increase in anger, but only in individuals not on average.

Chapter 4: Identifying predictors of victim willingness to meet the offender

Correlation doesn't imply causation, but it does waggle its eyebrows suggestively and gesture furtively, while mouthing 'look over there'.

— Randall Munroe, *xkcd.com*

In this chapter, I investigate factors that predict victim willingness to meet the offender. As we saw in Chapter 3, the rare existing correlational studies point to the psychological changes victims expect from communication with the offender, and thereby the mechanisms by which they believe it will benefit them. Paul (2015b), for example, found that when people wanted the offender to learn from the crime, they were more likely to say they would be willing to meet the offender. From this, we can tentatively conclude that at least some victims are motivated to communicate with the offender by a desire to prevent reoffending.

Why not just ask victims why they want to communicate with the offender? We know from numerous psychology experiments that people's self-reported motivation does not necessarily align with factors that in reality seem to influence their choices (e.g. Nisbett & Wilson, 1977). Carlsmith and Darley (2008), for example, write that while people often cite deterrence and rehabilitation as the main purpose for punishment, their behaviour demonstrates they are guided by a just deserts perspective. Carlsmith (2006) asked people to decide on an appropriate sentence for a particular crime, and offered them different types of information to help them make the decision. Participants most often chose information that suggested they were using a just-deserts approach (e.g. the severity of the crime), rather than other information that was also available (e.g. the offender's likelihood of doing it again). Even those who most strongly self-identified as pro-deterrence did not behave significantly

differently to those who self-identified as pro-retribution (Carlsmith, Darley, & Robinson, 2002). This is not to claim that people cannot reflect on their own motives, nor do I agree with Carlsmith and Darley's judgement that people's self-reported motives are therefore 'incorrect'. On the contrary, seeking victims' reported reasons for communicating with the offender is essential, and I devote Chapters 7 and 8 to doing just that. Carlsmith and Darley's experiments remind us, however, that to get the full picture we should supplement victims' self-reported attitudes with observation of their behaviour.

The study reported in this chapter tests correlational relationships between victims' circumstances, emotions and attitudes, and their stated willingness to meet the offender. It is not a direct observation of their behaviour, but it does have some benefits akin to the behavioural studies conducted by Darley and Carlsmith. It draws from the Crime Survey for England and Wales (CSEW), in which people are asked about the circumstances of the crime, their emotions, attitudes, and then in a separate question they are asked about their willingness to meet the offender. Instead of asking victims why they are willing to meet the offender and what role they believe a particular emotion played in their decision, the CSEW enables direct measurement of relationships between potential predictors and victim willingness to meet the offender.

The study is not experimental, so any observed correlations do not prove causality. Let us assume we find that a particular emotion is positively correlated with people's decision to meet the offender - take sadness as an example. If those who were sad are more likely to want to meet the offender, it is *possible* that sadness caused the desire to meet the offender. There are, as usual with correlational studies, two alternatives. Perhaps the direction of causality is reversed i.e. the desire to meet the offender causes sadness. Or perhaps a third (confounding) variable or combination of variables could be causing *both* sadness and the desire to meet the offender. Should the study be abandoned altogether then? I argue that it is still of some value, for several reasons.

The reverse direction of causality, in this particular study, is unlikely. Respondents are asked about the crime and their response to it, then they are *later* in the questionnaire asked whether they would have wanted to meet the offender had they been given the opportunity.²⁶ Most of the participants, therefore, would not have considered meeting the offender before or at the time of answering the other questions, and the study excludes those who explicitly say they had previously considered meeting the offender (i.e. the less than 1% who were offered RJ at the time of the crime). The reverse direction of causality is therefore extremely unlikely; it is almost impossible that the act of considering meeting the offender caused the participants to say the crime made them feel sad, or indeed caused any of the other variables in this study.

The other alternative is more likely – that a third variable or combination of variables caused both the predictor and willingness to meet the offender. We can reduce the likelihood of this by controlling for variables that are potential candidates for confounding variables. However, it would be impossible to include every potential variable that could be causing both sadness and a willingness to meet the offender, and so we must ask ourselves if we are interested in the relationship even if we know its roots may be beyond the scope of the study. The answer is again yes, for three possible reasons. Firstly, even if an unknown or several unknown variables are causing both sadness and willingness to meet the offender, the relationship between them does *involve* causality. If statistical analysis tells us that we were unlikely to have identified the relationship by chance, we know that our two variables are both part of a single causal chain – even if they are distant from one another or the chain is circuitous. The second reason that the relationship is of interest even if it is not directly causal, is that one variable can nevertheless be used to *predict* the other. If we know that people who are sad about an offence are more likely to want to meet the offender, then perhaps RJ services can prioritise those who are sad when

²⁶ The only exception is the question about the severity of the crime, which appears after the RJ item.

making the offer of RJ. The third reason is that correlation is a sign that the relationship may be of importance, and an indication that it is worthy of further research.

This chapter is concerned with answering the first research question: Do victims' perceptions predict appetite for communication with the offender? The CSEW asks only about whether victims would opt to *meet* the offender if given the opportunity. From hereon I refer to the aspect of victim appetite for communication with the offender that the CSEW measures as victim 'willingness to meet'.

The five mechanism theories suggest perceptions that might change for victims when they communicate with offenders, and thereby perceptions that may influence victims' decisions about whether to take part. The CSEW contains some measures of victims' perceptions, but previous research is insufficient to inform selection of the best proxy variables for each mechanism. This study was therefore conducted in two stages. In the first stage, I conducted an exploratory analysis of factors that influenced victim willingness to meet the offender, using data from the years 2011-15 of the CSEW. I drew up a long-list of 48 potential predictors: any that might correspond to one of the mechanism theories, as well those relating to the nature of the crime, and victim and offender identity groups. I then looked for potential relationships by examining graphs of the data and using stepwise binary logistic regression to test which of these variables were the most influential predictors of willingness to meet. For full methods and results, see Appendix A, section A.1.

The problem, of course, with testing such a long list of potential predictors is that the possibility of falsely finding a positive result is greatly increased. Thus, I did not use the results obtained from the first stage to draw conclusions, but to inform the creation of specific, limited, hypotheses. In the second stage, the purpose of the study was to confirm or disconfirm these hypotheses, and this study is detailed in the current chapter. To demonstrate that the

hypotheses were created in advance of the study, I pre-registered the study with the Open Society Framework. I specified the hypotheses, method and planned analysis in advance of downloading the 2015-17 CSEW data, informed by both the theoretical framework and findings from the exploratory stage of the study. A date-stamped record of this registration can be found here: <https://osf.io/8b4nv/>.²⁷

4.1 Hypotheses

Procedural justice: Procedural justice theories suggest that victims may choose to communicate with the offender to fulfil their desire to be treated fairly, have a voice and feel respected. If this is the case, we might expect those who have already experienced these things to be less willing to meet the offender. Alternatively, we might expect those who felt the criminal justice system had treated them fairly to be more willing to meet the offender, particularly because the CSEW describes RJ as closely connected to the criminal justice system: *‘Victims are sometimes offered the chance, by the police or other criminal justice agencies, to meet the offender(s)...’* The exploratory study evaluated victims’ assessments of procedural justice using the measure of whether the victim felt the police treated them fairly. The analysis suggested that fair treatment by the police was a negative predictor of willingness to meet (for all references to the exploratory study, see Appendix A.1 for details). Therefore, the first hypothesis for the current, confirmatory study, was as follows:

H1: Victims who feel the police treated them fairly are less willing to meet the offender.

²⁷ I subsequently added three variable that were not specified in the pre-registration: how fairly the victim felt the police treated them, whether they had drunk alcohol at the time of the offence, and whether they had been a repeat victim in the previous 12 months. I can confirm that I hypothesised about the role of these three variables prior to analysis of the 2015-17 data as a result of more clearly defining each of the five mechanisms, and I did not test any other variables. However, I cannot prove this because I did not add them to the pre-registration. I also tested the interaction effects as specified in the pre-registration, but none of them were significant predictors of willingness to meet the offender. I do not include the results in this thesis because I subsequently revised my analysis of the relationship between the mechanisms, victim-offender characteristics, the nature of the crime and willingness to meet, and tested them as described in Chapter 5.

Punishment and Prevention: While these two mechanism theories are quite distinct, it was unfortunately not possible in the context of the 2015-17 CSEW data to identify proxy variables that distinguished between them. If people's satisfaction with justice outcomes or their retributive impulses (e.g. anger) predict willingness to meet, we cannot know whether their purpose was to fulfil a just-deserts based punishment objective, or because they want to prevent future crime. However, I proceeded with testing them together in the current study, and I attempt to disaggregate them in Chapters 6 - 8. Both mechanism theories suggest that victims may see a meeting with the offender as a way to fulfil their justice objectives, and that anger may predict willingness to meet. Forgiveness theories suggest that anger has the opposite effect, i.e. victims who have 'let go' of their anger would most want to meet the offender.

The following potential proxy variables were entered into the exploratory model: whether the police identified the offender, whether the police took action; whether the victim was satisfied with the police action, and whether the victim listed anger as one of their reactions to the crime. The role of police action is difficult to interpret when some victims had informed the police and others did not, therefore, the model also included whether the police had been informed, as a control variable.

The following hypotheses are based on the finding at the exploratory stage that victims who were angry, in whose case the police had not identified the offender or taken action, and victims who found police action dissatisfactory, were the most willing to meet the offender:

H2a: Victims who report having been angry after the incident are more willing to meet the offender.

H2b: When the police have identified the offender, victims are less willing to meet them.

H2c: When the police have taken action against the offender, victims are less willing to meet them.

H2d: When victims are satisfied with action taken against the offender, they are less willing to meet them.

Perception of the offender: The evidence from previous studies was relatively clear that victims who had a positive view of the offender were more likely to want to communicate with them. In the exploratory study, victims' views of the offender were measured by whether they attributed the cause of the crime to any of the following: the offence was opportunist, the offender wanted money, the offender's temper, the offender's mental illness, the offender was drunk or on drugs, the location of the crime, the transport situation, or that they did not know why the offence occurred. None of these potential proxy variables predicted willingness to meet in the exploratory study, and therefore they were not included in the confirmatory study.

Self-perception: The many propositions encompassed by this overarching theory suggest that communicating with the offender makes people feel less of a victim: increasing their sense of agency and morality. No existing theories forecast whether agency and morality predict willingness to meet, nor is it easy to speculate. Those with a weak sense of agency and morality might be more willing to meet the offender because they are most in need of a change, or those with a strong sense of agency and morality might be more willing to meet because the process itself requires a degree of confidence.

The potential proxy variables entered into the exploratory model were: whether the victim listed shock, fear, depression, anxiety/panic attacks, or loss of confidence/feeling vulnerable as their reaction to the crime; whether the victim was a repeat victim in the last 12 months; and whether the victim listed as a cause of the crime their own negligence or having been targeted. In addition, whether victims who thought of themselves as closer to Christie's 'ideal victim' were more willing to meet the offender was tested using the following variables: whether the victim had been drinking at the time of the offence; whether the crime took place in the day or night; what the victim was doing at the time of the offence; whether the victim provoked the offender or used force against the offender; whether they had a previous relationship with the offender; whether they believe the crime happened *because* of a previous

relationship with the offender; and their perceived likelihood of being a victim again in the next year.

The four potential proxy variables found to have a relationship with willingness to meet were anxiety, whether the person had been a repeat victim in the 12 months prior to the study, whether they had drunk alcohol at the time of the offence, and whether they had a previous relationship to the offender. These findings were tested in the current study according to the following hypotheses:

H3a: Victims who report feeling vulnerable after the crime are more willing to meet the offender.

H3b: Victims who have experienced more than one incident of crime in the previous 12 months are more willing to meet the offender.

H3c: Victims who had drunk alcohol before the offence are less willing to meet the offender.

H3d: The closer the victim's relationship to the offender prior to the offence, the less willing the victim is to meet them (in an RJ context).

Nature of the crime: Some previous studies have found a positive relationship between seriousness and willingness to meet, others a negative one, and yet others no relationship at all. A promising way to further understand these effects is to disaggregate the sub-dimensions of severity, for example into crimes against property versus the person (Kirkwood, 2010; Wyrick & Costanzo, 1999) or to analyse the specific effects of the impact of the crime rather than overall severity (Zebel et al., 2017).

In the exploratory study, the following variables were entered into the model as potential sub-dimensions of the severity of the crime: Victims' self-assessments of the severity of the crime; whether the crime involved property damage or theft; whether the crime involved a sexual element, whether violence was used, whether the victim had contact with the offender

during the crime, the financial impact of the crime, the practical impact, the health impact, the emotional impact, whether the crime might have been racially motivated, and the time elapsed since the crime.

The sub-dimensions of severity that appeared to have the greatest effects on victim willingness to meet the offender were whether the crime was classed as violent by the victim, and several measures of the impact of the crime on the victim. As violence and impact could reasonably be expected to correlate with one another, it is initially surprising that they had opposite effects on victim willingness to meet the offender. This is discussed in more detail later in the chapter (see section 4.4.5). On the basis of the exploratory study, the hypotheses are as follows:

H4a: Violence during the crime negatively predicts willingness to meet.

H4b: The greater the practical impact of the crime on victims, the more willing they are to meet the offender.

H4c: The greater the health impact of the crime on victims, the more willing they are to meet the offender.

H4d: The greater the emotional impact of the crime on victims, the more willing they are to meet the offender.

Victim and offender identity groups: As demonstrated in Chapter 3, there is reason to believe that victim and offender identity groups may influence victim willingness to meet the offender. From previous research, sharing an identity group with the offender predicted victim willingness to participate in RJ more consistently than belonging to any particular group. Therefore, in the exploratory analysis the interaction terms between victim and offender ethnicity, victim and offender gender, and victim and offender age were added to the model.

However, sharing any of these identity groups with the offender was not a predictor of victim willingness to meet.

In the exploratory study, the following identity variables were also tested for a relationship with willingness to meet: offender ethnicity; offender gender; offender age; victim ethnicity; victim gender; victim age; victim socio-economic status; victim lives in rural or urban area; victim newspaper readership; victim country of birth; victim religion; and victim has a disability. In addition, the number of offenders was added as a control variable. The results suggested that victim ethnicity, victim age, victim disability and offender age were the main identity variables that predicted victim willingness to meet the offender.

Although there is reason to believe that victim and offender identity groups may influence victims' willingness to meet the offender, there is insufficient clarity from prior research to create specific hypotheses. Therefore, the following hypotheses are based solely on the results of the exploratory analysis:

H5a: Victims from minority ethnic (BME) groups are more willing to meet the offender than White victims.

H5b: Older victims are more willing to meet the offender than younger victims.

H5c: Victims with a long-term illness or disability are more willing to meet the offender than victims without a disability.

H5d: Victims of crimes by younger offenders are more willing to meet the offender.

4.2 Method

4.2.1 Sample

The CSEW is conducted face-to-face with residents of households aged 16 and over. It was formerly known as the British Crime Survey, which began in 1982. This study uses only the surveys in which people were asked about their willingness to meet with the offender, meaning that unfortunately it does not incorporate the survey for 10-15 year olds, or the modules of the survey that ask about crimes such as fraud, cyber-crime, domestic violence and child abuse.

The survey is administered continuously throughout the year, and each respondent is asked about their experience of crime over the preceding 12 months. It oversamples in the least populated of the 45 Police Force Areas (PFAs) to ensure a minimum of 650 respondents in each area.

The two years of data I use in the current study are April 2015 – March 2016 (Office for National Statistics, 2017) and April 2016 – March 2017 (Office for National Statistics, 2018). While some victims had experienced more than one crime in the previous 12 months, only the details regarding the first crime they described are included in this study (see Appendix A.2 for justification of this decision). The only cases excluded from the analysis were those in which variables of interest were missing.

The dependent variable for all the analyses described below is whether victims who had not been offered a meeting with the offender, *would have* accepted a meeting if it had been offered (restor3)²⁸. Victims who had been offered a meeting with the offender, and therefore were not asked the hypothetical question, were excluded from the sample (see Table 4.1).

Table 4.1

²⁸ The names of the variables as labelled in the CSEW data appear in brackets.

Sample size and excluded cases for each year of data			
	2015-16	2016-17	Total
Response rate	72% ²⁹	74% ³⁰	
Total interviewed (victims and non-victims)	35,248	35,420	70,668
Total number of victims	7,392	7,989	15,382
Victims excluded because offered RJ (did not answer <i>restor3</i>)	40	39	79
Other victims excluded because they did not answer <i>restor3</i>	1,309	2,133	3,442
Final sample size	6,043	5,817	11,860

Of 11,860 people who were asked the question across the two years, 2,870 (24.2%) said they would have chosen to meet with the offender had it been offered; the rest said that they would not have (8,228), or that they did not know (762).

In the final sample, 88.1% identified as White, 5.5% as Asian or Asian British, 3.2% as Black or Black British, and 3% said they were from another ethnic group. The mean age of the participants was 45.6 years old (SD = 16.7). Women were slightly overrepresented, comprising 54.5% of the sample.³¹ Just over a quarter of the sample (26.9%) said they had a disability or long-standing illness. The ONS calculated from participant responses about their income and education that 36.7% of the sample belonged to 'Higher managerial, administrative and professional occupations', 22.7% had 'Intermediate occupations', 31.9% 'Routine and manual occupations', and 3.7% had 'Never worked' or were 'Long term unemployed'.

4.2.2 Measures

Procedural Justice. *Fairness:* 'Do you think the police treated you fairly?' Yes/Not entirely/Not at all (vp1edg5).

Punishment/Prevention. *Police identify offender:* 'Did the police find out or know who did it?' Yes/No³² (Findoff); *Police action:* 'What action, if any, did the police take against the person who did it?' Respondents selected from a list of possible actions and I transformed this

²⁹ Figure from User Guide to CSEW January 2017

³⁰ Figure from User Guide to CSEW January 2018

³¹ Respondents were only given two options, 'male' and 'female' in the survey.

³² 'No' includes original responses 'Not yet' and 'Don't know'.

into a dichotomous variable Action/No action (Chrgtyp4);³³ *Police satisfaction*: ‘Were you satisfied with the way the police handled the matter?’ Very satisfied/Fairly satisfied/A bit dissatisfied/Very dissatisfied (Satpol); *Anger*: Respondents were shown a list of possible reactions to crime and asked ‘Looking at this card did you personally have any of these reactions after the incident? Yes/No (emotrac). If they answered ‘yes’, they were asked ‘Which of these reactions did you personally have?’. Responses were coded ‘1’ if they selected ‘Anger’, and ‘0’ if they said they had none of the listed reactions or did not select anger (anger).

Self-perception. *Anxiety*: As above, if (emotrac) = Yes, respondents were asked ‘Which of these reactions did you personally have?’ Responses were coded ‘1’ if they selected ‘Anxiety/panic attacks’, and ‘0’ if they said they had none of the listed reactions or did not select Anxiety/panic attacks’ (anxiety); *Loss of confidence*: If (emotrac) = Yes, ‘Which of these reactions did you personally have?’ Responses were coded ‘1’ if they selected ‘Loss of confidence/feeling vulnerable’, and ‘0’ if they said they had none of the listed reactions or did not select ‘Loss of confidence/feeling vulnerable’ (confid); *Victim had alcohol*: ‘Had you personally had any alcohol immediately before the incident took place?’ Yes/No (alcchb); *Repeat victim*: This variable was derived from the survey according to whether the respondent filled in more than one victim form, indicating they had been victimised more than once in the past 12 months. Coded ‘1’ if repeat victim, ‘0’ if victim of one offence; *Relationship*: This variable is derived by the ONS from the questions ‘Was [he/she] someone you knew before it happened or was [he/she] a stranger? (knewoff1 if single offender, knewoff if multiple) and ‘How well did you know [him/her]?’ (howknow1 and howknowa-e). Not sure/Strangers/Casual/Knew well (relate).

Nature of the crime. *Violence*: This variable is derived by the ONS by combining two questions ‘Did the person/people who did it actually use force or violence on anyone in any way, even if this resulted in no injury?’ Yes/No (v710) OR ‘Did the offender threaten anyone?’

³³ There were too many subgroups and the distribution within the subgroups was too uneven to analyse in any further depth.

Yes/No (v711). Possible responses to the derived variable 'Use or threat of violence or force' were Yes/No (thrfor); *Practical Impact*: This 0-3 scale was created from the 13 potential answers to the question, 'Looking at this [list of potential types of impact] what, if any, of these things happened to you as a result of this incident?'³⁴ The number of types of impact victims cited were added together and capped at three. I introduced the cap because so few victims gave more than three answers, and where the number is high it is more likely to be an artefact of interview style than actual impact. *Health Impact*: 'Did you experience any long-term physical health problems as a result of the incident?' Yes/No (ltpimpe)³⁵; *Emotional impact*: If (emotrac) = Yes, then participants were asked 'Overall, how much were you affected?' Very much/Quite a lot/Just a little. This variable is called 'totaff' in the CSEW data, but was recoded for the current study because the answers were not in numerical order. The resultant scale is from 0 (emotrac = No) to 4 (Very much).

Victim and offender identity group membership.³⁶ *Victim Ethnicity*: 'What is your ethnic group?' White/ Asian or Asian British/ Black or Black British/ Mixed or Other (ethgrp4a);³⁷ *Victim age*: 'Can you tell me your age last birthday?' Age in years (age); *Victim disability*: 'Do you have any physical or mental health conditions or illnesses lasting or expected to last for 12 months or more?' Yes/No (illharmONS); *Age of offender*: 'How old was/were the person/people who did it? Would you say [he/she/they] were...?' Children aged 15 or under³⁸ / Aged between 16 and 24/ Aged between 25 and 39/ Aged 40 or over (offage1).

³⁴ Financial loss / Time off work / Loss of employment / Relationship breakdown / Avoided social situations / Inconvenience / Moved house/ Took additional security precautions (e.g. installing a burglar alarm) / Loss of trust in other people or the public / Time off from school, college or university / Impact on health / Effect on personal confidence/ Other.

³⁵ This question in fact had multiple possible responses, but only the variable ltpimpe was used in the current study, indicating whether respondents selected the option 'Didn't experience any long-term physical health problems' or not.

³⁶ Paper Choice also predicted RJ Preference in the exploratory study, but was removed from the survey in 2015.

³⁷ The four-category version of this variable was chosen for the current analysis as it made most sense in a complex model. Respondents answered a version of this question with many more categories, but there were not enough respondents in each group, so the condensed version was used.

³⁸ I combined two categories from the survey to create this category (Children under 10/ Children between 10 and 15) because there were very few offenders under the age of 10.

Control variable. *Police informed:* ‘Did the police come to know about the matter?’ Yes/No (copsknow). This variable was added as a control because so many of the items depend directly upon whether the police were informed (for example, *police satisfaction*).

4.2.3 Analysis

The effect of the predictors on willingness to meet were analysed by adding them to a logistic regression model. For the relationships between predictors and assumptions tests see Appendices A.2.1 and A.2.2.

For 12 of the 18 variables of interest, only a small proportion of the sample were missing data. Therefore, these 12 variables were added together into a single model, which did not reduce the sample size by much (11,585). In contrast, a further six variables were missing data for large proportions of the sample, because these questions were only asked of certain victims. The age of the offender, for example, was only asked of those victims who came into contact with the offender or already knew them. The questions about the police were asked only of victims whose crime was reported to the police. Each of these six variables, therefore, were not added to the main model: Offender age, Police identify offender, Police action, Police satisfaction, Victim had alcohol, and Fairness. Nor was it possible to add them together into a single model, as this reduced the sample size even further – for example, the 4,684 victims who knew the age of the offender were not the same victims as the 4,474 who were asked whether the police treated them fairly.

Therefore, these six variables were added to the original model in four separate analyses. First, I ran the original analysis (with 12 potential predictors) on the subsection of the sample where the variable(s) of interest was not missing. The original model with the inclusion of the variable(s) of interest was then fitted to the same sample. The contribution of the predictor was

assessed both by whether inclusion of that variable(s) significantly increased the chi-square value for the model³⁹, and by whether that variable is a significant predictor within the model.

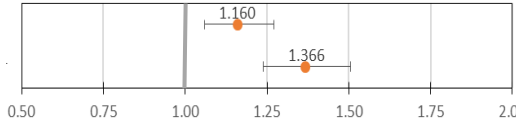
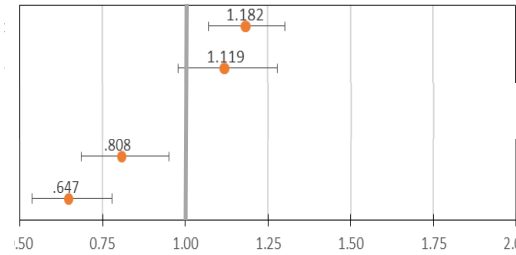
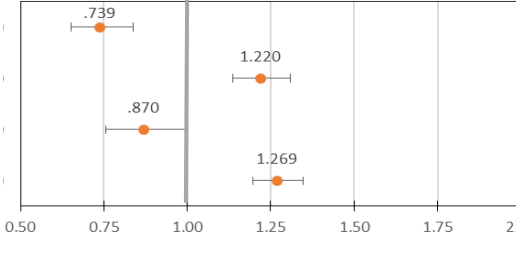
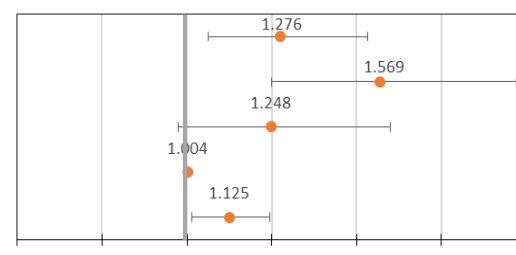
4.3 Results

The first logistic regression model, with 12 potential predictors of willingness to meet, is shown in Table 4.2.

³⁹ I.e. the likelihood that the predictors in the model together predict the dependent variable more accurately than the null model (with no predictors).

Table 4.2

The relationship between predictors and willingness to meet (Coefficient and Odds Ratio plot)

	<u>B (S.E)</u>	<u>Exp(B) & Confidence Intervals</u>
PUNISHMENT/PREVENTION		
(Police informed - control)	.15 (.05)***	
Anger	.31 (.05)***	
SELF-PERCEPTION		
Repeat victim (y/n)	.17 (.05)***	
Loss of confidence	.11 (.07)	
Relationship: Strangers		
Casual	-.21 (.08)*	
Knew well	-.44 (.09)***	
NATURE OF CRIME		
Violence (y/n)	-.30 (.06)***	
Practical Impact (0-3)	.20 (.04)***	
Health Impact (y/n)	-.14 (.07)	
Emotional Impact (0-3)	.24 (.03)***	
VICTIM IDENTITY GROUP		
Ethnicity - White		
Asian or Asian British	.24 (.09)**	
Black or Black British	.45 (.12)***	
Other	.22 (.13)	
Age	.004 (.001)*	
Disability (y/n)	.19 (.05)*	
Constant	-1.89 (.08)	

*p<.05; **p<.01; ***p<.001

 $\chi^2(15) = 439.217^{***}$, $-2LL = 12374.309$, R^2 (Cox&Snell) = .037, R^2 (Nagelkerke) = .056, $n = 11,585$.

The significance of a further six potential predictors and whether they significantly improve the model can be seen in Table 4.3. The results for each of the four full models can be found in Appendix A.2.5.

Table 4.3

Contribution of six additional predictors to model: Effect size and model improvement.

		<u>Model w.o.</u> <u>variable</u> <u>Chi-sq (df)</u> <u>[-2LL]</u>	<u>Model with</u> <u>variable</u> <u>Chi-sq (df)</u> <u>[-2LL]</u>	<u>Difference</u> <u>between</u> <u>models</u> <u>Chi-sq (df)</u>	<u>b(S.E)</u>	<u>Exp(B)</u>
<u>Model 1</u>	N 4,058	140.92(14) [4628.86]	180.74(18) [4589.05]	39.81(4)***		
All variables from Table 4.2 and:						
1. Police identify offender: No (ref)						
Yes					-.35(.11)***	.71
Not yet					-.32(.16)*	.72
2. Police satisfaction						
					.04(.04)	1.04
3. Fairness						
					-.25(.08)***	.78
<u>Model 2</u>	1,382	47.31(14) [1411.49]	52.13(15)	4.83(1)*		
All variables from Table 4.2 and:						
Police action						
					-.29(.13)*	.75
<u>Model 3</u>	3,215	107.92(14) [3101.33]	133.72(15) [3095.53]	25.80(1)***		
All variables from Table 4.2 and:						
Victim had alcohol						
					-.35(.15)*	.71
<u>Model 4</u>	4,684	174.72 (15) [4787.85]	194.85 (19) [4767.72]	20.13(4)***		
All variables from Table 4.2 and:						
Offender Age <16 (ref)						
16-24					-.43(.14)***	.65
25-39					-.59(.14)***	.56
40+					-.55(.15)***	.58
> 1 Age group (>1 offender)					-.70(.21)***	.50

*p< .05; **p< .01; ***p<.001

Note: Each model includes the original variables in Table 4.2 and the additional variables listed here.

The findings presented in Table 4.2 and Table 4.3 confirm hypotheses H1, 2a-c, 3b-d, 4a,b&d, and 5a-d. The fitted probability figures presented below were calculated by substituting values of X into the final model, and rounding to the nearest percentage point:

H1: Victims who felt the police treated them fairly were less willing to meet the offender. Among those whose crime had been reported to the police, and holding everything else constant, the model predicts that if victims felt the police treated them fairly they are less likely to want to

meet the offender (22%), compared to if they felt the police had ‘not entirely’ treated them fairly (27%) or not treated them fairly ‘at all’ (32%).

H2a: Victims who reported having been angry after the incident were more willing to meet the offender.

Holding everything else constant, the model predicts that the probability of someone being willing to meet the offender when they did not report having been angry is lower (21%) than if they reported having been angry (27%).

H2b: When the police had identified the offender, victims were less willing to meet them. Among those whose cases had been reported to the police, and holding everything else constant, the model predicts that victims are least likely to want to meet the offender when the police had identified them (23%), compared to when the police had not identified the offender (30%).

H2c: When the police had taken action against the offender, victims were less willing to meet them. When the police had taken action, the model predicts that victims are less likely to want to meet the offender (21%) than if the police had not taken action (26%).

H3b: Victims who experienced more than one incident of crime in the 12 months prior to the survey were more willing to meet the offender. Holding everything else constant, the model predicts that the probability of those who had been repeat victims wanting to meet the offender is slightly higher (26%) than if they had only been a victim once (23%).

H3c: Victims who had a drink before the offence were less willing to meet the offender. Of those who were asked the question about whether they had drunk before the offence, the model predicts that victims who had a drink before the offence are less likely to want to meet the offender (17%) than those who had not had a drink (22%).

H3d: The closer the victim’s relationship to the offender prior to the offence, the less the victim was willing to meet them (in an RJ context). Holding everything else constant, the model predicts that those whose offenders were strangers are most likely to be interested in meeting them (25%),

compared to those who only casually knew the offender (21%) or those who knew the offender well (18%).

H4a: Violence during the crime negatively predicted willingness to meet. Holding everything else constant, the model predicts that if the crime was violent (by the victim's own assessment) the probability of them wanting to meet the offender is lower (20%) than if the offence was not violent (25%).

H4b: The greater the practical impact of the crime on victims, the more willing they were to meet the offender. Holding everything else constant, the model predicts that the probability of someone wanting to meet the offender if the crime had no impact on the victim is 22%, going up to 25% if there was a least one type of practical impact on them, 29% if two types, and 34% if three or more types.

H4d: The greater the emotional impact of the crime on victims, the more willing they were to meet the offender. The model predicts that the probability of victims who said there was no emotional impact saying they wanted to meet the offender is 19%, compared to 23% for those who said they had been 'a little' affected, 27% for those who said 'quite a lot', and 32% for the (few) victims who said that they had been 'very much' affected.

H5a: Victims from minority ethnic groups (BME) were more willing to meet the offender than White victims. Holding everything else constant, the model predicts that White victims are least likely (23%) to be willing to meet the offender, and Black and Black British victims are most likely (32%). Asian and Asian British victims, as well as those of other ethnicities, are in the middle (28% and 27% respectively).

H5b: Older victims were more willing to meet the offender than younger victims. Holding everything else constant, it is possible to calculate from the model the probability that a victim of any particular age would choose to meet the offender, and I have selected the ages of 20, 40 and 60 as exemplars. The model predicts that a victim aged 20 years old is slightly less likely to want

to meet the offender (22%), than a 40 year old victim (23%), who would be less likely to want to meet than a 60 year old victim (25%).

H5c: Victims with a long-term illness or disability were more willing to meet the offender than victims without a disability. Holding everything else constant, the model predicts that victims with a long-term illness or disability are slightly more likely to want to meet the offender (25%) than victims without a disability (23%).

H5d: Victims of crimes by young offenders were most willing to meet them. The model predicts that victims are most willing to meet with offenders when the offender is under 16 (36%), reducing when the offender is aged 16-24 (26%), and again when the offender is aged 25-39 (23%), and then rising slightly again for offenders over the age of 40 (24%).

The results do not confirm the following hypotheses:

- *H2d: When victims were satisfied with the action taken against the offender, they were no less willing to meet them.*
- *H3a: Victims who reported feeling vulnerable after the crime were no more willing to meet the offender.*
- *H4c: The health impact of the crime on victims had no effect on willingness to meet the offender.*

4.4 Discussion

4.4.1 Perception of procedural Justice

As discussed in Chapter 3, there is considerable evidence that some victims want to communicate with offenders because they want procedural justice, and that communication with the offender fulfils this objective at least some of the time. It is therefore surprising that no one has investigated the relationship between victims having experienced a deficit in

procedural justice and their willingness to communicate with the offender. This study has shown that the relationship is robust: if victims feel the police treated them fairly they are less likely to want to meet the offender (H1).

Previous evidence that valuing procedural justice is associated with choosing RJ (e.g. Braithwaite, Huang, & Reinhart, 2013; Paul, 2015) could simply reflect individual differences – i.e. perhaps individuals have different degrees of preference for procedural justice, and those with the greatest preference for procedural justice are also those who want to communicate with the offender. The finding here that victims’ willingness to meet the offender depends on the extent to which they have *experienced* procedural justice suggests that the effect cannot only be explained by individual differences. While individual differences of course may moderate the relationship between experience and willingness to meet, these results suggest that many victims seek procedural justice and it is primarily when the criminal justice system has insufficiently fulfilled this objective that victims seek to fulfil it through meeting the offender.

4.4.2 Perception of punishment/prevention

Although several previous studies have attempted to show that victims’ levels of anger change as a result of victim-offender communication, very few studies have assessed its role as a predictor of participation, nor its role in victim motivation. Previous studies identified that anger plays contrasting roles in motivation for different victims – for some people anger appears to be a reason not to participate (e.g. Aertsen & Peters, 1998), while for others communication with the offender is an opportunity to express their anger (e.g. Hallam, 2015). While it may play different roles in different victims’ decision-making processes, it is nevertheless useful to know whether, on aggregate, people who are angry about the crime are more likely to want to meet the offender. Here, those who said they were angry as a response to the crime were more likely to say they would consider meeting the offender (H2a). This is

of note as it contradicts the received wisdom about RJ that victims who have already forgiven the offender (and are thus less angry) will most want to participate.

As predicted, victims who had their outcome-based justice objectives fulfilled were less willing to meet the offender. This was true for two of the three measures: the police having identified the offender, and the police having taken action (H2b&c). One might expect victims whose offenders the police had identified to be *more* likely to want to meet them simply because it would be possible. In fact, victims whose offenders the police had identified were *less* likely to want to meet them, a finding that lends itself to a few possible interpretations. It may be that victims are anxious about a possible meeting with the offender and only agree to it when they know that it is impossible, or perhaps they agree only as a means of expressing their wish that the offender had been apprehended. A more likely explanation, however, is that when the police have identified the offender, victims feel that justice outcomes have to some extent been fulfilled, and therefore they feel less of a desire (or responsibility) to fulfil them themselves by meeting the offender. The finding that victims are less likely to want to meet the offender when the police have taken action corroborates this interpretation. Together, the two findings suggest that victims have a set of outcome-based justice objectives, which the criminal justice system may fulfil to a greater or lesser extent. When the criminal justice system does not sufficiently fulfil victims' desire for punishment and/or reassurance that the offence will not reoccur, victims may look to a meeting with the offender as a supplementary way of fulfilling these objectives.

As mentioned in the hypothesis section, it was not possible to distinguish between punishment and prevention using the CSEW variables. Victims may want the police to take action, for example, either to ensure that the offender is punished for punishment's own sake and/or because they believe that is the best way to trigger prevention. Preventing their own revictimisation did not seem play a key role, as victims' assessments of how likely they were to become a victim again the next 12 months (included as a self-perception variable) did not

predict willingness to meet. This suggests that prevention may not be victims' priority, but as it does not include victims' attitudes towards the offender's likelihood of offending against other people, overall no conclusions can be drawn about the relative roles of punishment and prevention.

Victims were not significantly any less willing to meet the offender when they were satisfied with the action the police took compared to when they were dissatisfied (H2d). This finding is not consistent with the overall pattern that victims seem to want to meet offenders when they have experienced a justice 'deficit', and it may be a result of police satisfaction and police fairness occurring together in the same model. The absence of an effect of satisfaction, and a large and significant effect of fairness in the same model, suggests that the police treating victims fairly is a more important predictor of willingness to meet than overall satisfaction with the police.

4.4.3 Perception of offender

Some studies have suggested that having a more positive view of the offender predicts victim willingness to communicate with the offender (e.g. Bolívar, 2013). Here, however, I found no evidence that this was the case. At the exploratory stage, indicators that victims believed the cause of the offence to be internal (rather than external) to the offender, or that they believed the crime to have been committed intentionally, were not significant predictors of victim willingness to meet the offender. Although there was no overall measure of how 'positive' the victim felt towards the offender, the cause of the offence was a reasonable proxy for victims' views of the offender's level of agency, and the lack of a relationship suggests that victims may not seek to change their views of the offender through communicating with them. This is, of course, only a tentative conclusion, and will be investigated further with better measures in Chapters 6- 8.

4.4.4 Self-perception

Previous studies have found that anxiety and fear, like anger, can have a bi-directional effect on people's willingness to consider RJ; motivating some people to take part (Hallam, 2015) and motivating others not to (Umbreit et al., 1994). Unlike the findings above for anger, however, the current study does not shed light on the overall influence of anxiety and fear. At the exploratory stage, anxiety did not significantly predict willingness to meet. The exploratory study suggested that victims who lost confidence after the crime were more willing to meet the offender, but this was disconfirmed in the current study (H3a). This lack of an effect in either direction could be a result of a bi-directional influence, or could demonstrate that anxiety is simply unrelated to victims' decisions about meeting the offender. The latter is unlikely in real life settings where victims often say they are anxious about meeting the offender, but where victims are only hypothetically considering the offer as part of a survey, the decision may indeed be unrelated to their feelings of anxiety and fear.

Three findings support the theory that when people feel more like Christie's 'ideal' victim they are more willing to meet the offender. If respondents had been a victim more than once in the 12 months prior to the survey, they were more likely to want to meet the offender (H3b). If victims had a drink prior to the offence (H3c) or if they knew the offender prior to the offence (H3d), they were less likely to want to meet them.

The association between knowing the offender and victim willingness to meet the offender is not easy to interpret because a prior relationship could influence victims' decisions about meeting the offender in many different ways. Victims who knew the offender prior to the offence may have many reasons not to take part in formally facilitated meetings: they may not wish to upset the relationship; they may be scared of the offender; they may already think they know the answers to their questions; or they may simply have already had a chance to discuss the offence with the offender. Victims who knew the offender prior to the offence may

also be more likely to be in coercive relationships, and this cannot be investigated further as there is no marker for whether the offence was part of domestic abuse. However, in the exploratory stage of this study, victims who knew the offender were less likely to want to meet them even when controlling for whether the offence contained a sexual element. The relationship also held when controlling for another variable in which victims were asked whether they believed that the offence occurred *as result of* the victim's previous relationship with the offender. It is an indication - along with the findings above - that the more victims conformed to their own concept of an 'ideal' victim, the more they were likely to want to meet the offender.

It was perhaps surprising that measures of victim self-blame did not predict willingness to meet, especially given Bolívar's (2013) assertion that victims who blame themselves are more likely to want to communicate with the offender to find out about the real cause of the offence. Similarly, none of the other potential measures of an 'ideal' victim predicted willingness to meet, including whether victims provoked the offence and/or themselves used force against the offender – variables that might have been expected to most closely track whether victims believed themselves to be vulnerable, having been carrying out a 'respectable project' and free from blame (Christie, 1986).

Thus, the evidence for the association between victims' self-perceptions and their appetite for meeting the offender is of medium strength. There is some indication that thinking of themselves as more of a victim - and as a legitimate victim - may mean that they are more willing to meet the offender. However, this relationship is not as conclusive as it might have been had some of the other proxy variables also been found to be related to willingness to meet.

4.4.5 Nature of the Crime

There is a significant negative relationship between the violence of the crime and victims' willingness to meet the offender (H4a), and a positive relationship between the practical (H4b) and emotional (H4d) impact of the crime and willingness to meet, controlling for a number of factors. No relationship was found between the health impact and willingness to meet (H4c). The absence of an effect for this variable perhaps reflects its status as a measure of both impact and violence: a long-term impact on health may indicate that the victim suffered physical injuries at the time of the crime, which would also be closely related to how violent the crime was.

The three significant relationships potentially explain the sea of conflicting findings identified in the last chapter regarding whether the severity of the crime increases or decreases a victim's likelihood of wanting to communicate with the offender. Impact and violence normally increase together, of course. Minor crimes are not likely to be violent but neither would they have had much of an impact, resulting in little interest in communication with the offender. The most serious crimes are likely to have had a large impact, but they are also likely to have been violent, perhaps explaining a lack of interest in communication for the most serious crimes. At medium levels of seriousness we might find crimes that have had a large impact on victims but were not extremely violent.

The contrasting effects of impact and violence on willingness to meet the offender imply a non-linear relationship between overall severity and willingness to meet. To explore whether such a relationship existed, I conducted a supplemental analysis of the effect of self-assessed severity (scale of 1-20) on willingness to meet. Overall severity of the crime was ruled out at the exploratory stage as a linear predictor of willingness, because it was less important than the more informative sub-dimensions of severity (i.e. impact and violence). However, when I entered severity and the quadratic function of severity into a logistic regression model

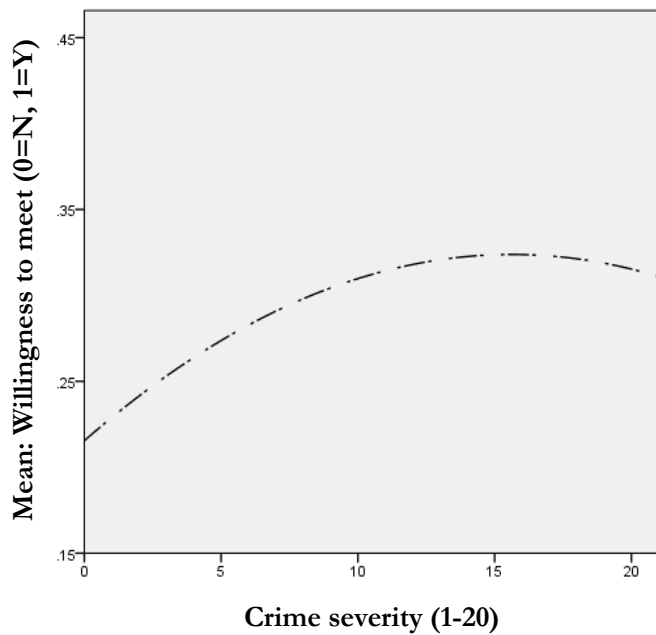


Figure 4.1 Quadratic relationship between severity and willingness to meet

(using the 2011-15 CSEW data), I found that there was a small but significant quadratic relationship (an ‘n’ shape, or upside-down ‘u’) between severity and willingness to meet the offender. This relationship is illustrated in Figure 4.1, and the full table of results for the logistic regression model can be found in Appendix A.1.3. At first, as severity increases, so does a person’s willingness to meet the offender. There is then a

peak at about 14-15 on the 20-point scale, after which willingness to meet slightly declines. This would explain why some studies have found that willingness to communicate with the offender decreases with severity, and others that it increases with severity.

While previous research has found an interaction between the severity of the crime and time-elapsd since the offence, no such relationship was found here (see exploratory study, Appendix A.1.2.a). This could be because of the limited time-period measured by the CSEW; in the survey victims only report crimes that occurred a maximum of 12 months ago. This study is therefore unable to offer any evidence for or against such an interaction.

Additionally, neither contact with the offender during the crime nor the presence of a sexual element in the crime predicted willingness to meet, after controlling for other variables. This suggests that other aspects of the crime – namely violence and impact – are more important determinants of victims’ decisions.

4.4.6 Victim and offender identity groups

The exploratory analysis demonstrated that if the victim and offender shared any of three group identities (ethnicity, age and gender), this did not predict willingness to meet, contrary to value-restoration theory. This could be because the identity groups were too broad to trigger a sense of shared identity – the victim and the offender both belonging to the group ‘Black and Black British’, for example, is not the same as the victim feeling he or she is part of the same community as the offender. The lack of effect nevertheless casts some doubt on findings that have been replicated multiple times elsewhere.

Controlling for other variables, people from minority ethnic groups were more likely to want to meet the offender than White people (H5a), with Black and Black British people being the most likely, and Asian and Asian British people being the next most likely. Willingness to meet the offender increased with age (H5b), and those with long-term illnesses and disabilities were more likely to want to meet the offender than others (H5c). Although there was a significant relationship between these two predictor variables (older people were most likely to have long-term illnesses, see Appendix A.2.1), the logistic regression analysis found that both predicted willingness to meet the offender while controlling for one another. If the offender was young, victims were more likely to want to meet them (H5d). Possible confounds for these effects were tested in the exploratory study. The effects remained strong even while controlling for whether the crime was hate-motivated, the victim’s country of birth and religion, and whether the victim lived in a rural or urban setting.

Considering the evidence that belonging to particular identity groups affects people’s views of justice (see Chapter 3), the overall finding that identity groups predict willingness to meet the offender is unsurprising. However, in the current study it is not possible to determine the reasons that these particular groups of victims were most likely to want to meet the offender. In Chapter 5, I continue to analyse data from the CSEW, investigating whether

victims from particular identity groups may be more willing to meet the offender because they have different reactions to crime or prioritise certain justice objectives.

4.4.7 Limitations

This study achieves what I described in Chapter 3 as the second ‘level’ of ecological validity. In contrast to studies in which participants are given entirely hypothetical scenarios, the participants in this study were victims of real crimes. The ‘option’ to meet with the offender, however, was only hypothetical. If victims answered that they would have wanted to meet the offender if given the opportunity, this does suggest a desire to meet the offender. However, it also could be symbolic of a desire for something else. This is most notable in the finding that participants were more likely to want to meet the offender in cases where the police had *not* identified them. In those cases, do victims really want to meet the offender, or do they only wish it were possible (i.e. because that would mean the offender had been caught)? In a study such as this, it is impossible to eliminate this element of doubt. Yet this ambiguity does not simply pose a problem for the study, it in fact mirrors and potentially sheds light on an existing phenomenon. Studies have found that victims seek participation in the justice system in the hope that it will lead to increased accountability for the offender, for example that the police will put more effort into their investigation (De Mesmaecker, 2014). The findings in this study point to the possibility that victims turn to restorative justice processes for similar reasons, a possibility which will be further explored in the following chapters.

This study is most limited by the pre-set questions available in the CSEW. I have chosen potential proxies for the victims’ perceptions of punishment and prevention, procedural justice, the offender and themselves, with mixed results. The proxy for procedural justice is perhaps the most direct measure of the construct it represents, but it relies upon a single variable. In some cases where there were multiple potential variables for a construct (e.g. satisfaction with the police), it was not possible to combine them into a scale because they were asked of

different groups of participants. The proxies for self-perception were somewhat crude and only approximately resembled a measure of the participants' views of themselves. Whether someone had been a victim more than once in the past 12 months, for example, is likely to affect the extent to which they identify as a victim, but is far from a direct measure of it. Perhaps most disappointingly, it was impossible to distinguish between victims' perceptions of punishment and prevention using the variables in this study. Thus, although the findings suggest predictors of victim willingness to meet, they are hard to interpret. The effect sizes are small, and the data is cross-sectional. It is for all these reasons that the mixed-methods nature of this thesis is one of its primary strengths, and the findings from this study should be interpreted in combination with the other studies presented in this thesis.

4.5 Conclusion

The aim of this chapter was to answer the first research question: Do victims' perceptions predict appetite for communication with the offender? The answer is yes, sometimes; a summary of the evidence can be found at the end of this chapter (Table 4.4). Victims' experiences of procedural justice, the level of response from the police, and victims' anger all predict their likelihood of considering a meeting with the offender. This suggests that victims are motivated to meet the offender by the expectation that they will fulfil their procedural justice, punishment and prevention objectives. There was no evidence that victims' perceptions of the offender predict their willingness to meet. The lack of an effect is too weak a basis upon which to draw strong conclusions, but it implies that if meeting the offender changes victims' views of the offender, then this change may be unanticipated, undesired or even unwelcome. This finding primarily highlights the need to further explore the role of victims' perceptions of the offender in their motivation to meet the offender. Finally, there is some evidence for the role of victims' self-perception in predicting their willingness to meet

the offender. Anxiety and loss of confidence did not predict participation, nor did self-blame and several potential measures of victims' view of themselves as an 'ideal' victim. However, some significant relationships suggest that feeling more of an 'ideal' victim does predict willingness to meet the offender. This conclusion is tentative and will be explored further in the following chapters.

As a brief aside, some of these findings are good news for RJ studies that are unable to assign participants randomly to a control group. When such studies find that those who go through an RJ process are less angry than those who did not participate, one possible explanation is a self-selection bias – e.g. perhaps those who are less angry are more likely to participate in the first place (see, for example, Winkel, Schweizer, & Pemberton's 2010 critique of Sherman et al's 2005 study). The current research suggests it is unlikely that victims self-select on the basis of low-levels of anger, having already fulfilled procedural justice, punishment or prevention objectives, or feeling less like a victim; indeed, just the opposite seems to be true. This logic cannot be used to rule out the effects of self-selection for factors where the current study does not find a relationship (e.g. anxiety), or which were not included in the analysis (e.g. wellbeing, satisfaction etc).

The impact and violence of the crime, the victim's ethnicity, age and disability, as well as the offender's age, all predict victims' willingness to meet the offender. On the basis of the evidence in this chapter, it was not possible to investigate *why* this might be the case. There is a multitude of potential reasons, but this thesis looks to the five mechanism theories as potential explanations. The next chapter, therefore, attempts to answer the second research question: Do differences in victims' perceptions explain the relationship between other predictors (e.g. nature of crime and group identity) and victims' appetite for communication with the offender?

Table 4.4 Summary of evidence for mechanisms from Chapter 4	
	<u>Predicts victim willingness to meet?</u>
<u>Procedural Justice:</u>	Yes (-ve)
<u>Punishment:</u>	Yes (-ve) (but indistinguishable from prevention)
<u>Prevention:</u>	Yes (-ve) (but indistinguishable from punishment)
<u>Perception of offender:</u>	No
<u>Self-perception:</u>	
Anxiety	No
Self-blame	No
Repeat victim (in 12 months)	Yes (+ve)
'Ideal' Victim identity (drink)	Yes (-ve)
Victim-offender prior relationship	Yes (-ve)

Chapter 5: Explaining crime type and identity group as predictors of victim willingness to meet the offender

Chapter 4 investigated the predictors of victims' (hypothetical) choices to meet the people who committed crimes against them. Data from the CSEW showed that some perceptions associated with the mechanism theories predicted victims' willingness to meet offenders. This indicates that victims hope to fulfil procedural justice, punishment and prevention objectives by communicating with the offender. The nature of the crime and identity groups also predicted victims' willingness to meet offenders, but the analysis conducted in Chapter 4 was unable to ascertain reasons for these relationships.

There are indications from previous research that the nature of the crime and identity groups may influence victims' expectations and experiences of communication with the offender. For example, for more serious crimes, people prioritise retribution over other justice goals (Alter et al., 2007; Darley & Pittman, 2003; Gromet & Darley, 2006), de-prioritise acknowledgement from the offender (Bilz, 2007), and may participate in RJ to fulfil their own needs rather than to fulfil a duty (Shapland et al., 2007). This chapter therefore investigates the possibility that differences in victims' perceptions explain any of the relationships between the crime, identity groups, and willingness to meet the offender. Could the relationship between violence and willingness to meet occur because victims of violent crime are angrier, for example? Could the association between having a disability and willingness to meet occur because victims with disabilities tend to feel that the police treat them unfairly?

The extent to which the CSEW can answer such questions is limited as it is cross-sectional data, so it is impossible to determine causality conclusively. However, for reasons I describe below, it is nevertheless informative to conduct mediation analysis with this particular data, and to make causal inferences somewhat tentatively. Mediation analysis (also described in

Chapter 2) can shed light on whether a particular relationship (in this case between crime type and willingness to meet, or between identity group and willingness to meet) can be *explained by* a difference in another variable. It explores and compares causal chains between three variables. For example, does experiencing a violent crime make the victim angrier, and does this in turn make people more willing to meet the offender? If so, how does the path from violence to willingness via anger compare to the path directly between violence and willingness to meet?

The use of mediation analysis with cross-sectional data has been criticised, as it is not normally possible to establish temporal precedence, nor to remove all confounding variables (Kline, 2015). However, as explained in Chapter 4, there are advantages to the format of this data that mean it is possible to propose a direction of causality. Kline (2015) suggested that short of an experimental or longitudinal design, the best way to establish mediation relationships is by using a cross-sectional design with a strong rationale for ‘directionality specification’ (p. 210).

Kline (2015) noted that variables such as the participant’s gender always precede certain other measured variables. Thus reverse causality can be excluded in this analysis when the predictors are age, gender or disability. Victims’ assessment of the violence and impact of the crime is subjective, but only to a certain degree; victims are likely to have a somewhat consistent view of whether the crime was violent on a binary measure, even over time and with other influences. Similarly, while victims’ assessments of certain types of practical impact may change over time (e.g. whether the crime affected their relationships), this is unlikely to be true of most practical impact measures (e.g. whether there was a financial impact, and whether the victim lost their job). In addition, victims’ assessments of violence and impact appear in the survey prior to most of the other variables. Overall, therefore, it is reasonable to assume that violence and impact precede the proposed mediators, with the exception of having been a repeat victim and knowing the offender prior to the offence. Similarly, participants consider meeting the offenders - usually for the first time - *after* reporting on the other measures.

There is evidence, therefore, that the predictors in this study precede the proposed mediator variables, and that the mediators precede the dependent variable (willingness to meet). For this reason, mediation analysis is worth pursuing, because it can be used to make causal inferences, albeit tentatively. Just as in a longitudinal mediation analysis, it is not possible to remove every potential confounding variable, so conclusions are drawn with caution and potential confounding variables are considered in the discussion. This chapter aims to answer the second research question: Do differences in victims' perceptions explain the relationship between other predictors (e.g. nature of crime and group identity) and victims' appetite for communication with the offender?

5.1 Hypotheses

Procedural justice: In the previous chapter, the extent to which victims reported fair treatment by the police consistently predicted their willingness to meet the offender, controlling for a number of other factors (including other measures of justice outcomes achieved, such as satisfaction with the action taken by the police). It is possible that victims of different types of crimes and from different identity groups may have had different experiences of procedural justice, and that this might at least partially explain the extent to which they are inclined to meet the offender. I test the possibility that fair treatment by the police is a mediator of the relationship between six predictors and victim willingness to meet the offender, according to the following hypotheses:

H1 The relationships between violence (H1a), impact (H1b), ethnicity (H1c), disability (H1d), victim age (H1e), offender age (H1f) and victim willingness to meet the offender, are mediated by the extent to which victims felt the police had treated them fairly.

Punishment and prevention: In the previous chapter, victims were least likely to want to meet the offender if they were not angry about the crime, or if the police had already identified the offender and taken action. Victims of different types of crime and from different identity groups may have different experiences of justice (outcome-based as well as procedural justice), and this may at least partially explain differences in their willingness to meet the offender. Whether the police took action was a significant predictor in the previous chapter, but its inclusion in the analysis reduced the size of the sample dramatically. Therefore, only the mediating roles of anger and the police having identified the offender will be tested according to the following hypotheses:

H2 The relationships between violence (H2a), impact (H2b), ethnicity (H2c), disability (H2d), victim age (H2e), offender age (H2f) and victim willingness to meet the offender, are mediated by whether victims experienced anger as a result of the crime.

H3 The relationships between violence (H3a), impact (H3b), ethnicity (H3c), disability (H3d), victim age (H3e), offender age (H3f) and victim willingness to meet the offender, are mediated by whether the police identified the offender.

Self-perception: While the evidence for the link between victims' self-perception and their willingness to meet the offender was somewhat difficult to interpret in the last chapter, there was nevertheless an indication that victims who saw themselves as more 'ideal' victims were most willing to meet the offender. There is good reason to suppose that the nature of the crime, and victim and offender identity groups, would influence how victims see themselves after the crime. These differences may at least partially explain why some groups of victims were more open to meeting the offender than others.

In the previous chapter, victims who lost confidence as a result of the crime were no more (or less) willing to meet the offender. However, for a few reasons I include it here as a

potential mediator of the relationships between the nature of crime, identity groups and willingness to meet. Firstly, there is good reason to suppose that having experienced a more violent crime would result in a greater loss of confidence. A crime may also be more likely to make someone from a disadvantaged minority group lose confidence or feel more vulnerable than someone from the advantaged majority. Therefore, it is possible that differences in loss of confidence as a response to the crime explain some of the differences in willingness to meet the offender. Secondly, it is a direct measure of victims' emotions, whereas the other two proxies for victims' self-perception included below are indirect measures (they assume, for example, that repeat victimhood makes someone feel more like a victim and that knowing the offender makes people feel less than an 'ideal' victim⁴⁰). Lastly, the loss of confidence variable enables a more direct comparison with the other potential mediators, especially because it is measured in the same way as anger in the survey. Thus, the first hypothesis based on the potential role of self-perception is as follows:

H4 The relationships between violence (H4a), impact (H4b), ethnicity (H4c), disability (H4d), victim age (H4e), offender age (H4f) and victim willingness to meet the offender, are mediated by whether victims experienced a loss of confidence as a result of the crime.

The previous chapter found that people who had been repeat victims were most willing to meet the offender. People with disabilities, people from minority ethnic groups, and young people are most likely to have experienced repeat victimisation (Ministry of Justice, 2015; Simmons & Dodd, 2003; Simmons et al., 2002; Waldman, O'Connor, & Tennekoon, 2006). Therefore, it is reasonable to suppose that repeat victimisation could be one explanation for the link between identity group and victim willingness to meet the offender:

⁴⁰ In the previous chapter, having had a drink before the offence meant that people were less likely to be willing to meet the offender, in line with feeling less like a 'ideal' victim. This variable is not included as a potential mediator here, because its inclusion in the analysis reduces the sample size severely, and is less informative about victims' perceptions than the variable: Loss of confidence.

H5 The relationships between victim ethnicity (H5a), victim disability (H5b), victim age (H5c), offender age (H5d) and victim willingness to meet the offender, are mediated by whether victims had been a victim more than once in the 12 months prior to the crime.

Victims were most likely to want to meet the offender when the person who committed the offence against them was a stranger. This is consistent with a self-perception as the 'ideal' victim. It is reasonable to suppose that victims from some identity groups may be more likely to know the person who committed an offence against them than victims from other identity groups. Young victims, for example, are much more likely to know the offender than older victims (Hashima & Finkelhor, 1999). Therefore, the final hypothesis tests whether the effect of knowing the offender explains any of the relationships between identity group and willingness to meet:

H6 The relationships between ethnicity (H6a), victim disability (H6b), victim age (H6c), offender age (H6d) and victim willingness to meet the offender, are mediated by whether victims knew the offender before the offence took place.

5.1.1 Summary of hypotheses

The hypotheses are illustrated in Figure 5.1. The relationship between the nature of the crime and willingness to meet is potentially mediated by four mechanism proxy variables (Fairness, Anger, Police identify offender and Loss of confidence). The relationships between the identity groups and willingness to meet are potentially mediated by the same four, and an additional two mechanism proxy variables (Repeat victim and Relationship with offender).

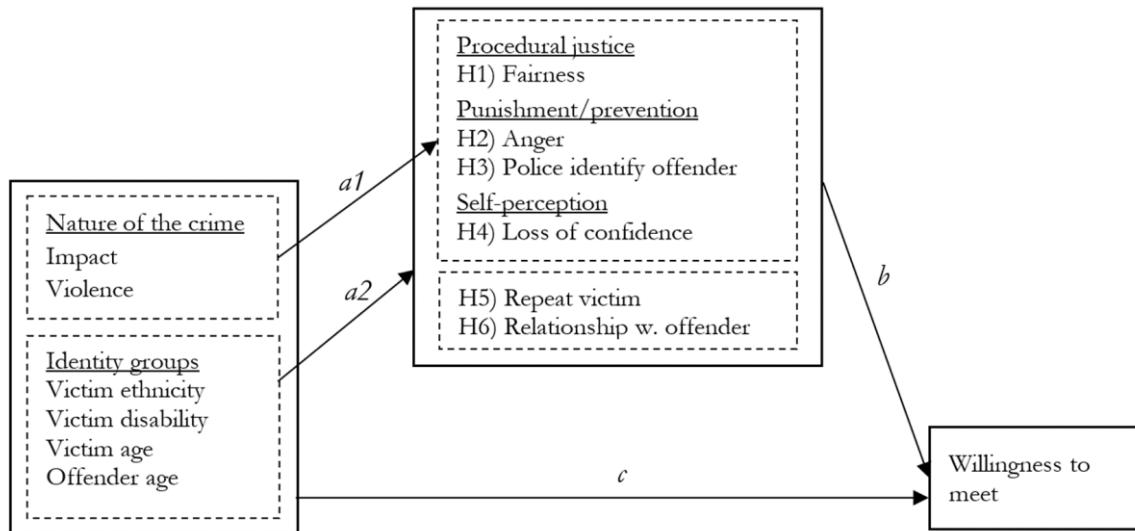


Figure 5.1 Hypotheses summary: the direct path between the predictor variables and willingness to meet (*c*) can be partially explained by the indirect paths via the six mechanism proxy variables (*ab*).

5.2 Method

5.2.1 Sample & Measures

The sample is identical to that described in Chapter 4 section 4.2.1. The measures are also equivalent, with the following subset used in the current study: *Anger* (anger);⁴¹ *Loss of confidence* (confid); *Police fairness* (vpledg5); *Police identify offender* (findoff); *Practical impact*;⁴² *Repeat victim*; *Willingness to meet* (restor3); *Victim age* (age); *Victim disability* (illharmONS); *Violence* (throrfor).

The following multi-category variables were transformed into dichotomous variables in order to conduct mediation analysis: *Victim ethnicity*: Divided into two groups, White ($n =$

⁴¹ The variable labels as they appear in the CSEW data are in brackets.

⁴² Although there were three potential measures of impact, in this study only a single measure of impact was used: practical impact. This is because it was the most reliable, linear predictor of willingness to meet. Health impact was not a significant predictor in the model in Chapter 4, although it had been in the exploratory analysis. Emotional impact was a significant predictor but I took the decision to exclude it for three reasons. Firstly, the relationship between emotional impact and the log of willingness to meet cannot be assumed to be linear (see Appendix A.2.2). Secondly, although whilst controlling for one another they remain significant predictors in the main model, it does not make a great deal of theoretical sense to look for a relationship between a general emotional impact variable and specific emotion variables (anger and loss of confidence). Lastly, while I have assumed until now that this question represents emotional impact because of its location in the survey (i.e. immediately after the question 'Which of these [emotional] reactions did you have?'), this is in fact quite a big assumption. The respondents may have interpreted it in other ways, meaning that the variable could be confounding practical and financial effects.

10,753) and BME (n = 1,421); *Offender age*: Divided into two groups, 0-24yrs (n = 1,505) and 25+ yrs (n = 3,094);⁴³ *Relationship with offender*: Divided into two groups, Knew the offender (Yes or not sure, n = 2,629) and Stranger (n = 9,577).

5.2.2 Analysis

Mediation analysis was carried out using the programme MPLUS, which tests mediation using logistic regression where there are dichotomous variables. For each aspect of the crime (impact and violence), I tested four potential mediators of its relationship with willingness to meet, and for each of the identity groups (age, disability and ethnicity) I tested six. I entered them as parallel mediators which Hayes (2013) states is a useful exercise even where they may be correlated to one another, for the purpose of comparing the relative size of the indirect effects. This meant that the final sample size for each analysis was based on the cases for which all eight variables were not missing.⁴⁴ The sample therefore included only cases in which the crime had been reported (because two of the chosen variables concerned action taken by the police). I test the significance of each specific indirect effect using 5,000 bootstrapped samples as recommended by Preacher & Hayes (2008), and also report the total direct effect and direct effect after controlling for the mediators for each model.

5.3 Results

Table 5.1 shows the size and significance of the indirect paths between each predictor via each of the proposed mediators, as well as the total direct effect and the direct effect controlling for the mediators for each model. The significant indirect paths can be seen in bold, and these relationships are described further below.

⁴³ This merges the two youngest age bands used by the CSEW (0-15 and 16-24) and the two older age groups (25-39 and 40+). Victims were asked to estimate the offender's age by band, so it was possible neither to use this as a continuous variable, nor to conduct a median-split.

⁴⁴ Violence as predictor: n = 4,145; Impact as predictor: n = 4,146; Victim Disability as predictor: n = 4,134; Victim Ethnicity as predictor: n = 4,142; Victim Age as predictor: n = 4,145; Offender Age as predictor: n = 1,566

Table 5.1

Pathways between predictors and willingness to meet: Direct and indirect path size estimates and confidence intervals (CI)

<u>Predictor</u> <u>(X)</u>	<u>Potential Mediator</u> <u>(M)</u>	<u>Direction</u> <u>of (X>M,</u> <u>M>X)</u>	<u>Overall</u> <u>effect size</u> <u>Estimate</u>	<u>Bootstrap CI</u> <u>(Bias-corrected</u> <u>95%)</u>	<u>Significant?</u>
Violence	Total direct	-	-0.236	-0.328, -0.148	Yes
	Police fairness	(-, -)	0.026	0.015, 0.039	Y, Inconsistent
	Anger	(-, +)	-0.011	-0.027, 0.005	Yes
	Police identify offender	(+, -)	-0.198	-0.309, -0.086	Yes
	Loss of confidence	(+, +)	0.081	0.046, 0.119	Y, inconsistent
	Direct (controlling for all M)		-0.022	-0.231, 0.174	No
Impact	Total direct	-	0.179	0.124, 0.234	Yes
	Police fairness	(-, -)	0.009	0.004, 0.016	Yes
	Anger	(+, +)	0.061	0.041, 0.082	Yes
	Police identify offender	(-, -)	0.009	0.001, 0.020	Yes
	Loss of confidence	(+, +)	0.025	0.002, 0.050	Yes
	Direct (controlling for all M)		0.09	0.03, 0.154	Yes
Victim Disability	Total direct	+	0.051	-0.041, 0.141	No
	Police fairness	(-, -)	0.018	0.010, 0.029	Yes
	Police identify offender	(+, -)	-0.039	-0.061, -0.022	Y, inconsistent
	Anger	(+, +)	0.022	0.007, 0.040	Yes
	Loss of confidence	(+, +)	0.043	0.017, 0.072	Yes
	Repeat victim	(+, +)	0.004	-0.008, 0.018	No
Victim Ethnicity	Relationship w. offender	(+, -)	-0.045	-0.073, -0.023	Y, inconsistent
	Direct (controlling for all M)		0.045	-0.061, 0.151	No
	Total direct	+	.249	0.123, 0.375	Yes
	Police fairness	(-, -)	0.012	0.000, 0.026	Yes
	Anger	(-, +)	-0.037	-0.066, -0.013	Y, inconsistent
	Police identify offender	(-, -)	0.045	0.024, 0.074	Yes
Victim Age	Loss of confidence	(+, +)	0.003	-0.011, 0.018	No
	Repeat victim	(-, +)	-0.001	-0.013, 0.002	No
	Relationship w. offender	(-, -)	0.025	0.010, 0.049	Yes
	Direct (controlling for all M)		0.203	0.074, 0.333	Yes
	Total direct	-	0.000	-0.002, 0.003	No
	Police fairness	(-, -)	0.001	0.000, 0.001	No
Offender Age	Anger	(0, +)	0.000	0.000, 0.001	No
	Police identify offender	(-, -)	0.001	0.001, 0.002	Yes
	Loss of confidence	(0, +)	0.000	0.000, 0.000	No
	Repeat victim	(-, +)	0.000	0.000, 0.000	No
	Relationship w. offender	(-, -)	0.001	0.000, 0.001	Yes
	Direct (controlling for all M)		-0.003	-0.004, 0.001	No
Offender Age	Total direct	-	0.051	-.093, 0.198	No
	Police fairness	(0, -)	-0.004	-0.022, 0.011	No
	Anger	(0, +)	0.003	-0.016, 0.026	No
	Police identify offender	(0, -)	0.000	-0.027, 0.026	No
	Loss of confidence	(0, -)	-0.006	-0.034, 0.019	No
	Repeat victim	(0, +)	-0.001	-0.018, 0.003	No
Offender Age	Relationship w. offender	(0, -)	0.004	-0.007, 0.016	No
	Direct (controlling for all M)		0.064	-0.081, 0.209	No

Table 5.1 demonstrates that the total direct relationships between three of the predictor variables and willingness to meet were non-significant, despite the effect found in the previous chapter: here disability, victim age, and offender age were not significant predictors of willingness to meet. Victim age and offender age will not be included in the analysis below, because it is not useful to interpret such small effect sizes in the context of a non-significant total effect. The results for the relationship between disability and willingness to meet will nevertheless be interpreted, however, as the indirect effects are of a reasonable size and the non-significant overall relationship appears to be a result of excluding cases that were not reported to the police. The size of the total direct effect of disability on willingness to meet (c) among the subset of the sample where the police *were* informed was $c = 0.051$, and was unlikely to be significantly different from zero, as indicated by the Confidence Intervals estimated by bootstrapping $[-0.041, 0.141]$ (see Table 5.1). The size of the total direct effect of disability on willingness to meet for the subset of the sample where the police were *not* informed, however, was greater and was likely to be significantly different from zero ($c = 0.134$, $[0.060, 0.201]$). In the case of both analyses, as well as when the relationship was analysed among the full sample⁴⁵, the *patterns* of indirect relationships were similar. Therefore, I proceed with interpretation of the indirect relationships on the basis that the pattern is informative, even though the total direct relationship within this particular subset of the sample is non-significant.

Table 5.1 demonstrates the following about each of the hypotheses:

H1 The relationships between **impact** (H1b), **ethnicity** (H1c), **disability** (H1d) and willingness to meet were partially mediated by police fairness. Those most affected by the crime, those with disabilities, and people from minority ethnic groups were least likely to think the police had treated them fairly, and most likely to want to meet the offender. This indirect path suggests (within the limits of the study) that victims' experiences of procedural justice partially

⁴⁵ If the two subsets are combined and the analysis conducted on the whole sample, $c = 0.100$ $[0.044, 0.143]$.

explain the relationships between impact, disability, ethnicity and willingness to meet. In all cases the effects were small, and therefore they do not explain any great part of the relationship. In addition, there was an indirect effect between **violence** (H1a) and willingness to meet, but it was in the opposite direction to the total overall effect of violence on willingness to meet. Thus, this indirect path cannot explain the negative relationship between violence and willingness to meet. On the contrary it has a suppressant effect, meaning that if the indirect path via fairness were absent, the direct effect would be even greater.

H2 The relationships between **violence** (H2a), **impact** (H2b), **disability** (H2d) and willingness to meet were partially mediated by whether victims experienced anger as a result of the crime. People who had been most affected by the crime, and victims with a disability were most likely to have been angry in response to the crime, and most likely to want to meet the offender. People who had been victims of violent crimes were less likely to have experienced anger than victims of non-violent crimes, and least likely to want to meet the offender. This suggests (within the limits of the study) that anger partially explains the relationships between violence, impact, disability and willingness to meet. Once again, the effects are small, but the path via anger between impact and willingness to meet is the largest of the indirect paths in this model. In addition, there was a significant indirect path between **ethnicity** (H2c) and willingness to meet via anger. Victims from minority ethnic groups were less likely to say they felt angry as a result of the crime. However, this is unlikely to explain their increased willingness to meet the offender, because in general less anger meant victims were less willing to meet the offender.

H3 The relationships between **violence** (H3a), **impact** (H3b), **ethnicity** (H3c) and willingness to meet, were partially mediated by whether the police identified the offender. When people were most affected by the crime, or were from minority ethnic groups, the police were least likely to have identified the offender and victims were most likely to want to meet them. When people had been victims of violent crimes the police were more likely to have identified

the offender, and victims were least likely to want to meet them. These findings suggest (within the limits of the study) that police identification of the offender partially explains the relationships between violence, impact, ethnicity, and willingness to meet. The indirect paths between violence (-0.198), ethnicity (0.045) and willingness to meet were the most important. In addition, there was a significant indirect path between having a **disability** (H3d) and willingness to meet via identification of the offender. The police were more likely to have identified the offender when the victim had a disability, but this cannot explain why victims with disabilities were more likely to meet the offender, because in general if the police identified the offender victims were *less* willing to meet.

H4 The relationships between **impact** (H4b), **disability** (H4d) and willingness to meet, were partially mediated by whether victims experienced a loss of confidence as a result of the crime. Those who were most affected by the crime and those with disabilities were most likely to have experienced a loss of confidence and most likely to want to meet the offender. This finding suggests (within the limits of the study) that losing confidence partially explains the relationships between impact and willingness to meet, and between disability and willingness to meet. The effects are once again relatively small, but the indirect path via loss of confidence to willingness to meet is the most important of the indirect paths for disability (0.045). In addition, as might be expected, those who experienced **violent crimes** (H4a) were most likely to lose confidence. However, this finding cannot explain the negative relationship between violence and willingness to meet, because people who said they had lost confidence were in general more willing to meet the offender.

H5 None of the relationships between the predictors and willingness to meet (H5a-d) were mediated by whether the person had been a repeat victim.

H6 The relationship between **ethnicity** (H6a) and willingness to meet was partially mediated by whether victims knew the offender before the offence took place. People from minority ethnic groups were least likely to have known the person who committed the offence

against them, and the most likely to want to meet them. Thus, the relationship between ethnicity and willingness to meet seems to be partially explained by the victim's prior relationship with the offender. In addition, there is a significant indirect path between **disability** (H5b) and willingness to meet via prior relationship. Overall, victims with disabilities were more likely to have known the person who committed the offence against them. This does not explain their increased willingness to meet the offender, however, as knowing the offender in general reduced willingness to meet.

5.4 Discussion

In this section I discuss the relative roles of the proposed mechanism theories in explaining why violence, impact, ethnicity, and disability predict willingness to meet.

Violence: The most important mediator of the relationship between violence and victim willingness to meet the offender was identification of the offender by the police. When the offence was violent, the police were more likely to have identified the offender. This may be because victims of violent crimes are more able to identify the offender (e.g. they are more likely to have had direct contact during the crime), but it is also in accordance with the known relationship between seriousness of the offence and police 'vigour'. Police are more likely to take a full report and to make arrests if the offence is serious (summarised in Sherman, 1980), for a variety of reasons (Ishoy, 2016). This finding suggests that victims of violent offences are less likely to want to meet the offender at least in part because their outcome-based justice objectives are more likely to have already been somewhat fulfilled.

A second finding adds weight to the evidence that the relationship between violence and willingness to meet can be explained in part by whether victims' outcome-based justice objectives have been fulfilled (punishment and/or prevention). If the offence was violent, participants were less likely to say that it had made them angry, and this explained a further

small proportion of the relationship between violence and willingness to meet. A victim of a violent offence may be less likely to report having felt angry because they were more likely to have other emotions (e.g. guilt or fear), because the offender had been identified, or perhaps because they were less focused on punishment/prevention and more focused on their own safety. Whatever the reason, experiencing less of this retributive impulse is associated with a reduced desire to meet the offender.

When the offence was violent, victims were less likely to feel the police had treated them fairly. This may be because victims expected more from the police in violent cases and were disappointed, or perhaps because in violent offences victims themselves were more likely to also be treated as suspects - where there is any evidence of victims having provoked the attack or defended themselves, the police may not easily be able to distinguish between victim and offender. Whatever the reason, victims of violence were less likely to feel the police had treated them fairly. If everything else were held constant this should make them *more* likely to want to meet the offender, so the relationship between violence and procedural justice cannot be the explanation for why victims of violence are in fact *less* likely to want to meet the offender.

Finally, we might expect that violent offences prevent victims from wanting to meet the offender because it makes them more afraid or anxious about the offender. The current findings suggest that this explanation is unlikely, however, because although victims of violent offences were more likely to lose confidence after the crime, losing confidence tended to make people more likely to want to meet the offender rather than less likely. What we cannot tell from this study is the role of *current* anxiety or loss of confidence, as people do not report their current emotions in the survey, only those they had at the time of the crime.⁴⁶ However, anger and identification of the offender by the police explain most of the direct relationship between

⁴⁶ Although it is reasonable to assume that their assessment of their emotions at the time of the crime may be influenced by their current emotions, and that at least some of their emotions at the time of the crime may have been sustained through to the current moment.

violence and willingness to meet, and so it is unlikely that victims' current feelings of fear and anxiety explain a very large proportion of this relationship.

Impact: The relationship between the impact of the offence and victim willingness to meet the offender is partially mediated by anger, and secondarily by a loss of confidence.⁴⁷ Of the two emotions, anger has the greatest effect, suggesting that as the impact of the crime increases, victims are more motivated to meet the offender in order to fulfil their outcome-based justice objectives (retributive impulses) than to address their own emotional needs (their loss of confidence). The two emotions together explain the majority of the direct path between impact and willingness to meet.

Victims of high impact offences are less likely to believe the police treated them fairly, and the police were less likely to have identified the offender. These two deficits were both associated with increased willingness to meet the offender. However, these effects explain only a very tiny proportion of the direct effect between impact and willingness to meet.⁴⁸

Disability: In this study, unlike in Chapter 4, victims with a disability were not significantly more likely to want to meet the offender than victims without a disability. As explained earlier, this seems to have occurred because the previous study included crimes that were not reported to the police, whereas the current study excluded those crimes (also decreasing the sample size). However, the overall trend is still present, and the indirect paths between disability and willingness to meet are therefore still of interest. In this study, the non-significant direct relationship seems to be a result of several significant indirect relationships

⁴⁷ The path between impact and these two emotions cannot simply be explained by an overlap between practical and emotional impact, as Chapter 4 showed that both measures were found to predict willingness to meet even while controlling for one another. In addition, the measure of practical impact was chosen in this study to avoid any overlap; it is a measure of how many different types of practical impact victims experienced: e.g. impact on finances, work, school, or relationships.

⁴⁸ In addition, there is some reason to doubt the direction of causality, because the police having treated the victim unfairly or the police's failure to identify the offender may have caused some of the impact. Overall, therefore, I do not consider them to be informative about the relationship between impact and willingness to meet.

with contrasting effects. Victims with disabilities were less likely to feel the police had treated them fairly, more likely to be angry and to have lost confidence, and these all predicted an increased desire to meet the offender. At the same time, however, victims with disabilities were more likely to have known the offender, and the police were more likely to have identified the offender, both of which had a negative effect, i.e. a suppressant effect on the positive relationship between having a disability and choosing to meet the offender. This may explain why among those who did not report the crime to the police, disability even more strongly predicted willingness to meet the offender.

The relationship between having a disability or long-term illness and willingness to meet the offender is partially mediated by anger, confidence, and victims' views of police fairness. This is the same pattern of indirect relationships found between the impact of the crime and willingness to meet, implying that perhaps victims with disabilities were more likely to want to meet the offender because crimes had a greater impact on them. However, we cannot explain these findings simply by suggesting that those who had a disability were more likely to be affected by the crime, because in Chapter 4 disability and impact were both found to predict willingness to meet the offender while controlling for one another. Instead, this particular constellation of variables related to punishment/prevention, procedural justice and self-perception suggests that it is perhaps those who feel powerless who are more likely to want to meet the offender. Anger, vulnerability and a lack of procedural justice suggest that *both* the crime and the police response have made victims feel powerless. Meeting the offender may present an opportunity for those who feel powerless to reassert some degree of control.

Ethnicity: Victims from minority ethnic groups may be more willing to meet the offender for a multitude of reasons that this study cannot measure: perhaps direct communication with the offender is more in keeping with certain cultural views of justice, maybe it is perceived as an effective response to structural racism or societal disadvantage, or perhaps the types of offences people from minority ethnic groups experience are qualitatively

different to those experienced by White people (e.g. more hate crimes). Moreover, victims' desires to meet with the offender and their reasons for doing so are likely to differ even more between and within groups, but this survey does not enable such a detailed level of analysis. I considered a few additional variables in the exploratory analysis (e.g. whether the offence was a hate crime, victim country of birth, and victim religion), but the capacity of the CSEW to further delve into the experiences of different minority groups is extremely limited.

However, this study indicates that one of the main differences affecting victim willingness to meet the offender may be between different groups' experiences of the criminal justice system. The strongest indirect path between ethnicity and willingness to meet was via identification of the offender by the police, i.e. the police were least likely to have identified the offender when the victim was from a minority ethnic group, and these victims were most likely to want to meet the offender. The relationship between victim ethnicity and identification of the offender is not *directly* causal. There must be intervening causes, including but not limited to institutional and/or individual racism. Nevertheless, as the reverse direction of causality is impossible in this case (none of the experiences measured here could influence a person's ethnicity) it must be at least *indirectly* causal: the victim's ethnicity affects whether the police identify the offender.

There are few available explanations for such stark differences in experiences of the criminal justice system other than institutional and/or individual racism. Victims from minority ethnic groups were slightly less likely to have reported the crime to the police (or for someone else to have reported it), but this is irrelevant to the present analysis as unreported crimes have been excluded. Some might argue that distrust of the police leads people from minority ethnic groups to be less cooperative with police investigations. That is indeed a possibility, but is unlikely to account for the entirety of the vast differences exposed here. Some might argue that offenders are treated unequally because certain groups do commit more crime than others, not because of police bias. However, this explanation is circular because the statistics used to

support this view are often drawn from arrest and conviction rates, which are subject to the very same biases. Additionally, the finding here that *victims* are receiving inferior policing is even less easily explained away. Bowling and Phillips' (2002) review of the evidence suggests that whole communities are seen by the police as more 'criminal' than others, and this is the likely cause of the disparity identified here. A full exploration of the causes and consequences of the relationship between ethnicity and identification of the offender is beyond the scope of this chapter. However, the most important consequence for our purposes here, is that one link between ethnicity and victim willingness to meet the offender is a disparity in the service victims received from the police. This is also in keeping with the second largest indirect path identified in this analysis: that victims from minority ethnic groups were less likely to feel the police had treated them fairly, and more likely to want to meet the offender.

Victims from minority ethnic groups were no more likely to lose confidence as a result of the offence than White victims and were *less* likely to say that they had felt anger in response to the crime, therefore neither emotion can explain the difference in willingness to meet the offender.

Victims from minority ethnic groups were more likely to have been victims of crimes by strangers, and White people were more likely to have been victims of crimes by someone they knew. The significant indirect path to willingness to meet suggests that one reason people from minority ethnic groups were more likely to want to meet the offender was that they were more likely to have been victims of crimes by strangers. This may be because they were more likely to be subject to hate crime committed by strangers, less likely to report crime that was committed by someone they know, or for some other reason. If the crime was committed by a stranger, this might make victims consider themselves more 'ideal' victims, but as described in chapter 4 there are also other potential explanations for the role of a prior relationship in victims' willingness to meet the offender.

5.4.1 Limitations

The study in this chapter suffers from many of the same problems as the study in Chapter 4 (discussed in section 4.4.7). Although the participants were victims of real crimes, their willingness to meet the offender was purely hypothetical. The chosen proxy variables for the five types of victim perception were far from perfect and are only able to give an indication as to the relationship between the victims' perceptions and their willingness to meet the offender. In this study I did not explore the relationship of the potential mediators to one another – and it is likely that some of the variables act as serial mediators, or moderate the effects of other mediators, etc. Repeat victimisation, for example (which could more informatively have been measured over the life course) could be influencing the extent to which participants feel angry about the offence, or the victims' perceptions of treatment by the police. The relationships between the potential mediators was unfortunately beyond the scope of the current study, but would be an interesting avenue for future research.

As explained in the introduction to this chapter, I have used mediation analysis despite many statisticians not recommending its use with correlational data, and I have tentatively drawn conclusions about causal relationships. I have done so with good reason, as also explained in the introduction, but this is certainly a significant limitation on the extent to which the findings should be treated as irrefutable evidence.

Finally, the nature of the CSEW data and the analyses I conducted have forced me to make sweeping generalisations about members of different identity groups. In Chapter 4 I divided the participants into only four ethnic groups, and in this Chapter I reduced this further to just two groups. As a result, I have made claims about what 'White people' in general are more likely to do, and what 'people from BME groups' wanted and why. It was tempting to think that this analysis was too coarse to be useful, and to abandon it entirely. There is no doubt that important intra-group differences have been entirely missed. Despite these reservations,

however, I decided to retain the analysis. Societal, institutional and individual racism has such an influence on people's experiences of the justice system, that where any relevant evidence exists it should be shared. Even though in this study the group categories are coarse, and the conclusions are limited, we nevertheless learn something important about varied experiences and perceptions of justice.

5.5 Conclusion

The purpose of this chapter was to better understand the relative roles of the proposed mechanism theories, and whether they explain victim willingness to meet the offender for some groups or under certain circumstances. The differences in willingness to meet between victims of different crimes and from different identity groups can, to some extent, be explained by differences in whether they were treated fairly (procedural justice) and the extent to which their outcome-based justice objectives have been fulfilled (punishment/prevention). The evidence for the role of victims' self-perception in the differences between groups of victims is more mixed.

In Chapter 4, victims were most likely to want to meet the offender when they felt the police had not treated them fairly, suggesting that they saw a meeting with the offender as a possible way to redress this deficit in procedural justice. Here a deficit in procedural justice also explained, in part, the relationship between impact of the crime and willingness to meet the offender. The deficit in procedural justice also explained some of the relationship between having a disability and wanting to meet the offender, and between ethnicity and willingness to meet. The relationship between a deficit in procedural justice and a desire to meet the offender was present even whilst controlling for outcome-based measures of justice (the police having identified the offender and the police taking action against the offender). This is in keeping with research which suggests that procedural justice is at least equally important, and potentially

more important, in determining victim satisfaction than the outcome of the case (Beven et al., 2005).

In contrast, however, this chapter has demonstrated that fulfilment of outcome-based justice (punishment/prevention) seems to play the most important role in two key relationships: between the violence of the offence and willingness to meet, and between ethnicity and willingness to meet. The suggestion that victims of violent offences may be less likely to want to meet the offender because they were more likely to have had their justice objectives fulfilled, is somewhat counter-intuitive. It corroborates Daly's view that RJ is for victims an alternative 'tool' for the delivery of justice (Daly, 2016), rather than a fundamentally different approach to justice, as it has been described by some of its proponents (e.g. Zehr, 1990). This chapter has also demonstrated that anger plays a part in explaining the relationships between violence, the impact of the offence and victim willingness to meet the offender. Many years of research on emotion regulation, summarised by Gross (2015), states that, in general, people are motivated to reduce negative emotions and increase positive ones (although there are some exceptions). Therefore, if the presence of a negative emotion such as anger positively predicts victim appetite for a meeting with the offender, this suggests victims believe that taking part in such a meeting will reduce their anger. This does not negate the probability that victims who have forgiven the offender (reduced their anger) might be motivated to meet them. However, it does suggest that this is not the *main* type of motivation for meeting the offender, and that on average victims who were angry about the crime were more motivated to meet the offender than those who were not angry.

There is mixed evidence that differences in victims' self-perception explain any of the differences between groups. Having been a repeat victim was not a significant mediator of any of the relationships of interest. Although a loss of confidence did not predict willingness to meet for the participants as a whole, it did seem to play a role in the decision for some groups of people. For example, those who were victims of high impact offences were more likely to

say that they lost confidence as a response, and that they in turn were more willing to meet the offender. Victims with disabilities or long-term illnesses were more likely to report that the crime had made them lose confidence, and this in part explained their increased willingness to meet the offender. As with anger, it is most likely that people engage in behaviours they believe will reduce their negative feelings, so although this cannot be conclusively determined, the data suggest that some victims may want to meet the offender because they believe it will make them feel less vulnerable. Given that overall loss of confidence did not predict willingness to meet, it is likely that this effect is bi-directional, that some people were *prevented* from wanting to meet the offender by the very same emotion that constituted positive motivation for others.

As noted in the introduction to this chapter, conclusions must be drawn only tentatively from these results, as we cannot be certain that they demonstrate causality. Cautiously, however, the mediation analysis indicates that a deficit in justice (procedural, punishment and prevention) may be one reason that victims of violent and high-impact crimes, victims from minority ethnic groups and those with disabilities are more willing to meet the offender. Victims' self-perception may explain some of the differences between groups but not others; for example, victims with disabilities may be more likely to want to meet the offender because the crime made them feel vulnerable, and victims from minority ethnic groups may be more likely to want to meet because the offender is more likely to be a stranger. Overall, however, self-perception does not seem to be the main determinant of which groups of victims want to meet the offender. In the next chapter, I go on to explore the questions raised by the current study using an online survey. Drawing on some of the same questions as the CSEW, I add more reliable measures of emotions, attitudes and justice objectives. This, it is hoped, will enable a better and more comprehensive comparison of the mechanism theories, although with a much smaller sample size.

Table 5.2

Summary of evidence for mechanisms from Chapter 5

	<u>Explains relationship between crime type & willingness?</u>	<u>Explains relationship between identity group & willingness?</u>
<u>Procedural Justice:</u>	Yes (impact)	Yes (ethnicity, disability)
<u>Punishment/ Prevention:</u>		
Anger	Yes (violence, impact)	Yes (disability)
Identification of offender	Yes (violence, impact)	Yes (ethnicity)
<u>Self-perception:</u>		
Loss of confidence	Yes (impact)	Yes (disability)
Repeat victim (in 12 months)	No	No
Relationship to offender	No	Yes (ethnicity)

Chapter 6: Victims' justice objectives as predictors of willingness to meet the offender

The previous two chapters suggest that victims were more likely to want to meet the offender when they thought the criminal justice system had failed to provide them with procedural justice, to punish the offender, or to prevent reoffending. Victims who saw themselves as more of a victim, or at least more of an 'ideal' victim (Christie, 1986), were also more likely to want to meet the offender. These relationships also partially explained the finding that victims of more violent crimes were less likely to want to meet the offender, and that victims of higher impact offences were more likely to want to meet the offender. The study in Chapter 5 suggested that one reason victims from BME groups were more likely to want to meet the offender was because they were less likely to have had their justice objectives met by the criminal justice system, and one reason that victims with a disability were more likely to want to meet the offender was that they were likely to feel vulnerable after the offence (and perhaps, therefore, saw meeting the offender as a way to regain their confidence). These are tentative conclusions, however, due to the cross-sectional nature of the data and the small effect sizes.

Although these findings are informative compared to studies that have gone before, the measures in the CSEW unfortunately do not correspond closely to the perceptions associated with the five mechanism theories. Several of the variables could serve as proxies for either punishment or prevention, and therefore if they predict willingness to meet it is impossible to tell whether it was because punishment or prevention were important to victims. The proxy variables for self-perception were somewhat crude and only approximately resemble a measure of the participants' views of themselves. The proxy variables for perception of offender included some potentially useful items measuring victims' views of the causes of the offence;

however, none of these measures predicted willingness to meet the offender. As with any negative finding, it could have occurred because there was no effect to find, or because the measures were inadequate. The most direct measure of a mechanism in the CSEW was whether the participant believed that the police treated them fairly, which served as a good measure of the extent to which the participant felt they had experienced procedural justice.

The main purpose of the current study was to further test whether the perceptions associated with each mechanism predict willingness to meet the offender, using improved measures compared to the CSEW. While the smaller sample size imposed some limitations, improving the measures afforded a more refined test of relationships. In particular, this study enabled an investigation of the relative roles played by the five types of perception in predicting willingness to meet the offender.

This study was conducted in two stages: a pilot study that was conducted before the creation of the theoretical framework, and a confirmatory study intended to test whether victims' perceptions predict willingness to meet. In the pilot study, the measures of emotion used in the CSEW were abandoned and replaced by multi-item scales, as were measures of the participant's view of the cause of the crime. The justice objectives offered to the participants as potentially of importance to them were selected from a variety of justice needs, goals and objectives described in the literature. Willingness to meet the offender was measured using a 5-point scale rather than a binary measure.⁴⁹ The pilot study was conducted using the online survey administration platform Qualtrics; it surveyed 152 participants who were recruited through prolific.ac.uk⁵⁰ and had been a victim of crime at least once⁵¹.

⁴⁹ Although the CSEW variable included an option for 'no', 'yes' and 'not sure' it cannot really be considered a three-point scale.

⁵⁰ The prolific filter was used to select only residents of the UK, aged over 18yrs. The participants were rewarded £2 for their time and took on average 10 minutes to complete the survey.

⁵¹ Participants were screened from the general pool of Prolific's 20,000 participants based on the criteria that they answered "False" to the pre-screening question I requested: "I have never been a victim of crime". This negative formulation was used to make it less obvious to Prolific participants that they would automatically be eligible for a study according to their answer. Then they selected at least one of the following options in response to the

The results of the pilot study contributed to the formation of the theoretical framework discussed in Chapter 2. The 15 justice objectives used in the pilot study loaded onto two distinct factors, which I described as ‘victim-oriented’ and ‘offender-oriented’⁵² (see Appendix B.1). The offender-oriented justice objectives positively predicted victim willingness to meet, whereas the importance victims assigned to the victim-oriented objectives negatively predicted willingness to meet (see Appendix B.2). Victims were less likely to want to meet the offender if they felt the offender-oriented justice objectives had already been fulfilled. This supported the suggestion from Chapters 4 and 5 that at least some victims want to meet the offender in order to fulfil a perceived deficit in the justice delivered by the criminal justice system. The measures used in the pilot study did not satisfactorily assess the offender-oriented objectives (only four items loaded onto this factor), so the current study constitutes a much more comprehensive test of the potential offender-oriented objectives, as well as the perceptions associated with all five mechanisms.

6.1 Hypotheses

Drawing on the lessons learnt in the pilot study, and the theoretical framework, this study attempted to answer the first three research questions:

1. Do victims’ perceptions predict appetite for communication with the offender?
2. Do differences in victims’ perceptions explain the relationship between other predictors (e.g. nature of crime and group identity) and victims’ appetite for communication with the offender?
3. Are victims motivated to communicate with the offender by wanting to change their perceptions?

question “The crime that I experienced included the following elements”: theft or attempted theft, property damage, threats, violence resulting in injury, violence not resulting in injury, a sexual element. If the participants responded “other” or did not select any of the six main elements, they were not included in the survey.

⁵² One variable ‘compensation’ did not load onto either factor.

In order to answer these research questions, the current study tested the following hypotheses. I pre-registered the study before running it, so the hypotheses and other elements of the study can also be found at <https://osf.io/ua74t/> (embargoed until June 2019).⁵³ First, I investigated whether there are five distinct clusters of justice objective, which correspond to the five mechanisms:

H1 Individual measures of justice objectives (importance, fulfilled and expected) factor into five distinct groups of objectives, corresponding to the five proposed mechanisms in the theoretical framework.

Next, I sought evidence that participants expected any of the five clusters of objectives (henceforth referred to as five objectives) to be fulfilled through meeting the offender. If the objectives are indeed objectives, and if at least some people do want to meet the offender, then those people should believe that it is possible to meet at least one of the objectives. There was not enough information from previous studies upon which to base predictions about which of the five objectives participants would most expect from meeting the offender:

H2 On average, victims expect meeting the offender to fulfil at least one of the five objectives (at least partially).

Next, if participants see meeting the offender as a way to fulfil a justice deficit, then they should be more willing to meet the offender if one or more of the objectives have *not* already been fulfilled:

H3 The extent to which victims perceive each of the five justice objectives to have been fulfilled negatively predicts willingness to meet the offender.

⁵³ Some minor changes were made to the study after registering it, but prior to running it. A fourth ‘self-perception’ item was added. The ‘identification with victim label’ scale, and the likelihood of reoffending variable were removed, because I judged that the constructs were sufficiently covered by the other measures and I was attempting to shorten the survey due to limited financial resources.

If the five objectives form part of victims' motivation for meeting the offender, then participants' expectations of whether meeting the offender can fulfil those objectives should predict their participation:

H4 The extent to which victims expect meeting the offender to fulfil the five justice objectives positively predicts willingness to meet the offender.

If participants who feel the justice objectives have already been fulfilled are less likely to want to meet the offender, having fulfilled the objective may also moderate the relationship between participants' expectations and their willingness to meet. If, for example, participants feel the offender has already been punished, then whether they expect punishment from meeting the offender should not influence their willingness to meet. If participants feel there has been a deficit in punishment, then they should be most willing to meet the offender if they believe that meeting the offender can fulfil the punishment objective. This moderation effect should be present in the data as an interaction between the measures of having fulfilled each objective and the measure of the extent to which it is expected:

H5 The relationship between victims' expectations and willingness to meet varies by whether victims have already fulfilled the objective ('fulfilled $\times$ expected' interaction). For those who feel their justice objectives have already been fulfilled, their expectations do not predict willingness to meet the offender. For those whose justice objectives have not yet been fulfilled by other means, their expectations of a meeting with the offender predict willingness to meet.

In the last chapter, the extent to which people felt certain justice objectives had been fulfilled seemed partially to explain the positive relationship between the impact of the crime and willingness to meet, and the negative relationship between violence and willingness to meet. The current study tested this relationship with the improved measures, according to the following two hypotheses:

H6 The relationship between practical impact of the crime and willingness to meet is partially mediated by the importance victims assign to the justice objectives.

H7 The relationship between violence and willingness to meet is partially mediated by the importance victims assign to the justice objectives.

Although it would be of interest here, the current sample is not sufficiently large or diverse to test the effects of other aspects of the nature of the crime or victim identity group on victim willingness to meet.

6.2 Method

6.2.1 Sample

The data for this study was collected online using Qualtrics, and participants were recruited through prolific.ac.uk.⁵⁴ Participants were compelled to answer all the questions before moving on in the survey (with the exception of demographic information), so there was no missing data. Of the 200⁵⁵ participants, six people had been offered a meeting with the offender when their crime occurred, so these six people were excluded from the current analysis, resulting in a sample size of 194.

The sample consisted of 124 people who identified as female (64%), 67 as male (35%), one who identified as transgender, one who identified their gender as 'other' and one who preferred not to say. The participants were spread relatively evenly throughout the age range categories, with most (45%) falling in the 30-44 age group. Of the participants, 172 identified

⁵⁴ The same filters were used for the pilot study and the main study in prolific, with the addition of a filter excluding those who had already participated in the pilot study. The participants in the main study were rewarded £1.15 and took on average 9 minutes to complete the survey.

⁵⁵ In advance of the study, G*Power determined that .80 power to detect a medium effect size of .13 at the standard .05 alpha error probability would be obtained through a sample size of 158. I increased this to 200 to allow for the exclusion of participants who were offered restorative justice when the crime happened to them.

as White (89%), 12 identified as Asian (6%), three as Black (1.5%), four as from mixed, multiple or other ethnic groups (2%), and three who preferred not to say (1.5%). Of the 194 participants, 49 said they had a long-term illness or disability (25%), and 33 of these people said their illness or disability limited their activities.

The seriousness of the crimes victims described spanned the full range from 1 to 20 (see Figure 6.1), and took place between 0 years (i.e. within the previous 12 months) and 50 years ago ($M = 10.60\text{yrs}$; $S.D = 10.10\text{yrs}$). In an open text-box, people named the crime against them, and the crimes ranged from minor vandalism attempts to sexual assault and rape. Over half of the participants came into contact with the offender during the crime (56%), and 33 people said there was a sexual element in the offence (17%). Fifty-nine people (30%) said they thought the crime had been motivated by one or more of the following factors: their race or ethnicity, religion, sexuality, sexual orientation, age, gender and/or disability. Twenty-five people said they did not know whether the crime had been motivated by any of these factors (13%), and in total 110 said they were sure there had been no element of hate crime (57%).

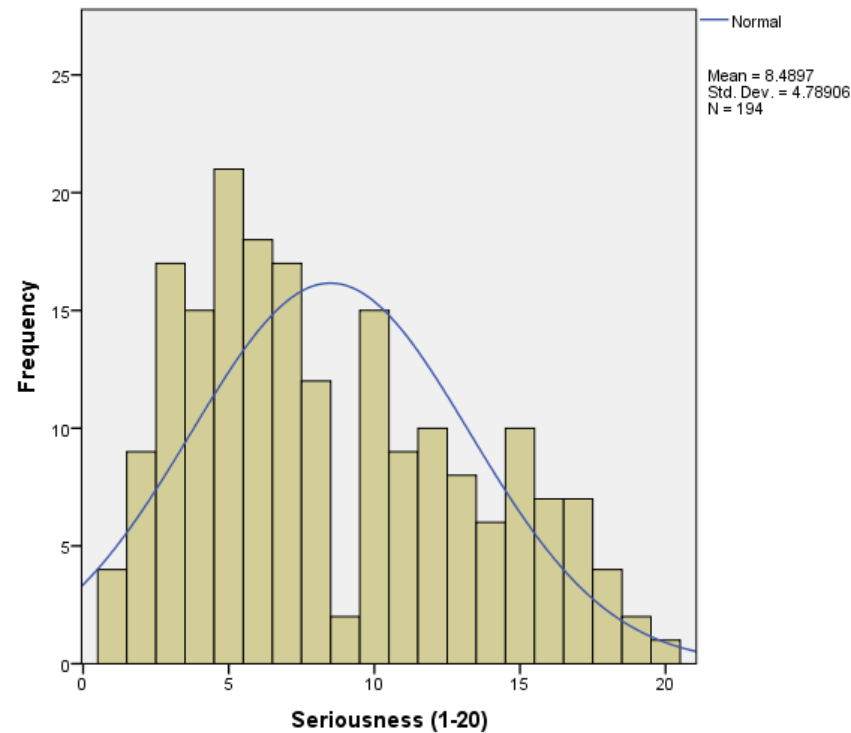


Figure 6.1 Self-assessed seriousness of crimes experienced by the participants

6.2.2 Measures

Willingness to meet (1 item): Participants were introduced to the concept of meeting with the offender by the short paragraph: ‘Victims are sometimes offered the chance to meet the offender(s) in the presence of someone else. This is offered by the police or other criminal justice agencies. Usually, these meetings take place in addition to any criminal justice process.’ If the participants answered that they had not previously been offered such a meeting, they were then asked ‘If you had been offered the chance for a meeting with the offender(s) would you have accepted?’ and they responded on a 1-5 scale from ‘definitely not’ to ‘definitely would have’.

The proportion of participants who said they would consider meeting the offender was similar to that found in the CSEW. Fifty-two (26.8%) of the participants said they probably (16.5%) or definitely (10.3%) would have met the offender if given the opportunity, illustrated in Figure 6.2.

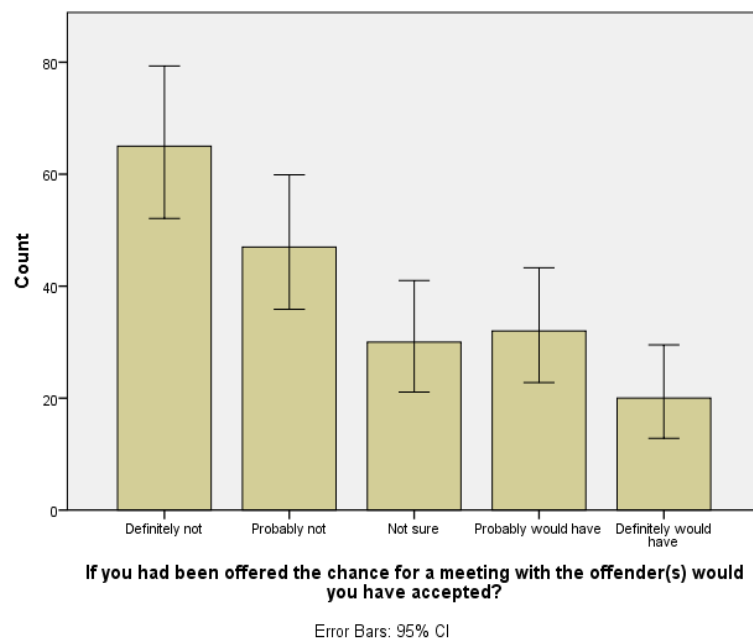


Figure 6.2 Participant willingness to meet the offender

Violence (0 - 10). All the participants were asked how violent they thought the offence was.⁵⁶ Their responses are illustrated in Figure 6.3.

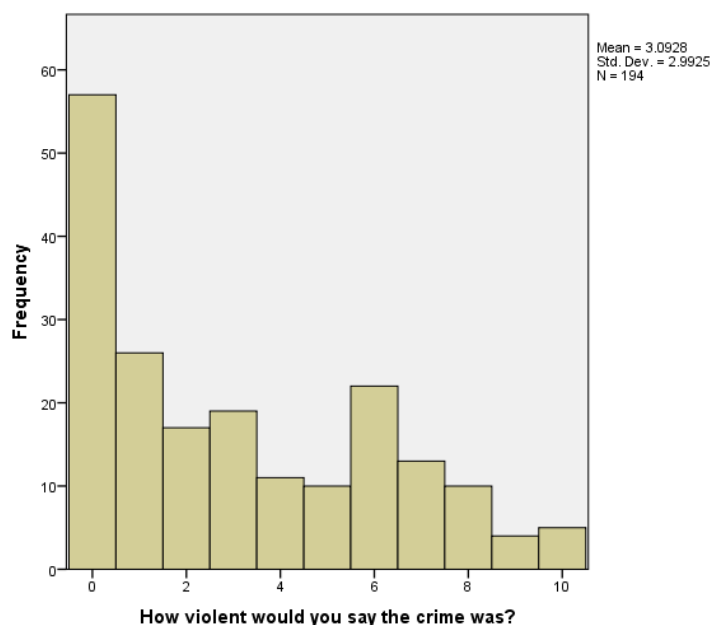


Figure 6.3 Reported level of violence of crimes

Practical impact (5 items). Participants were asked to rate how much of an impact the crime had on them in five different areas: financial impact, impact on work or studies, impact on the place where they live, impact on relationships, and other practical impact (each on a scale of 0-10). The five impact variables were summed to create a total practical impact score.⁵⁷

⁵⁶ In the pilot study the measure of 'violence' was skewed because it was only asked of certain participants. Although it was logical to exclude those who previously answered that the offence did not involve violence directed at a person, this was changed for the current study because an offence might nevertheless be considered 'violent' more generally. Therefore in this study, all the participants were asked the question of how violent they thought the crime, regardless of their answer to the previous questions.

⁵⁷ In the pilot study, I attempted to improve upon the measures of impact and violence in the CSEW by introducing a number of different types of impact. However, by doing so I created an overlap with the measure of violence (e.g. measures of injury and health impact). In this study, therefore, the measures of impact focus entirely on practical impact rather than impact upon victims' emotions or body.

Justice objectives scale (16 items). Participants were given three different arrays of questions asking them about 1) the *importance* they assigned⁵⁸, 2) the degree to which they had already *fulfilled* and 3) the degree to which they *expected* a meeting with the offender to fulfil each of the 16 objective items. Participants were given the following instructions:

- 1) Below are some of the things people say they want after a crime, in order to feel that justice has been done. Please tell us *how important was each one to you personally*, following the crime you have told us about.
- 2) We would like to know how much each of these things have been *achieved* for you since the crime (regardless of who made it happen, e.g. you, the police, courts, family, friends or others). How much are each of these statements true for you?⁵⁹
- 3) In your opinion, how much do you think you could get each of these things by meeting with the offender(s)?

Participants were then asked to rate the following 16 items on a 1-5 scale:⁶⁰

Procedural justice: Being treated fairly; Being listened to; Being respected (Importance $\alpha = .83$; Achieved $\alpha = .89$; Expected $\alpha = .89$).

Punishment: Knowing the offender(s) would be punished; Seeing the offender(s) suffer; Knowing the offender(s) would get what they deserved (Importance $\alpha = .85$; Achieved $\alpha = .94$; Expected $\alpha = .88$).

⁵⁸ The pilot study demonstrated the utility of asking participants to rate ‘achieved’ and ‘expected’ objectives, as well as their overall importance. As Ross and Miller (2002, p. 327) note: ‘If one simply asks people whether they agree with these various motives for punishment, our experience is that they generally do agree with all of the motives.’ This could explain the ‘ceiling effect’ seen in the measurement of importance in the pilot study: i.e. there was little variation among the respondents because most of the 15 items were ranked as ‘quite’ or ‘very’ important.

⁵⁹ The wording of the 16 items was adjusted in the second set of questions to form statements e.g. ‘I have been treated fairly’ and ‘I have been listened to’.

⁶⁰ In addition, section 6.3.1 examines in depth the validity of the scales through confirmatory factor analysis.

When the order of presentation was randomised, some pilot testers expressed confusion because the subject of the sentence switched between the self and the offender. Therefore, the questions were clustered into the ‘self-oriented ones (procedural justice and self-perception) and the offender-oriented ones (prevention, punishment and perception of offender), and the items were then randomised within these two clusters.

Prevention: Preventing the offender(s) from doing it to someone else; Stopping crime from happening to me in future; Preventing crime from happening to others in future (Importance $\alpha = .84$; Achieved $\alpha = .80$; Expected $\alpha = .89$).

Perception of offender: Finding out why the offender(s) did it; Finding out what the offender(s) is like; Finding out how the offender(s) feels about the crime now (Importance $\alpha = .86$; Achieved $\alpha = .79$; Expected $\alpha = .90$).

Self-perception: Being able to stop feeling like a victim; Being able to look back at the crime without any shame or guilt; Being able to feel strong or brave; Being able to separate the crime and its effects from who I am as a person (Importance $\alpha = .87$; Achieved $\alpha = .77$; Expected $\alpha = .90$).

Emotion: Participants were asked to rate on a scale of 0-10 the extent to which their response to the crime included three anger items (irritated, angry, furious, $\alpha = .85$), three anxiety items (afraid, anxious, fearful $\alpha = .95$), and three guilt items (ashamed, guilty, angry at myself $\alpha = .86$).⁶¹

Additional self-perception items: *Competence:* To what extent do you think you are 'strong', 'powerful', 'competent and capable' ($\alpha = .75$); *Morality:* to what extent do you think you are 'caring', 'honest', 'a morally good person' ($\alpha = .77$).⁶² *Self-blame:* How often have you had this thought or ones like it: 'The crime happened because of something I did or didn't do'; *Prior relationship with offender* (adapted from CSEW): How well did you know the person/people before the crime (if at all)?

⁶¹ The emotions 'disgust' and 'sadness' were measured in the pilot study, but factor analysis demonstrated that they were not sufficiently distinct from the other emotions in this context.

⁶² Competence and morality measures adapted from Stereotype Content Model research, including Fiske, Cuddy, Glick, & Xu (2002, p. 884), who measured Competence using items such as 'Competent, confident, independent, competitive, intelligent' and Warmth/Morality using items such as 'Tolerant, warm, good natured, sincere'. With additional content from (Fiske et al., 2007) and (Sadler et al., 2012).

Additional perception of offender items:⁶³ *Competence*: 'To what extent do you think the person/people who committed the crime are 'strong', 'powerful', 'competent and capable' ($\alpha = .75$); *Morality*: 'To what extent do you think the person/people who committed the crime are 'caring', 'honest', 'a morally good person' $\alpha = .88$).

6.3 Results

6.3.1 Measuring the justice objectives

In this section, I test Hypotheses 1 and 2 by examining the importance participants assigned to each objective, the degree to which they thought the objectives had already been fulfilled, and the extent to which they expected meeting with the offender to fulfil the objectives. I then turn to an investigation of whether the objectives form five distinct factors through factor analysis.

Overall, participants said that the most important objective was for action to be taken that would lead to prevention ($M = 4.10$, $SD = 1.02$), followed by procedural justice ($M = 3.81$, $SD = 1.07$), punishment ($M = 3.24$, $SD = 1.20$), and a change in self-perception ($M = 3.24$, $SD = 1.27$) and perception of the offender ($M = 2.47$, $SD = 1.26$). The contribution of each of the items to these scores can be seen in Figure 6.4.

⁶³ In the pilot study, three scales measured the locus, stability and controllability of victims' views of the cause of the offence. In this study the scales were abandoned as they did not form reliable scales nor did they predict willingness to meet the offender.

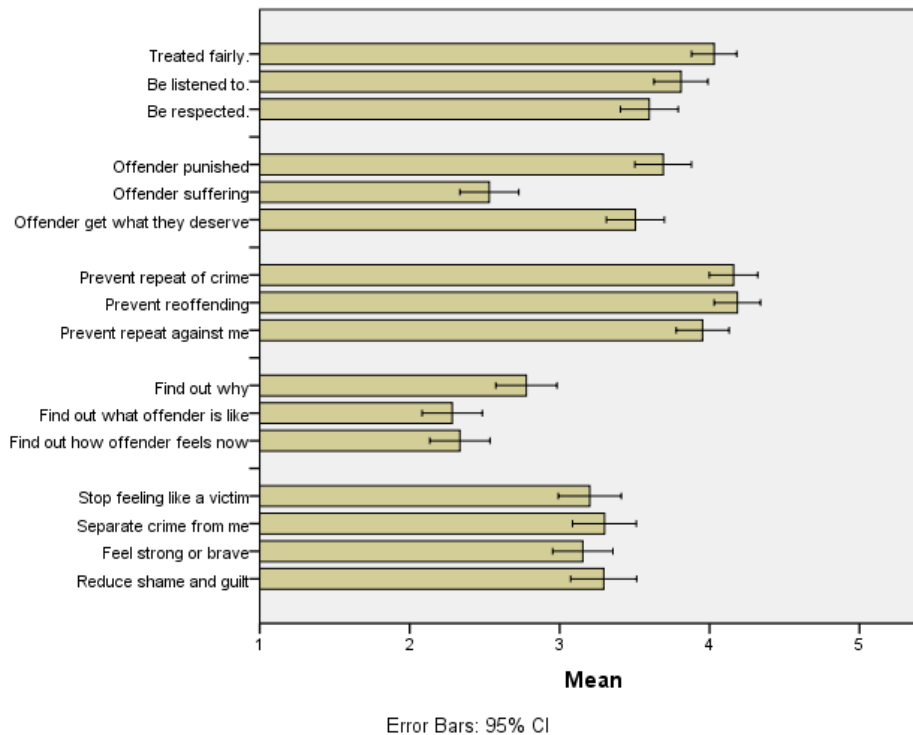


Figure 6.4 The extent to which participants rated each of the justice objective items as important

On average, participants said that self-perception ($M = 3.66$, $SD = 1.00$) and procedural justice ($M = 3.30$, $SD = 1.23$) were the two justice objectives that had already been most fulfilled. Although they had been fulfilled relative to the other objectives, it is worth noting that these means are still barely above the midpoint of the 5-point scale (i.e. close to ‘somewhat achieved’). Participants said that the other three types of objective had not been fulfilled at all, the means were all scarcely above one (i.e. close to ‘not been achieved at all’): punishment ($M=1.40$, $SD = 0.89$), perception of offender ($M = 1.43$, $SD = 0.84$) and prevention ($M = 1.45$, $SD = 0.87$). As can be seen in Figure 6.5, for each cluster of objectives corresponding to one of the five mechanisms, the means for each item are similar to one another.

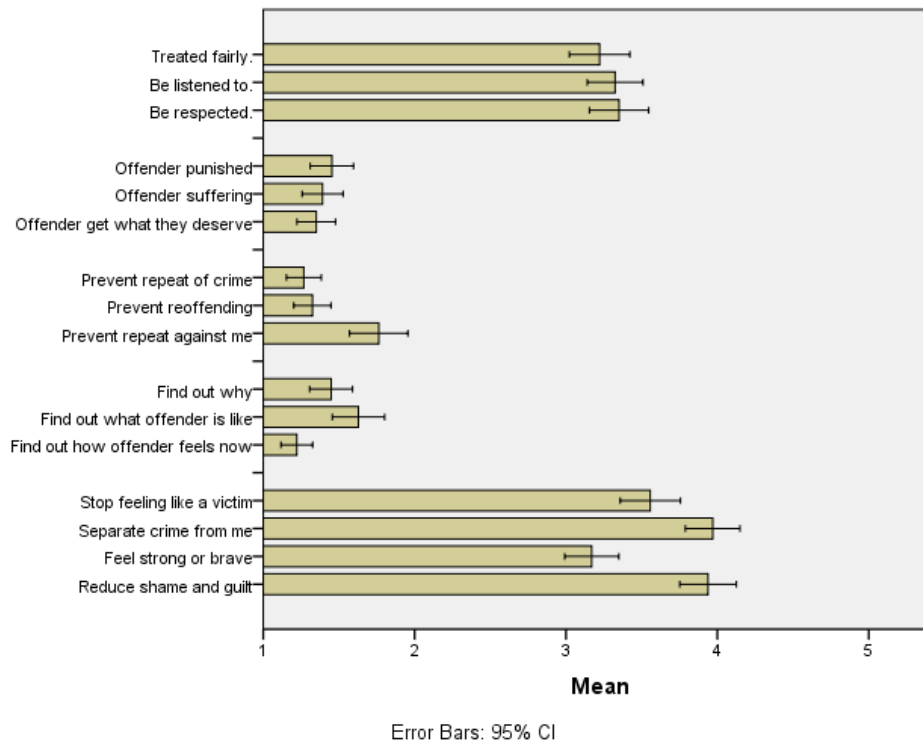


Figure 6.5 The extent to which participants felt that each of the justice objectives had been fulfilled

The participants' perceptions that the justice system had failed to achieve punishment, prevention and to provide information about the offender are consistent with the reported levels of police action. In 147 cases, the victim said the police were informed about the offence. In only 50 of these cases was the victim aware that the police had identified the offender. Of these 50 cases, in 11 no action was taken, and in four the offender was found not guilty. Thus in only 35 cases (18%) was any action taken against the offender (according to the victim's knowledge): in 14 cases the offender received a prison or community sentence, in two cases the offender received a suspended sentence, and in 15 cases the offender received a fine, caution, compensation order or an informal warning.

Participants were most likely to think that meeting with the offender could fulfil justice objectives related to the perception of the offender ($M = 3.05$, $SD = 1.25$), followed by prevention ($M = 2.51$, $SD = 1.20$), punishment ($M = 2.50$, $SD = 1.16$), self-perception ($M =$

2.45, SD = 1.20) and procedural justice (M = 2.31, SD = 1.18). The contribution of the individual items to these scores can be seen in Figure 6.6.

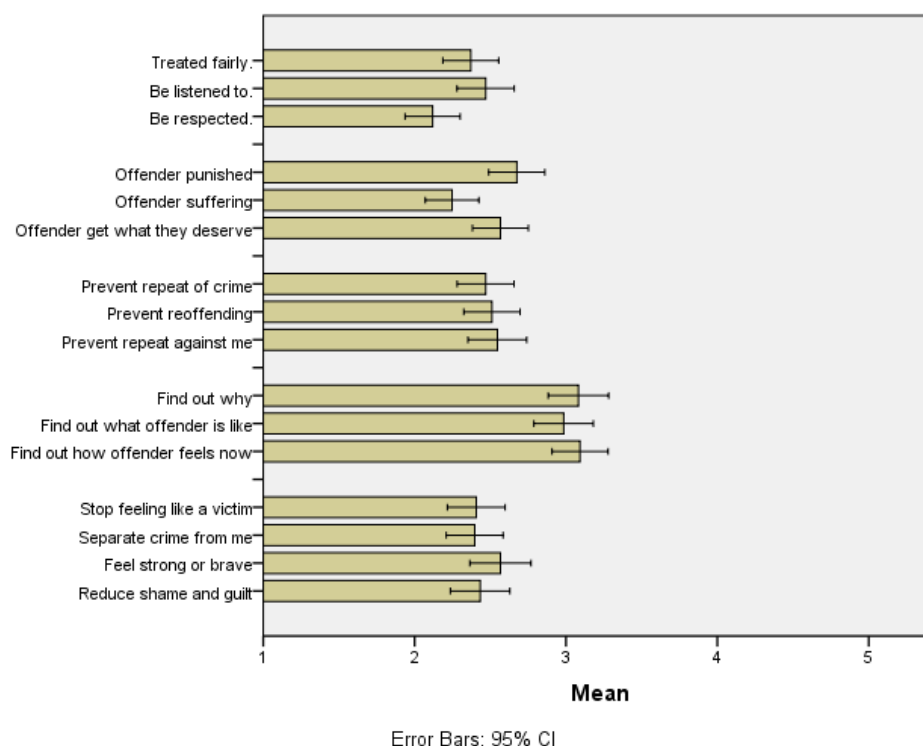


Figure 6.6 The extent to which participants expected justice objective fulfilment through meeting the offender

Visual inspection and initial analysis of the data suggests that the justice objective scales may be reliable measures of the five types of victim perception. Much more in question, however, is the discriminant validity of each of the five scales, particularly given the conceptual and empirical overlaps identified thus far. Therefore, to formally test the discriminant validity of the five constructs, I conducted confirmatory factor analysis (CFA) on all three sets of the 16 objective items. A five-factor model fit the data reasonably well for each of the three arrays of questions. Accordingly, the five factor CFA models were used to extract a composite variable score for each factor, and these scores were saved for use in the following analysis:⁶⁴

⁶⁴ I concluded that a model fitted the data well if it met Hu and Bentler's (1999) relatively stringent criteria of $\chi^2 / df < 2$, comparative fit index (CFI) $> .95$, Tucker-Lewis index (TLI) $> .95$, root mean square error approximation (RMSEA) $< .05$. Additionally, based on Hu and Bentler's guidelines, I concluded that a model could be an acceptable (but not ideal) fit to the data if $\chi^2 / df > 2$ and < 3 ; the CFI and TLI fell in the range of $> .9$ and $< .95$; and RMSEA fell between $> .5$ and $< .10$.

- *Importance:* $\chi^2(94) = 176.81$, $p < 0.001$, CMIN/df = 1.881; CFI = .957, RMSEA = .068, pClose = .032; AIC = 260.810.
- *Fulfilled:* $\chi^2(94) = 185.83$, $p < 0.001$, CMIN/df = 1.977; CFI = .952; RMSEA = .071, pClose = .012; AIC = 269.831.
- *Expected:* $\chi^2(94) = 174.361$, $p < 0.001$, CMIN/df = 1.855; CFI = .967; RMSEA = .067, pClose = .041; AIC = 258.361.

This section has provided evidence for Hypotheses 1 and 2: i.e. that individual measures of justice objectives factor into five distinct groups of objectives, corresponding to the five proposed mechanisms in the theoretical framework (H1). Also, on average, victims expect meeting the offender to fulfil at least one of the five objectives, at least partially (H2). More specifically, participants most expected meeting the offender to enable them to find out about the offender (perception of offender).

6.3.2 Justice objectives as predictors of willingness to meet

In this section I investigate the extent to which participants' perceptions of each objective predict their willingness to meet the offender: the extent to which they believe each has already been fulfilled (H3), the extent to which they expect each could be fulfilled through a meeting with the offender (H4), and the interaction between the two (H5).

An initial inspection of the correlation matrix between the five factors in each of the three arrays of questions (see Table 6.1) shows that victims' expectations of all five objectives correlated with willingness to meet. The importance people assigned to finding out about the offender and preventing the offender from doing it again also correlated with willingness to meet.

Within each array of questions, many of the objectives also correlated with one another: for example, procedural justice and self-perception (importance and expected); and punishment

and prevention (fulfilled). The degree to which participants thought each of the five objectives was important and the degree to which they expected those same objectives from meeting the offender were correlated with one another (with the exception of procedural justice). In addition, the importance participants assigned to finding out about the offender correlated with victims' expectations of whether meeting the offender could fulfil all five objectives.

Table 6.1

Correlation matrix demonstrating the relationship between each of the three arrays of justice objective measures, and victim willingness to meet

		<u>Importance</u>					<u>Fulfilled</u>					<u>Expected</u>				
		<u>PJ</u>	<u>Punish</u>	<u>Prevent</u>	<u>View of offender</u>	<u>View of self</u>	<u>PJ</u>	<u>Punish</u>	<u>Prevent</u>	<u>View of offender</u>	<u>View of self</u>	<u>PJ</u>	<u>Punish</u>	<u>Prevent</u>	<u>View of offender</u>	<u>View of self</u>
<u>Importance</u>	Procedural justice (PJ)	1														
	Punishment	.461***	1													
	Prevention	.543***	.782***	1												
	View of offender	.253***	.467**	.463***	1											
	View of self	.917***	.406***	.406***	.337***	1										
<u>Fulfilled</u>	PJ	.030	.002	.028	.014	.044	1									
	Punishment	.116	.140	.080	.101	.154*	.260***	1								
	Prevention	.150*	.092	.077	.106	.181*	.223**	.865***	1							
	View of offender	.177*	.078	.056	.143*	.219**	.026	.691***	.767***	1						
	View of self	-.197**	-.020	-.058	-.195**	-.230**	.582***	.010	-.048	-.241**	1					
<u>Expected</u>	PJ	.102	.107	.135	.400***	.133	.069	-.076	-.038	.005	-.041	1				
	Punishment	.140	.359***	.272***	.395***	.147*	.139	-.002	.035	.028	.085	.660***	1			
	Prevention	.111	.184*	.204**	.402***	.106	.070	-.047	.001	-.051	-.029	.768***	.798***	1		
	View of offender	.086	.170*	.233**	.390***	.066	.135	-.042	-.017	-.042	.033	.711***	.699***	.757***	1	
	View of self	.205**	.171*	.193**	.376***	.238**	.105	-.045	-.012	.047	-.043	.934***	.648***	.671***	.615***	1
	Willingness to meet	.058	.134	.216**	.425***	.034	-.038	-.103	-.057	-.017	-.064	.552***	.385***	.510***	.544***	.493***

Ordinal regression was used to model the relationships between the objectives and willingness to meet (a single item ordinal scale), and test whether they were predictive in nature. In accordance with Hypotheses 3-5, I added the following three sets of five objective measures to an ordinal regression model: the degree to which each objective had been fulfilled, the degree to which each objective was expected from meeting the offender, and the interaction between the two. As recommended by Jaccard (2001), the five interaction terms were added to the model as a 'chunk'. Addition of the 'chunk' of five interaction terms did not improve the fit of the model, so I concluded that none of them predicted willingness to meet the offender.⁶⁵ The model containing only the extent to which the objectives were fulfilled did not fit the data well, and explained almost none of the variance in the dependent variable. The addition of 'expectations' significantly improved the fit of the model, see Appendix B.3. From this initial analysis, therefore, there was justification for further investigation of Hypothesis 4, which continues below. There was not enough evidence to support the hypothesis that the degree to which victims perceive each of the five justice objectives to have been fulfilled affects their willingness to meet the offender (H3). Neither was there enough evidence to support the hypothesis that the relationship between victims' expectations and willingness to meet varies by the extent to which their objectives have already been fulfilled (H5).

In order to test Hypothesis 4 further, the scores for the extent to which victims expected all five objectives were entered into a single model, with willingness to meet as the dependent variable. The coefficients for the model can be seen in Table 6.2. As noted from observation of the correlation matrix, there was a high degree of collinearity between the self-perception objective and the procedural justice objective (indicated by a correlation between the two of $r=.93$). In addition, the Variance Inflation Factor (VIF) scores for both self-perception and procedural justice

⁶⁵ Only if the 'chunk' had significantly improved the fit of the model would the individual terms have been analysed to determine which had an effect.

were in the region of 10 (9.37 and 12.68 respectively), which is a rule of thumb for determining whether collinearity may be affecting the model. The two variables are conceptually related - a sense of agency in the process (procedural justice) is of course related to an overall sense of agency (self-perception) - meaning that there is no theoretical justification for removing one of the variables rather than the other. Neither is it possible to justify combining them, given that the CFA identified the factors were at least somewhat distinct from one another. There are no fixed rules for how to deal with collinearity in a model, but given that procedural justice was a much stronger predictor of willingness to meet than self-perception in Model 1, I made the decision to drop self-perception from Model 2. In Model 2, both perception of offender and procedural justice predicted willingness to meet the offender.⁶⁶

Table 6.2

Ordinal regression model predicting willingness to meet by the expectations of five justice objectives

	<u>Model 1</u>		<u>Model 2</u>	
	<u>B</u>	<u>Exp(B)</u>	<u>B</u>	<u>Exp(B)</u>
Threshold				
Willingness = 1	-1.016		-1.015	
Willingness = 2	.363		.365	
Willingness = 3	1.333		1.333	
Willingness = 4	2.836		2.836	
Procedural justice	.628	1.87	.714***	2.04
Prevention	.294	1.34	.277	1.32
Perception of offender	.572***	1.77	.567***	1.76
Self-perception	.078	1.08		
Punishment	-.299	0.74	-.283	0.75
χ^2 (d.f)	86.21(5)***		86.17 (4)***	
R ² (Cox & Snell)	.359		.359	
R ² (Nagelkerke)	.376		.376	
R ² (McFadden)	.145		.145	
Pearson χ^2	721.24(699), p = .272		723.40(700), p = .262	
Deviance χ^2	489.82(699), p = 1.00		489.87(700), p = 1.00	

* p<.05; **p<.01; ***p<.001

⁶⁶ Given that punishment and prevention were also highly correlated, one could make the argument that one of these variables should also be dropped from the model. The correlation was not as high, however ($r = .80$), and the VIF scores for the two factors did not approach 10 (3.3 and 4.6 respectively), therefore I have left both objectives in Model 2. As an additional check, I also ran the model without the punishment objective. The pattern of results did not change, i.e. procedural justice and perception of offender were still significant predictors of willingness, and prevention was not a significant predictor.

As can be seen in Table 6.2, expected change in perception of the offender was a consistent predictor of willingness to meet the offender. In other words, the more a participant expected that they could find out about the offender through a meeting, the more willing they were to meet. Model 2 predicts, for example, that if somebody does not expect to find out about the offender (minimum score), the probability that they would ‘definitely’ want to meet the offender would be 0.7%, and the probability that they would ‘definitely not’ want to meet the offender would be 75.1%.⁶⁷ If the participant expects to find out about the offender (maximum score), the model predicts that the probability of them ‘definitely’ wanting to meet the offender would be 53.5%, and the probability of them ‘definitely not’ wanting to meet would be 1.8%.

Similarly, if victims expected that a meeting with the offender would allow them to experience procedural justice, they were more willing to meet the offender. For example, if somebody does not expect procedural justice at all (minimum score), the model predicts that the probability of them ‘definitely’ wanting to meet the offender would be 0.6%, and the probability of them ‘definitely not’ wanting to meet would be 78.7%. If the participant expects procedural justice from a meeting with the offender (maximum score), the model predicts that the probability of them ‘definitely’ wanting to meet the offender would be 53.5%, and the probability of them ‘definitely not’ wanting to meet the offender would be only 1.8%.

This study demonstrates that victims’ expectations of procedural justice and their perception of the offender are predictors of their willingness to meet the offender, thus there is evidence for Hypothesis 4: if victims expect that meeting the offender can fulfil the justice objectives, victims are more likely to want to meet the offender. More specifically, victims’ expectations of changes in their perceptions of the offender and of procedural justice predict their willingness to meet the offender.

⁶⁷ These fitted probability figures are calculated using the final model. For example, here the minimum and maximum score for perception of offender were substituted into the model equation.

In addition to the objective scales, several other scales were included in the survey to test the relationship between victims' perceptions and willingness to meet the offender. The correlations between the importance victims assigned to each objective, the three emotions scales and the four measures of victim and offender competence and morality can be seen in Appendix B.4. To explore their predictive power, the scales that correlated with willingness to meet (anger, victim competence and victim morality) were added into a model with the two primary predictive scales identified above (expectations of procedural justice and perceptions of the offender). None of the three additional independent variables predicted willingness to meet, when controlling for expectations of procedural justice and perceptions of the offender. The final model can be found in Appendix B.5.

6.3.3 Justice objectives as mediators between violence, impact and willingness to meet

In this section, I test whether the relationships between violence and willingness to meet (H6), and between impact and willingness to meet (H7), can be explained by differences in the importance people assigned to the five justice objectives.

First, I sought to confirm the finding from the CSEW that violence has a negative effect on willingness to meet and impact has a positive effect on willingness to meet. I entered the measures of violence and impact into an ordinal regression model with victim willingness to meet as the dependent variable. When controlling for one another, violence negatively predicted willingness and impact positively predicted willingness, although they did not explain a great deal of variance in the dependent variable, see Table 6.3.

Table 6.3

Ordinal regression model predicting willingness to meet by violence and impact

		<u>B</u>	<u>S.E</u>	<u>Exp(B)</u>
Threshold	Willingness = 1	-.614		
	Willingness = 2	.425		
	Willingness = 3	1.142		
	Willingness = 4	2.339		
	Violence (0-10)	-0.156**	.050	.856
	Practical impact (total of 5 items)	0.037**	.013	1.038
χ^2 (d.f)	11.511(2)**			
R ² (Cox & Snell)	.058		Pearson χ^2	525.794 (526), p = .494
R ² (Nagelkerke)	.060		Deviance χ^2	426.806 (526), p = .999
R ² (McFadden)	.019			
* <.05,**p<.01,***p<.001				

As mentioned in the hypothesis section, the sample size was not sufficient to test the role of other possible predictors, such as identity group membership and nature of the crime. As an informal check of this assumption, I added the identity group variables and three other aspects of the crime to the model above. Victim gender, disability, ethnicity, and age did not predict willingness to meet. The other elements of the crime also had no effect on victim willingness to meet: hate motivation, contact with the offender during the crime, and whether the offence contained a sexual element.⁶⁸ See Appendix B.6.

Mediation analysis. The possibility that the justice objectives mediated the relationships between the impact of the crime, the violence of the crime, and victim willingness to meet the offender was tested using PROCESS. PROCESS is a macro which serves as an additional modelling tool for SPSS, written by Hayes (2013). Mediation paths were tested using 5,000

⁶⁸ Those who had been a victim of a sexual offence were less willing to meet the offender, and the effect was large. However, there were only 33 participants who experienced a sexual offence and so it was not possible to confirm statistically that the relationship was significantly different from zero, particularly when controlling for violence and impact.

bootstrapped resamples and a 95% confidence interval (as advised by Preacher & Hayes, 2008) to determine whether they were significantly different from zero.⁶⁹ Table 6.4 shows the total effects, the individual indirect effects via each potential mediator and the direct effects (controlling for the indirect effects). It shows that the impact of the crime predicts the importance victims assign to changing their perceptions of the offenders and themselves, and that these two objectives in turn predict willingness to meet the offender, and the total indirect relationships are significantly different from zero.

In other words, Table 6.4 shows that the greater the impact of the offence, the more likely victims are to want to find out about the offender (perception of offender) and stop feeling like a victim (self-perception). The result of this is that impact simultaneously increases the likelihood of wanting to meet the offender (because they are more likely to want to find out about the offender) and decreases it (because they are more likely to want to feel less of a victim). Overall, therefore, the effect of these two indirect paths is that together they are almost zero. This is consistent with the finding that, on average, victims do not tend to expect to feel less of a victim through meeting with the offender (see Figure 6.6). It does not explain, however, why violence decreases victims' willingness to meet and impact increases it – as there were no significant mediation effects for violence, and the mediators in the impact-willingness relationship approximately cancel one another out.

Therefore, the overall negative (for violence) and positive (for impact) relationships remain unexplained. The mediation effect of self-perception in the violence-willingness relationship was larger than the other indirect paths and approached significance, perhaps suggesting that violence increases the importance victims place on their own recovery, and that this in turn reduces their

⁶⁹ Although the distribution of the 'violence' measure violates assumptions of normality, this is inconsequential when using the robust method of bootstrapping (Hayes, 2013).

willingness to meet the offender. This result is far from proven by the data, however, and should only be considered as perhaps worthy of further investigation in future studies.

Table 6.4

Pathways between predictors and willingness to meet: Direct and indirect path size estimates and confidence intervals (CI)

<u>Predictor (X)</u>	<u>Potential Mediator (M)</u>	<u>Direction of (X>M, M>X)</u>	<u>Overall effect size Estimate</u>	<u>Bootstrap CI (Bias-corrected 95%)</u>	<u>Significant?</u>
Violence (controlling for impact)	Total effect of all Ms		.000	[-.035,.038]	
	Procedural justice	+,+	.012	[-.004,.058]	
	Punishment	+,-	-.002	[-.026,.009]	
	Prevention	+,+	.002	[-.006,.025]	
	Perception of offender	+,+	.012	[-.022,.051]	
	Self-perception	+,-	-.022	[-.075,.000]	
	Direct effect (controlling for all Ms)	+	-.110	[-.174,-.046]	Yes
Impact (controlling for violence)	Total effect of all Ms	+	.007	[.008,.037]	Yes
	Procedural justice	+,+	.014	[-.003,.037]	
	Punishment	+,-	-.007	[-.019,.002]	
	Prevention	+,+	.004	[-.005,.013]	
	Perception of offender	+,+	.014	[.005,.025]	Yes
	Self-perception	+,-	-.018	[-.039,-.003]	Yes
	Direct effect (controlling for all Ms)	+	.019	[.000,.037]	

6.4 Discussion

6.4.1 Perception of procedural justice

Participants said that their desire for procedural justice was the second most important of the five objectives (after prevention). They were also somewhat likely to have felt that this objective had already been fulfilled, particularly compared to the three offender-oriented objectives, which most participants felt had not been at all fulfilled. Participants did not have very high expectations that meeting the offender could fulfil procedural justice objectives. In particular, they did not think a meeting with the offender would result in respect.

Despite the overall low levels of expectation, those who expected that a meeting with the offender could fulfil procedural justice objectives were much more likely to be willing to meet. This reinforces previous studies that at least some victims are motivated to communicate with the offender by the possibility of fulfilling procedural justice objectives. The strong relationship between a desire for procedural justice and the participants' perception of themselves raises the question of whether these two mechanisms might be better regarded as a single mechanism. Certainly, when the participants sought to increase their agency within the process (procedural justice), they also sought to increase their overall sense of agency (self-perception). The current study cannot settle this question, but it will be considered in the following chapters. This study suggests that although they were closely linked, there was nevertheless a clear distinction between the extent to which victims felt they had experienced a sense of procedural justice and a positive self-perception. For example, victims had frequently developed a strong sense of their own overall agency despite *not* having achieved a sense of procedural justice.

6.4.2 Perception of punishment

Punishment was the third most important objective to participants in this study, after prevention and procedural justice. In general, participants did not feel this objective had been fulfilled by the criminal justice system or anything that they had yet experienced in response to the crime. They also did not much expect it to be fulfilled by meeting with the offender. A deficit in punishment did not predict victim willingness to meet the offender, but this may have been because the overall scores for having fulfilled this objective were so consistently low, that they did not have enough variation to predict willingness. This study seems to suggest, overall, that victims are not motivated to meet the offender by the promise of seeing the offender punished.

The items measuring punishment in this study focus on the potential for victims to *witness* punishment rather than inflict it ('I want to *know* the offender has been punished, to *see* the offender suffer, and to *know* they got what they deserve'). This could explain why this objective correlates

with perception of the offender in all three arrays of questions (importance, fulfilled, expected) – perhaps because victims want to *find out* about offenders, including whether they have been punished and how they responded to the punishment. Punishment also correlates with the prevention objective in all three arrays, suggesting that perhaps victims want punishment because they believe it will deter reoffending, rather than as an objective in its own right. The current study cannot establish whether there is any independent effect of punishment beyond perception of offender and prevention, but it does not look likely from the available findings.

Before concluding that a desire for punishment plays no role in victims' choices to meet the offender, however, there is the role of anger to consider. In the CSEW, participants who felt anger in response to the crime were more likely to want to meet the offender, and in this study anger was positively correlated with willingness to meet. Anger was most strongly correlated with the extent to which victims thought punishment was important, confirming the legitimacy of its use as a proxy variable for punishment in the previous chapters (see Appendix B.4). However, in this study, anger did not have any significant additional predictive power in a model with the strongest predictors (expectations of procedural justice and perception of offender). It was also significantly correlated with victims' expectations of all four of the other objectives, in accordance with studies showing that anger increases people's estimation of the likelihood of positive outcomes in general (J. S. Lerner & Tiedens, 2006). Overall, therefore, this study sheds little light on the role of anger in relation to the mechanism theories, but neither does it allow us to discount the role of anger (and its relationship to punishment) completely.

Anger also correlated with the degree to which people saw themselves as good/moral people. Although unanticipated in this particular study, this finding was foreseeable given Christie's 'ideal victim' theory (Christie, 1986). It follows that victims who see themselves as uncomplicatedly good people - innocent victims - are likely to be the angriest. This link between victims' self-perception and anger is a further reminder that the mechanisms are all interlinked.

6.4.3 Perception of prevention

Prevention was the most important objective on average across the sample ($M = 4.10$, $SD = 1.02$), and it was frequently the most important objective to individuals (66% rated it higher or equal to all the other objectives). Participants almost universally did not believe that whatever action had thus far been taken had led to prevention, nor did they have high expectations that this objective could be fulfilled through meeting with the offender. Prevention was strongly correlated with punishment when victims considered which objectives had already been fulfilled; participants tended to feel that the response to the crime had achieved neither punishment nor prevention.

When victims considered what they might expect from a meeting with the offender, prevention correlated most with perception of the offender. Both objectives had a similar effect on willingness to meet, and there was a great deal of collinearity between them in the regression model (without perception of offender in the model, victims' expectations of whether a meeting would lead to prevention positively predicted victim willingness to meet). As with the punishment mechanism, the overlap between perceptions of prevention and of the offender may have emerged because there are in fact two sub-dimensions of the prevention mechanism not accounted for in this study. The prevention items in this study measure whether victims believe a meeting with the offender could itself prevent the offender from committing further crimes. Yet victims' desire to prevent reoffending may be somewhat separate from their desire to *find out* how likely the offender is to desist. In the following two chapters, I will be attentive to the possibility that this is a separate mechanism or a separate dimension of the prevention mechanism.

In the CSEW analysis, it was not possible to distinguish between punishment and prevention, because many of the variables could indicate that victims wanted either (or both). In the current study, the extent to which victims felt punishment and prevention objectives had been fulfilled were also highly correlated and there is contrasting evidence as to whether we should consider the proxies used in the CSEW to be more closely related to punishment or prevention.

On the one hand, the current study indicates that the measures used in the CSEW (anger, police identification of the offender and police action) were most strongly associated with punishment.⁷⁰ On the other hand, in the current study, prevention was in general more important to participants than punishment, and the importance they assigned to prevention correlated with willingness to meet the offender, whereas the importance they assigned to punishment did not. There is not enough evidence here, therefore, to conclude whether the proxy variables used in the CSEW were most associated with punishment or prevention.

6.4.4 Perception of the offender

This was on average the least important objective to participants, and only 20 people (10%) said they thought it was the most important objective or equally important to other objectives. Participants felt that the criminal justice process had generally not fulfilled this objective, but that it was the objective most likely to be fulfilled through meeting the offender. If participants *expected* a meeting would enable them to find out about the offender, this was the strongest predictor of willingness to meet.

Whether the participant wanted to find out about the offender also played a small role in the relationship between the impact of the crime and victim willingness to meet. When the crime had a high impact, victims were slightly more likely to want to find out about the offender, and in turn slightly more likely to want to meet them. The overall mediation effect was small, however, and explained very little of the total positive relationship between impact and willingness to meet.

I proposed that victims' perceptions of the offender might predict willingness to meet, because studies have shown that victims' perceptions of the offender at least sometimes change

⁷⁰ The more people thought punishment was important, the more likely they were to be angry ($r = .32$, see Appendix B.4). If the police had identified the offender the victim was more likely to say that punishment had been achieved ($F(1) = 58.47$, $p < .001$), and if the police had taken action, the victim was more likely to say punishment had been achieved ($F(1) = 61.0$, $p < .001$).

through victim-offender communication (Starbuck, 2016; Wallis, 2014; Walters, 2015). In the previous two chapters, however, there was no evidence that a particular view of the offender predicted willingness to meet, and the same was true in the current study: victims' perceptions of the offenders' agency and morality did not predict victims' willingness to meet. Moreover, in the current study, the extent to which victims wished to find out about the offender was independent from their existing perceptions of the offender's competence or morality (see Appendix B.4).

I concluded after the CSEW studies that if perceptions of the offender did not predict participation, then *changes* in their perception of the offender might be unanticipated or even unwelcome. However, this is unlikely given that in the current study victims who wanted to meet the offender also wanted to find out about them, suggesting they were seeking some form of change in their view of the offender. The items measuring perception of offender in this study were non-directional – i.e. victims indicated that they wanted to find out about the offender, regardless of whether the findings were positive or negative. This suggests that victims value opportunities for discovery about the offender, more than the contents of the discovery. The precise nature of the 'perception of offender' mechanism will be considered carefully in the analysis of the interview data presented in the next two chapters, and discussed further in Chapter 9.

6.4.5 Self-perception

Participants did not rate this objective as very important; it was on average the least important objective to participants, with the exception only of perception of the offender. Although it was correlated with procedural justice, which participants did rate as important, only 37 people (19%) ranked it as either their most important objective or equal in importance to other objectives. Participants may not have rated this as an important objective because they felt that it had already been fulfilled; participants tended to say they already felt brave, they did not feel like a victim, and they had already separated themselves from the effects of the crime. Participants may have been more likely to consider this objective fulfilled than the others, because they had the

most personal control over it. Although the criminal justice system and victims' friends and family might influence their self-image, it is nevertheless at least possible to alter self-image without external input. In contrast, punishment, for example, is (usually) impossible to achieve without the help of the criminal justice system.

As noted in section 6.4.1 above, there was a relationship between wanting agency in the process (procedural justice) and wanting to increase overall sense of agency (self-perception). In the main model, self-perception did not predict willingness to meet the offender. If self-perception is to be considered a mechanism in its own right, it should have some explanatory power beyond victims' perceptions of procedural justice. I therefore search in the following chapters for evidence that an increase in victims' sense of agency can occur independently from their experience of procedural justice, and that changes in self-perception occur which cannot be explained only through procedural justice.

Anxiety, guilt, and self-blame did not predict willingness to meet the offender. This is consistent with the CSEW findings, and suggests that victims do not enter into meetings with the offender primarily in order to change their perceptions of themselves. However, also consistent with the CSEW, is the indication that having a sense of oneself as more of an 'ideal' victim is associated with willingness to meet the offender. In the CSEW, having known the offender and having been drunk both decrease victims' desire to meet. In this study, having known the offender was not a predictor of willingness to meet, but a view of oneself as a more 'moral' person was correlated with more anger about the offence, and more willingness to meet the offender.

Like victims' perceptions of the offender, their self-perception also plays a role in the relationship between the impact of the crime and victim willingness to meet the offender. However, the mediation effect was extremely small and could not *explain* the positive relationship between impact and willingness to meet, because it was negative.

6.4.6 Limitations

From this study, we can better understand victims' objectives for meeting with the offender, and thereby what they think can be achieved in such meetings. However, the extent of this contribution is limited by a small sample size, in particular because it was too small to test the effect of identity group on victims' choices. Although it improved on the questions asked in the CSEW, it has fallen prey to some similar constraints listed in Chapters 4 and 5 above. Some of the additional measures in this study also require further testing, to establish whether they do not affect willingness to meet (as indicated in this study) or if a better measure would expose that there is indeed a relationship, for example, participants' evaluations of offenders' competence and warmth. In hindsight I would have conducted more than one pilot study to develop the victim objectives scale, as this was a key component in evaluating whether the five mechanisms are distinct conceptually and empirically.

Only two of the five objectives predicted willingness to meet. The reason for this is unclear from the data, although the high degree of collinearity between the scales suggests that they may not be as distinct from one another as the factor analysis suggested. There are also several other ambiguities in the findings which could benefit from clarity in further research, for example, the lack of a distinction between whether victims wanted to witness versus participate in the administration of justice. Victims' desires may fall on a spectrum between wanting to find out whether the offender has been punished and personally punishing the offender, and between wanting to find out how likely the offender is to desist and personally contributing to prevention. The measures in this study lacked the ability to distinguish between these attitudes, although victims who wanted to find out about the offender generally (perception of offender) were the ones who were most willing to meet, suggesting that *finding out* may be most important.

The predictors measured in this study do not explain all the variation in victims' choices. Although the pseudo R^2 statistics must be interpreted with caution, they nevertheless indicate that

only between 15 -35% of the variation in victims' willingness to meet is predicted by the model. The limits to the predictive powers of the model are demonstrated even more clearly by its predictions about the likelihood of victims being willing to meet. The model predicts that if someone does not expect a meeting with the offender to deliver procedural justice or the ability to find out about the offender, they will be very unlikely (close to 0% probability) to want to meet the offender. However, when participants do expect a meeting with the offender to deliver procedural justice or the ability to find out about the offender, the model predicts that the probability of them wanting to meet is still only about 50%. This means that there must be many factors beyond those measured in the study that are influencing victims' decisions.

The use of online surveys with participants who are paid for their time is somewhat controversial. Participants recruited through platforms such as M-turk are sometimes exploited through very low pay, and the resultant data is often suspect; with such a set-up, how are we to trust that participants took their time, fully read the questions, answered them thoughtfully, and had not already completed 10 other similar surveys earlier that day? With the use of paid online surveys, these objections cannot be eliminated, and here I counter them primarily through combining the results of this study with other sources of data. This context and content of this particular study does, however, have some specific advantages in the face of these objections. Firstly, the platform through which participants was recruited was Prolific, which requires a minimum payment of £5/hour, and the payment per hour in this study exceeded the minimum. I can be sure that the participants had not previously answered lots of questions about their experience of victimisation because I was the first to request the addition of a 'victimisation' filter to Prolific's set of pre-screening questions. I also included an attention check part way through the survey to ensure that people were not clicking at random. Perhaps most importantly, inspection of the data showed that it was likely people were engaged in the contents of the survey and were not simply clicking at random: alpha coefficients were high, participants gave similar answers to similar questions even when they were in different parts of the survey, the proportion of

participants who wanted to communicate with the offender was similar to the proportion in the CSEW, and 62 participants chose to further explain their thoughts about meeting the offender in an optional open-box question at the end of the survey. This is unlikely to have occurred if participants were not engaged in the contents of the survey. Finally, although there were some gaps in the representativeness of the sample, the fact that participants described a wide range of types of crime, from very minor to extremely serious, suggests that they were taking the survey seriously and that the sample represented the group ‘victims’ perhaps even more accurately than if victims had been recruited by some other method.

6.5 Conclusion

The purpose of this chapter was to expand upon the results of the CSEW analysis and further answer the first three research questions. The results section details evidence for hypotheses 1, 2, and 4, and some further inconclusive evidence regarding hypotheses 6 and 7. Does this contribute evidence to the main research questions?

Certainly, there is some evidence that perceptions associated with some of the five mechanisms do predict victims’ appetite for communication with the offender, and that victims are motivated by wanting to change these perceptions. If victims wanted to find out about the offender and/or expected that they could find out about the offender from a meeting, they were more willing to meet them. Participants most expected that a meeting with the offender would allow them to find out about who the offender was, why the offender committed the crime, and how the offender felt now about the crime. Victims were also more willing to meet the offender if they expected that a meeting could deliver procedural justice objectives. Most people did not have very high expectations that meeting with the offender would enable them to achieve a sense of procedural justice, but for those who did, this predicted their willingness to participate.

This chapter has not found evidence that differences in perceptions associated with the five mechanisms explain the relationship between other predictors and victims' appetite for communication with the offender. Although the perception of the offender and self-perception do play an intermediate role between violence, impact and willingness to meet, they do not *explain* the positive relationship between impact and willingness, nor do they explain the negative relationship between violence and willingness to meet. These relationships may be mediated instead by the extent to which particular objectives were fulfilled, but this study was limited in the extent to which it could analyse the role of having fulfilled justice objectives, because most of the participants felt so little had been achieved.

The findings from this chapter are summarised in Table 6.5. Although the scales formed internally consistent measures of the five objectives, this chapter has also raised more questions than it has answered. Is a change in victim self-perception simply a function of procedural justice? Do victims want to find out about the offender simply to find out whether the offender will commit further crime? Would the five mechanisms more accurately be described as three mechanisms? Or given that so few of the scales predicted willingness to meet, are there some objectives missing? These questions will be considered in the light of evidence from victim interviews presented in the following two chapters, and discussed further in Chapter 9.

Table 6.5

Summary of evidence for mechanisms from Chapter 6

	<u>Objective fulfilled predicts willingness to meet?</u>	<u>Expectations predict willingness to meet?</u>	<u>Objective fulfilled x expectations predict willingness to meet?</u>	<u>Objective importance mediates impact/violence relationship?</u>
Procedural Justice:	No	Yes	No	No
Punishment:	No	No	No	No
Prevention:	No	No	No	No
Perception of offender:	No	Yes	No	Yes
Self- perception:	No	No	No	Yes

Chapter 7: Victims' self-reported expectations and experiences of communication with the offender

In this chapter, I turn to evidence gathered directly from victims who faced a real (rather than hypothetical) option to communicate with the offender. To understand victims' motivation for communicating with the offender, and the effect of this motivation on the outcomes they experience, it is necessary to seek their views both before and after the process. Studies which have taken this approach are relatively rare, with some notable examples including the work of Daniela Bolívar (e.g. 2013) and Tinneke Van Camp (e.g. 2017). Van Camp, for example, makes the point that most previous studies of victim participation draw on interviews conducted retrospectively. With such a method it is impossible to know whether these interviews identify 'concerns' that only '*result* from the experiences within the restorative intervention' (emphasis added), or whether they are also the same concerns which 'inspire and motivate participation' (Van Camp, 2017, p. 680). The current study, using similar methods, complements and further develops the work of Bolívar and Van Camp.

The purpose of this chapter is to examine victims' stated reasons for wanting to communicate with the offender, and the outcomes they experienced. It draws on data collected from 40 interviewees, some of whom were interviewed early in their involvement with an RJ service, some at the end of the process, and some both before and afterwards. Chapter 8 focuses on the subsample who were interviewed both before and afterwards, in order to explore in more depth the relationship between victim motivation and outcomes. In combination, these chapters aim to answer the final three research questions:

3. Are victims motivated to communicate with the offender by wanting to change their perceptions?
4. Does communicating with the offender change victims' perceptions?
5. Do victims attribute other outcomes (e.g. feeling better) to a change in their perceptions?

7.1 Methodology

Semi-structured interviews were conducted in 36 cases, involving 40 people who were affected by a crime and had at least considered the possibility of communicating with the offender. The interviews lasted on average 55 minutes, ranging between 15 minutes and two hours. Most were conducted in person, eight were conducted by telephone. The interview schedules can be found in Appendix C. The interviews were digitally recorded,⁷¹ transcribed, and then analysed using the qualitative data analysis software Nvivo. I present the evidence in the form of clean verbatim transcripts (an ellipsis signifies that some original text has been cut out, a comma indicates brief pauses in speech).

7.1.1 Gaining access to participants

I initially approached five organisations for participation in the research: Three youth offending services, and two adult RJ services. One of the Youth Offending Services agreed to participate, but despite regular reminders and review meetings, only referred one victim for the research. Three of the other services declined involvement.

Thames Valley Restorative Justice Services (TVRJS), a charity delivering RJ with adult offenders, agreed to take part in the research. I spent a considerable amount of time in the first phase of the research attending team meetings and building rapport with the facilitators. The subteam who facilitate victim-initiated and prison-based cases invited me to their Clinical Supervision meetings, and in return I took the minutes of the meetings. This meant I was able to develop a relationship with the facilitators, learn about their approach, and remind them regularly about the research. The other half of the team who deliver offender-initiated RJ in conjunction

⁷¹ All except one participant agreed to recording. Razik #25, did not want me to record the interview, giving his lack of fluency in English as the reason. I took copious notes and wrote a few verbatim quotations during the interview. Most of the rest of his words are therefore as remembered by me 2-3 hours after the interview (and thereafter I did not adapt them).

with the Community Rehabilitation Company (Mtc-Novo) also agreed to take part in the research, but I did not have the opportunity to meet with them on a regular basis.

All four senior practitioners in the victim-initiated RJ subteam, two facilitators from the offender-initiated RJ subteam and three volunteer facilitators each referred cases for the research. A single facilitator was responsible for the largest proportion of cases (15 cases, involving 17 participants); the next largest number of cases referred by one facilitator was six. This is worth keeping in mind during analysis of the data, as participants' views of RJ could be disproportionately influenced by the practices of a single facilitator. Two cases were identified through TVRJS networks but were not referred by a facilitator; I met them whilst they were involved in RJ in a professional capacity, but they had also been victims of crime who had participated in an RJ meeting and asked me if I wanted to interview them. The final sample size was not pre-determined but was a result of collecting the maximum amount of data in the allotted timescale: April 2016 – Sep 2018.⁷²

7.1.2 Sample

The 40 interviewees were aged between 16 and 73, with the average age being 42 years. Two participants identified as Asian British, two as Black British and the rest as White (36). Most of the participants identified as female (34 people), with only six identifying as male (5 cisgender men and 1 transgender man). I did not collect socioeconomic status information directly, but where I had access to victims' postcodes (38 people), I recorded the Index of Multiple Deprivation (IMD) for the area (Department for Communities and Local Government, 2015). Reflecting the relative wealth of the Thames Valley area, only three participants (8%) came from neighbourhoods ranked in the 20% most deprived in the UK, whereas 13 participants (34%) came from the 20%

⁷² At the beginning of the project there were fewer referrals while the team developed trust in me, and towards the end of the project TVRJS underwent a restructuring process that required the attention of the team. This meant that in reality the majority of the interviews took place between July 2016 and Jan 2018

least deprived neighbourhoods in the UK. There was a slight imbalance in the number of victims from areas of below average deprivation (15 people, 40%) compared to victims from areas of above average deprivation (23 people, 60%).

The participants had been victims of a range of different crimes. Just under half (19) had been affected by sexual offences, ranging from a single incident of voyeurism to sustained childhood abuse. The other people were directly or indirectly affected by burglary and theft (8), non-sexual physical assault (8), harassment (1), slavery (1), fraud (1), manslaughter and murder (2).

While the focus in this thesis is on communication between victim and offender, I use the umbrella term 'RJ process' to refer to the experiences of the victims in this chapter because sometimes the process included communication with the offender, and sometimes it did not. In practice, where the victims and offenders did not communicate, the 'RJ process' consisted of conversations between the victim and the facilitator about the *possibility* of communication with the offender, ranging in scope from a single telephone call to multiple meetings.

I intended to interview victims both before and after the RJ process. However, as I knew that to aim only for such cases would limit the number of participants, I also accepted referrals from the TVRJS team at any stage of the process. This meant that my first interview with each victim took place at a range of different stages throughout the process. Interviews with victims before an RJ process have been labelled Time 1 (T1). Where some communication with the offender had taken place but the process was ongoing, these interviews have also been labelled T1. This is because the participants themselves were expecting further communication with the offender and therefore talked about the RJ process as if there had not yet been one (e.g. some of these interviews took place before a meeting with the offender but after an exchange of letters, or before an official RJ process but after informal contact with the offender). Where the interview clearly took place *after* an RJ process, it has been labelled Time 2 (T2).

My initial plan was to conduct Time 3 (T3) follow-up interviews two to three months after the T2 interview. In most cases this was not possible, for example when victims dropped out of the study, became uncontactable, or in some cases the T2 interview took place many months (or even years) after communication with the offender, so there was no reason to expect a change of attitudes in the forthcoming three months. In just three cases I conducted a follow-up (T3) interview by telephone, because I conducted the T2 interview shortly after the RJ process and the victims gave consent for a further interview.

The details of each case are shown in Table 7.1. The case numbers serve as a guide to the level of communication between victim and offender: cases #01-09 are those in which there was no communication at all, cases #10-16 are those in which there was some exchange of letters, and cases #17-36 are those in which there was at least one meeting between the victim and the offender (with cases #35 and #36 involving more than one meeting).

Table 7.1

Details of all 36 cases (40 people)

#	Pseudonym	Interviews	Crime	Offender relationship to victim	RJ
01	Lydia	T1	Burglary	Acquaintance	None
02	Terri	T2	Rape	Father	None
03	Megan	T1	Sexual assault	Acquaintance	None
04a	Willow	T1	Rape	Boyfriend (online)	None
04b	Imogen (Willow's mother)	T1&2	Rape of daughter	Boyfriend of daughter	None
05a	Marie	T1	Rape	Boyfriend	None
05b	Linda (Marie's mother)	T1	Rape of daughter	Boyfriend of daughter	None
06	Sam	T1	Rape	Stepfather	None
07	Kaitlyn	T1&2	Rape	Friend/acquaintance	None
08	Emma	T1	Domestic fraud	Partner	None
09	Mona	T1	Burglary	None	None
10	Rose	T1&2&3	Sexual assault	Client	Letter sent (1)
11	Casey	T1&2	Sexual assault on a child	Family friend	Letter sent (1)
12	Denise	T2	Harassment	Friend of daughter's	Letter rcvd (1)
13	Lisa	T1&2	GBH	Partner	Letter rcvd (1)
14a	Sadie	T1&2	Rape (of sister and mother)	Father	Letter rcvd (1)
14b	Abby (Sadie's mother)	T1&2	Rape	Ex-husband	Letter rcvd (by daughter)
15	Naomi	T1	Sexual assault on a child	Boyfriend	Letters sent & rcvd
16	Beatrice	T2	Class A Possession (led to daughter's death)	None	Letters sent & rcvd
17	Tasha	T2	Assault (physical)	Friend	Conference
18	Karen	T2	Theft	Lodger	Conference
19	Bridget	T2	Rape	None	Conference
20	Nita	T1&2	Voyeurism (Sexual Offences Act)	None	Conference
21	Carol	T2	Burglary	Friend/acquaintance	Conference
22a	Rachel	T1&2	Burglary	None	Conference
22b	Owen	T1&2	Burglary	None	Conference
23	Gemma	T2	GBH & Robbery	Acquaintance	Conference
24	Kathy	T1&2	ABH	Friend	Conference
25	Razik	T1	Burglary	None	Conference
26	Barbara	T2	Threats to kill	Son	Conference
27	Zoe	T2	GBH/ Wounding (S.18)	Friend	Conference
28	Philip	T1&2	Burglary	None	Conference
29	Faye	T1&2	Rape	Brother	Conference
30	Mike	T2	Slavery & threats	Acquaintance	Conference
31	Dorothy	T1&2	Murder	None (known to son)	Conference
32	Hannah	T2&3	Rape/child abuse	Stepfather	Conference
33	Brenda	T2	Sexual assault on a child	Stepson	Conference
34	Oliver	T2	Wounding (S.18)	Acquaintance	Conference
35	Michelle	T1&2	Sexual Assault on a child	Father	Conference x2
36	Francis	T1&2	Assault/robbery	Acquaintance	Conference x2

In total, 57 people gave the facilitators verbal consent to participate in the research. Of these, I was unable to interview 17 (resulting in the final sample size of 40).⁷³ Nine of the 17 victims did not respond when I tried to contact them, or responded briefly then became uncontactable. Three victims initially agreed to meet me, but then cancelled one or more appointments and became uncontactable. Three victims initially gave the facilitator consent to participate in the research, but subsequently withdrew consent. I excluded two referrals from the research, one because it was a case of neighbourhood mediation without a clear victim and offender, and the other because the victim was a representative of an institution rather than having been personally affected by or even involved in the crime.⁷⁴ The offender-initiated cases from the CRC subteam were overrepresented in these unsuccessful referrals (I was unable to interview 7 of the 10 CRC cases referred). This could be because victims responding to an offender-initiated offer of RJ were less invested in the RJ process as a whole – so agreeing to the research in addition to communicating with the offender made the process too demanding.

With qualitative work and relatively small numbers of participants, the aim is not to secure a sample that is statistically representative of all victims. However, it is important to know if this is, for any reason, an atypical group. We can compare the sample with cases from a TVRJS Case Audit, including 190 cases opened and closed in the period from May 2016 to August 2018 (27 months). This is not a precise equivalent to the full pool from which the research cases were drawn, because some of the cases in the current sample had participated in RJ outside of the case audit time-period, and TVRJS did not facilitate three of the cases in the current sample. Nonetheless, as an approximation of the pool, this information serves as a reasonable reference point, see Table 7.2.

⁷³ In a further three cases, facilitators sent me case details but had not yet received consent from the victim, thus I do not count these as a ‘referral’.

⁷⁴ For a discussion of the differences in restorative approaches with institutional victims, see Young, 2002.

Table 7.2

Information about RJ outcomes in current study compared to case audit		
	<u>Interviewees (40)</u>	<u>TVRJS Case audit (190)</u>
<u>Source of case referral</u>		
TVRJS Prison/Probation	3 (8%)	70 (37%)
TVRJS Victim Initiated	31 (78%)	90 (47%)
TVRJS Pre-sentence	0	30 (16%)
TVRJS CRC	3 (8%)	Unknown (not in audit)
Other	3 (8%)	-
<u>Outcomes</u>		
TVRJS unable to contact either party	0	7 (4%)
TVRJS unable to contact victim	0	25 (13%)
TVRJS unable to contact offender	0	58 (31%)
Contact with both parties but no victim-offender communication	12 (30%)	65 (34%)
Victim declines	2 (& 3 mothers) (13%)	Unknown
Offender declines or RJ unable to proceed	7 (18%)	Unknown
Shuttle mediation (messages passed by facilitator)	0	4 (2%)
Letter from victim to offender	2 (5%)	0
Letter from offender to victim	3 (8%)	9 (5%)
Letters both ways	TVRJS: 1, other: 1 (5%)	1 (0.5%)
One victim-offender meeting	TVRJS: 17, other: 2 (45%)	18 (9%)
Two or more victim-offender meetings	2 (5%)	3 (2%)

The most important difference between the sample and the wider pool is the overrepresentation of cases involving some form of victim-offender communication (53% compared to 11% in the wider pool). This could in part be explained by the fact that the case audit excluded cases which took a long time,⁷⁵ meaning that it was less likely to include cases in which communication had occurred. It could also be explained by facilitators' increased likelihood of referring for the research when the RJ had been 'successful' at T2, and even at T1 they were perhaps also more likely to refer victims who showed enthusiasm about the process.⁷⁶

⁷⁵ The inclusion criteria for the case audit was that cases had to have been opened and closed between 2015 and 2017

⁷⁶ To some extent I could have reduced this effect by taking only cases that were referred at T1 (38% of the T1 cases resulted in victim-offender communication), but this is still likely to have been an overrepresentation compared to the full set of TVRJS cases. I estimate that the actual proportion of cases that result in communication falls somewhere between the 11% in the case audit and the 38% of the T1 cases.

In Table 7.3, information about the sample is compared to cases from the RJ service, and this is compared further with victims from England and Wales.

Table 7.3			
Comparison of interviewees to other victim groups			
	<u>Interviewees</u>	<u>TVRJS Cases</u> <u>(case audit)</u>	<u>England and</u> <u>Wales victims</u> <u>(CSEW 2015-17)</u>
<u>Victim information</u>			
Total number of victims	40	190	12,206
Victim Ethnicity (% BME)	10%	21% (N=67) ⁷⁷	12%
Victim Gender (% F)	85%	46% (N=174)	45%
Victim Age (mean yrs)	42.2	41.9 (N=112)	45.6
<u>Offender information</u>			
Total number of offenders	36	178	3,491 ⁷⁸
Offender Ethnicity (% BME)	17.9%	25% (N=104)	15% (N=3,353)
Offender Gender (% F)	2.6%	9% (N=177)	18% (N=3,474)
Offender Age (mean yrs)	38	32 (N=137)	34.3 ⁷⁹
<u>Crime information</u> ⁸⁰			
Property offences – i.e. no violence or sexual element, property only	23%	24%	67%
Sexual offences	46%	10%	2%
Intimate Partner Violence	15%	3%	Unknown
Previous relationship with offender	72%	46%	22%
Reported to police	97%	97%	39%
Pleaded guilty (% of cases at court)	77%	82% (N=133)	Unknown
Convicted (% of cases reported)	97%	98% (N=164)	Unknown
Custody (% of cases convicted)	80%	83% (N=161)	Unknown
Sentence length (if custody, mean)	82 months	55months	Unknown

The over-inflated proportion of victims from minority ethnic groups in the Thames Valley Partnership case audit compared to both other samples is almost certainly a result of differences in recording: victims' ethnicity was recorded in only about a third of the total cases, meaning the

⁷⁷ Incomplete records mean that some of this information is unknown for some victims. In this column, the N in parentheses refers to the section of the sample for whom the data was not missing i.e. the ethnicity of the victim was only recorded in 67 cases, and of these 67 people 20.9% were from BME groups.

⁷⁸ Data shown only for single offenders (not multiple offenders).

⁷⁹ Calculated from age bands of offenders, so only an approximation (Mean of <16 taken to be 13, mean of >40 taken to be 50).

⁸⁰ The crime info is for victim-offender *pairs* i.e. counted twice where two victims are involved in RJ. This is to make it equivalent to the Case Audit.

finding is likely to be unreliable. Similarly, the under-estimate of cases involving intimate partner violence in the case audit is likely to have occurred because they were simply not recorded.

The overrepresentation of female participants and victims of sexual offences in the current sample may have occurred because these participants were more likely to be involved in an RJ process, or because they were more likely to participate in the research. If the former were true, we would expect also to see the same overrepresentation among the subset of victims who opted for RJ in the Thames Valley Partnership case audit. In fact, however, of the 54 cases where the victim wanted to participate in RJ, the gender balance was similar to the whole set of cases (51% female)⁸¹. Likewise, of the 54 cases where the victim wanted to participate in RJ, the proportion of sexual offences was similar to the whole pool at 13%. Thus, the difference between the number of female participants and the number of victims of sexual offences in this sample compared to the overall pool must have occurred because these participants were more likely to take part in the research, not because they were more likely to be involved in an RJ process.⁸²

7.1.3 Analysis

The analysis was conducted in two stages. In the first stage, as explained in Chapter 2, I drew on my immersion in the data over a two year period (conducting and transcribing interviews), as well as the review of the literature and the data in the preceding chapters, to develop the theoretical framework. In the second stage, I used the analytical software Nvivo to code the data according to the five themes identified in Chapter 2, as well as any additional major themes emerging from the data. Braun and Clarke (2006) note that thematic analysis is not constrained by a particular theoretical approach, and it is possible to combine ‘top-down’ analysis i.e. a deductive,

⁸¹ I also compared the proportions among those where an RJ process had been completed, and in this case 14 of the 32 victims were female (44%), meaning that overrepresentation in cases where RJ went ahead was not the cause of overrepresentation in the research.

⁸² However, it is also worth noting that the RJ process in cases involving sexual offences seemed to take longer. Because the cases included in the audit were those that were opened *and closed* before Aug 2017, there may have been fewer sexual offence cases included in the audit because they were ongoing.

theoretical approach in which the researcher has pre-determined a coding frame, with some degree of 'bottom-up' analysis, i.e. an inductive, data-driven approach. Although the main analysis here is a deductive test of the theoretical framework, the findings are also to some extent built upwards from the data; both through the influence of the data on the theoretical framework, and through inclusion of themes that emerged from the data and were unaccounted for by the framework.

I focus on victims' internal psychological processes, an approach that is often associated with essentialism, and is criticised for simplistically assuming that it is possible to identify how victims 'really' feel and think (Burr, 1995). Similarly, my theory-testing approach has its roots in analytic induction, which has been criticised primarily for its unfounded claims to prove cause and effect, or to discover universal truths (Glaser and Strauss, 1967). However, I claim neither to prove cause and effect, nor to discover universal truths. I do not subscribe to a realist view, and instead recognise in the current research that societal norms play a role in the construction of victim perspectives. It is implausible that there is a fixed set of emotions and perspectives held by victims, which my only task as researcher is to reveal and record. Instead, my role is also to recognise the ways in which participants construct their perspectives, influenced by their contexts, language and experiences; not least by the assumptions and expectations associated with participating in the current research (Lumsden & Winter, 2014).

I am also cognisant of the ways in which my own power, assumptions and the dynamics between me and the participants may affect the findings. I am aware, for example, of my relatively powerful position as a white, middle-class, well-educated woman. I have worked previously with victims of crime as both a support worker and RJ officer, roles which clients have told me they associate with expertise on the justice system but naïveté about life. Arriving to the role of researcher directly from a job supporting victims of crime, I found myself wanting to offer support or try to meet the needs victims described to me. Over the first few interviews I became conscious

of this dynamic and thereafter made an effort to restrict my questions to those from the interview schedule and related follow-up questions.

However, I remained intent on making the interviews as positive a process as possible for the interviewees. I did not curb my instinct to offer participants positive feedback on their coping styles and personal resilience, for example I often commented at the end of interviews that I thought the person was wise, strong or brave for pursuing their chosen path of self-care (regardless of its nature). I also emphasised that their contribution to the research was helpful both to me and to future victims, given that many interviewees mentioned this as their reason for participating in the research, and it is a common reason for participation in other studies (Campbell & Adams, 2009). In accordance with basic research ethics, I did not try to *persuade* anyone to take part in the research. I may even have erred in the opposite direction when seeking participation, as I frequently emphasised that participants' wellbeing was more important than the research, and that they were welcome to decline if they would find it stressful. Despite this, a 66% conversion rate from referral to participation was achieved.

7.2 Evidence for mechanisms in the interview data

Here I consider each of the five mechanisms in turn. The evidence for and against each mechanism falls into two categories 1) motivation and 2) outcomes. In the first half of each of the five sections, I draw primarily on the T1 interviews with 29 victims. I search for evidence from these interviews that people were motivated to communicate with the offender by a particular mechanism theory (e.g. that they participated in order to achieve a sense of procedural justice). In the second half of each five sections, I draw mainly on the T2 and T3 interviews with 32 victims. I search for evidence that victims mentioned an outcome related to one of the theories (e.g. that they had been treated fairly), or more importantly that they attributed other outcomes to that

particular mechanism theory (e.g. that they believed that they feel better *because* they were treated fairly).

7.3 Perception of procedural justice

7.3.1 Procedural justice as motivation for participation

In the interviews conducted at T1, 19 victims mentioned procedural justice. Most of these participants focused on their perception that they had insufficient control in the criminal justice process. Kaitlyn (#07), for example, mentioned the lack of voice and control she felt during preparation for the trial, such as when she was asked to give evidence:

It was kind of – “you either do this or you don't.” I didn’t really have any control over anything, I didn't get to say what I wanted to say. They just ask you the questions and you answer them.

Victims often said they had not felt sufficiently informed throughout the criminal justice process, but usually gave this as background rather than specifically as the reason they wanted to communicate with the offender. Two mentioned that they did not understand the sentence the offender had been given (Nita #20, Emma #08). In one case, the police had kept the victim’s phone for evidential purposes, but then they had not used it and had not told the victim that it was not being used (Razik #25). Another victim wanted to know what prison the offender was in and could not be told – although she found out by other means (Sam #06).

Participants more often mentioned wanting to have their say as an explicit reason for wanting to communicate with the offender. Some mentioned, for example, that they did not know what had gone on in court and had not been able to contribute because they had been advised not to attend (Willow #04, Lisa #13, Francis #36, Sadie #14). Some who had made victim impact

statements were not aware of whether these had been read out in court (e.g. Nita #20). Megan (#03) said she wanted to meet the offender because:

It's like I haven't been able to say how I feel, how it's affected me or anything. Because you don't get that opportunity.

Although Sam (#06) wanted to meet the offender partially to have a voice, this was not as a result of having been excluded from the court process. On the contrary, in answer to a question about how much control she felt she had in the justice process, Sam said:

I didn't want any. Cos they asked me whether or not they would find anything, and I said I want the evidence to speak on my behalf. So from that, they never asked me again for a statement or anything, it was always - the evidence speak on my behalf. ...I didn't want to cos I didn't want to relive it.

In some cases, victims had already experienced a sense of procedural justice, and a deficit did not seem to be part of their motivation for communicating with the offender (Dorothy #31, Mona #09, Rachel #22a, Owen #22b).

7.3.2 Procedural justice outcomes

Nine people mentioned that the RJ process had fulfilled their desire for procedural justice in some way (Faye #29, Francis #36, Bridget #19, Barbara #26, Zoe #27, Hannah #32, Brenda #33, Casey #11, Terri #02). Bridget, for example, said that her personal courage, combined with having had control in the process, gave her a sense of power and confidence. She mentioned it was important to her that the meeting with the offender was something she had initiated, whereas, in her view, the rest of the justice system was 'all tailored for the person who did the crime, rather than the victim'.

Four participants wanted to meet the offender, and intended to do so whether or not they had help from an RJ service (Barbara #26, Zoe #27, Hannah #32, Brenda #33). These participants felt that the facilitated process fulfilled their desire for procedural justice and that the informal meeting they had attempted to set up of their own accord would not have fulfilled their objectives

in the same way. They emphasised that an experienced facilitator was an important part of the process, as was receiving information about the meeting in advance – such as the set-up of the room, or the agenda of the meeting.

Two participants who did not communicate with the offender nevertheless found that the process of consultation with the facilitator had given them a sense of control and voice. These two participants were very satisfied that their desire for procedural justice had been fulfilled. Casey (#11) said 'I feel that I'm more confident within myself because I've gone through the necessary channels, and I've tried my best. Yeah, I would say that just knowing that I'm doing what I can, has helped to bring me out.' Terri (#02) said that she felt she had control over the process and was treated fairly throughout. Her father, the perpetrator, was denying the offence but was willing to meet with her, so she felt in the end that she had agency in being able to exercise her choice not to meet with him. She referred to several aspects of procedural justice as reasons for her satisfaction with the RJ process:

So [an RJ process is] an option open for the rest of my life if I wanted it. And, it's nice that I feel that I had control of all that. That I had somebody who respected the way I felt, and didn't tell me I was stupid.

In most cases, particularly when victims were able to communicate with the offender, they suggested that the process was fair and that they had some degree of agency. However, not many people specifically attributed other outcomes to having experienced procedural justice. Most people did not seem to ascribe it much importance, or link it to 'feeling better'. Brenda (#33) said the meeting with the offender had been successful in the sense that it had given her voice, but specifically that it had *not* made her feel any better:

I'm thrilled with how it went. Glad I could say what I wanted to say. It was all done calmly, no-one hit anyone or anything like that, it was all very good. Um, um, but yet, inside I don't feel much better.

For some people, their perception of procedural justice did not seem to change from the beginning to the end of the process. Carol (#21) and Beatrice (#16), for example, both said that

having their say was important, but it was fulfilled primarily by the judge having listened to them, rather than through communicating with the offender. Beatrice felt she had been told very little and was not listened to in the criminal justice process:

I felt that I was a voice in the wilderness...in court he had all these advisers around him and a team of support, and I had a volunteer going "do you want a cup of tea, do you want a cup of tea?" And I didn't have a clue what was going on.

However, she then wrote a letter to the judge requesting that the offender not receive a prison sentence. When the judge gave a community sentence, she felt that the judge had listened to her: 'I think in the sentencing, I think that she got it. She got my point'. Some people were dissatisfied with particular deficiencies in the criminal justice system, and these remained prominent in their mind after the RJ process. Denise (#12), for example, felt it was unfair that there were two young women involved in the offence, and only one of them had been prosecuted.

In general, those who did not mention procedural justice at T1 or who specifically said that it had already been fulfilled by the criminal justice system, also did not mention it at T2. Instead, their sense of satisfaction with the process resulted primarily from fulfilling other objectives. Some made comments that indicated they were aware of the procedural justice they had experienced in the RJ process, although for them it was not a remarkable achievement – perhaps having experienced fair treatment from the criminal justice system, they expected nothing less from an RJ process (e.g. Rachel 22a, Owen 22b).

The biggest barrier to victims feeling like they had process control was that participation by the offender was voluntary. In many cases, even where victims were generally satisfied or had derived some benefits from the process, they were unhappy that the offender could determine whether communication between them took place. Kathy's (#24) meeting with the offender was delayed several times when the offender changed his mind about participating. When it did finally go ahead, she said she was satisfied that the process was fair. However, she commented that the offender seemed to have more agency in the process than she did, explaining that the decision as

to whether the meeting would go ahead was ‘down to him more than me’. Gemma (#23) whose meeting with the offender also went ahead, nevertheless noted that ‘He had all of the control really. Because he could have just said no, and then it would have been end of.’

Unsurprisingly, those who wanted to but were unable to meet with their offender felt a lack of process control most acutely. Rose (#10), Kaitlyn (#07), Lisa (#13), and Willow (#04) were all disappointed that the offender had the ‘last word’ about whether they would be able to meet, despite having benefited in other ways from the process of consultation with the facilitator. One person had been expecting a meeting with the offender to deliver procedural justice, but indicated at T2 that she did not feel the offender listened to her, and thus this aspect had been unfulfilled (Nita, #20).

7.3.3 Procedural justice conclusion

Although participants rarely explicitly gave procedural justice as motivation for participating in restorative processes, they often seemed to expect it from the process. Victims more often talked about wanting to have their say and be listened to, rather than to get information or be treated fairly. A few participants did not seem to assign procedural justice any importance at all, as they did not mention it in any of the interviews.

The absence or perceived absence of procedural justice had a negative effect, felt most acutely amongst this sample in the form of control over whether a face-to-face meeting with the offender would proceed. Victims who wanted to meet their offenders and were unable to do so tended to feel that the offender’s voice had more weight than their own in the process.

Overall, most people said that the RJ process was fair, gave them a voice and made them feel respected, even sometimes when they were unable to communicate with the offender. Increasing their sense of procedural justice seemed most important to people who felt they had not had fair treatment from the conventional criminal justice process. In a few cases, victims

associated having a sense of agency in the process with other outcomes – such as an increase in self-esteem.

7.4 Perception of punishment

7.4.1 Punishment as motivation for participation

At T1, seven people said that the punishment the offender had received was insufficient (Nita #20, Michelle #35, Razik #25, Sam #06, Faye #29, Emma #08, Francis #36). Although theories of proportionality in criminality usually centre on the offender's intentions (*mens rea*) and their culpability (Zedner, 1994), the victims interviewed here tended to want the sentence to be proportional to the *harm* caused by the crime. For example:

So that has totally rocked me really. ...Five months of a 20 month prison sentence, I don't think is justice. You know, I, I'm still fighting, financially, for the shit that he's left me in. (Emma)

He was in jail for 4 to 5 months, that's not enough.

Interviewer: What do you think it should have been?

Minimum one year. Because he just went in and it was very short, and he got nice food while he was in there. Four to five months for £8-9,000 is not enough. (Razik)

Of the seven people who described a punishment deficit, only one specifically expressed a desire to fulfil it through communicating with the offender (Nita #20).

Eleven victims mentioned that justice had been fulfilled in some way by the criminal justice system, usually either because they felt the sentence had been sufficient or greater than they thought was necessary (Marie #05, Casey #11, Lisa #13, Rose #10, Philip #28, Rachel #22a, Owen #22b, Dorothy #31, Kathy #24, Sadie #14, Kaitlyn #07). Rachel and Owen (#22a&b), a couple who described the burglary they experienced as 'minor', both thought that the four-year sentence was excessive:

I mean it wasn't armed robbery or anything, but he still got some ridiculously long sentence like four years, which for the kind of crime that I've just described to you that we suffered, is way over the top. (Owen)

Marie (#05) said she felt guilty about the sentence and did not want revenge. She explicitly said that she would not have wanted any communication with the offender if she wanted revenge: 'Like if I completely hated him, wanted revenge, I wouldn't bother.' Several others felt conflicted about the punishment the offender had received and seemed to want, to some extent, to communicate with the offender to relieve that guilt (Casey #11, Kathy #24, Francis #36, Sadie #14). This motivation was more directly linked to their perceptions of themselves and their perception of the offender than to their absolute levels of punitiveness, and therefore their responses are discussed further in sections 7.6 and 7.7 below.

Seven victims said they wanted to communicate with the offender because they forgave them. Rose (#10), for example, said 'I want to say I forgive what you did. Sort of try and separate the person, and the act that he did.' Of these seven, four had the sense that justice had already been fulfilled (Lisa #13, Kathy #24, Rose #10, Dorothy #31), and three victims said that forgiveness was part of their motivation to communicate with the offender despite the fact that they felt justice had been *unfulfilled* in their case (Michelle #35, Sam #06, Faye #29). Forgiveness meant very different things to each participant, and sometimes had multiple meanings for one participant. Sam (#06), for example, described forgiveness partly as letting go, partly as releasing the offender's hold over her (by not letting him see that she hated him), and partly as allowing her to be able to talk about the crime. In addition, she mentioned that she was motivated to forgive because he was her father, and here she spoke about forgiveness almost as a punishment:

The worst thing to do is actually to tell the person face to face that you forgive them. Because that's you releasing their control, and they've got no control of that. ...Because it's the last thing they think you're going to do. Especially sex offenders. It's the last thing that anyone's going to think that you're going to do, is to sit and go "do you know what, I forgive you. I don't hate you".

7.4.2 Punishment outcomes

Seven victims interviewed at T2 said explicitly that their perceptions of the offender's punishment had changed as a result of the RJ process, and almost all said that their levels of anger had changed. Three people expressed a sense of satisfaction at seeing that the offender had in some way suffered, through hearing about or seeing the pains of prison life, or the ways in which the offender had been affected by the sentence. Hannah (#32), for example, described witnessing the offender's punishment in a very tangible way. For her, it was satisfying to have walked into the prison where he was incarcerated, spent some time there with him, and then been the person who was able to leave: 'Yeah, I needed to see that because I needed to see that I've put him there.... And I was able to walk out and go home.' Here she described feelings of vindication as if they would not be acceptable or appropriate:

He's not a man anymore, he's dead in his eyes, there's no person there anymore.
He's just a body.

Interviewer: How did it feel seeing that?

It feels really horrid to say... but it felt awesome [laughs].

Mike (#30) seemed to have the impression through meeting with the offender that the offender's experience of prison was at least somewhat equivalent to his own experience of slavery: 'you take his freedom, away from his family, and then he realises what other families and victims are going through'. Oliver (#34) explained that the offender going to prison was not the kind of 'justice' he would have chosen – at the time he would have taken physical revenge, and at the current time (17 years after the offence) he would have preferred a financial settlement. However, he said that the combination of the prison sentence and meeting with the offender did make him feel that justice had been done. He disclosed somewhat coyly, that 'To know that he wasn't having the time of his life in prison did feel good for me.'

A few people felt they had the opportunity to *impose* something akin to punishment or suffering (Bridget #19, Gemma #23, Karen #18). Bridget (#19) experienced both a sense of

having witnessed the offender's punishment, and having to some extent inflicted it. Like Hannah and Oliver, she cautiously admitted deriving satisfaction from witnessing the offender's suffering, saying, 'This sounds really horrible, but I kind of got a bit of satisfaction as well, and power back, about how much his life had been destroyed by it all coming up again', and 'sorry I feel like a right bitch for thinking it'. Additionally, she stated that her renewed sense of power derived partly from her personal involvement in making him uncomfortable as part of their meeting:

Because he must have been as nervous as me... So to have him wait, have him waiting, worrying, to take my time going in to the room, that kind of gave me a bit of power.

Gemma (#23), less cautiously but with a similar sense that it might not be acceptable, described satisfaction with both witnessing and participating in the offender's punishment. About the meeting, she said, 'I thought he was going to start crying, and that was the best bit for me. It sounds evil, but that was the best bit.' She also said that she felt less angry after the meeting because 'he didn't look like he was having a good time [in prison].' Gemma described meeting the offender as 'going face to face', and clearly felt that she could participate in the offender's punishment by 'rubbing it in'. She said, 'I just wanted to rub it in. That he's missed a year and half of his kid's life, for being an idiot. Too nice a word. I call them the scumbags.' Similarly, Karen (#18) also said she derived satisfaction from reminding the offender of the consequences of his actions:

I kind of said to him, "Well look where it's got you – I'm going home, where are you going?" I kind of said it like that.

Almost no one I interviewed at T1 admitted any punitive motives for communicating with the offender, even when I also interviewed them at T2.⁸³ Yet seven of the people I interviewed at T2 (having been unable to complete a T1 interview) said that communicating with the offender had fulfilled their desire to witness and/or impose punishment. While it is possible that this pattern

⁸³ Nita (#20) is an exception to this pattern, as she was clear in the T1 interview that she wanted the offender to suffer. Perhaps coincidentally she was also the only participant who took part in a meeting with the offender with which she was completely dissatisfied. This will be further explored in Chapter 8 where Nita is taken as a case study.

occurred entirely by chance, there are several potential reasons for the absence of punitive motives among participants at T1, including: punishment was not a motivating factor; victims at T1 were ashamed to mention it (this is somewhat corroborated by the shame with which people talked about it in the T2 interviews); victims at T1 purposefully hid it in case it disqualified them from participation; or perhaps it was a subconscious motivation of which they were not aware. However, none of these possibilities satisfactorily explain why those I interviewed at both time points did not then later mention punishment outcomes at T2. The most likely explanation for this pattern is that the RJ facilitators were reluctant to refer cases at T1 in which the victim had punitive motives, seeing such motives as controversial and potentially unacceptable. At T2, the facilitators were more willing to refer participants whose motives had been punitive, because the meeting with the offender had already been a 'success'.

Almost none of the participants ended the RJ process feeling less satisfied with the offender's punishment, including those who were unable to communicate with the offender. The only exception was Denise (#12). Like some of the other participants, she was unhappy that a meeting had not been compulsory for the offender, but whilst others spoke about this as a procedural injustice, she described it both in terms of procedural justice and in terms of the offender having evaded punishment. She said 'I still think that she got off very lightly.... I was hoping that she would actually have to face me.' She explained even more explicitly that in being given the choice not to meet her, the two girls involved 'weren't made to do something they didn't really want to do.' She also suggested that the offender should have been made to do 'reparation' for much the same reasons. Overall her main disappointment was with the justice meted out by the criminal justice process, but in her case this was somewhat compounded by the RJ process.

For some people, their perceptions of the offender's punishment did not change with the RJ process (Nita #20, Carol #21, Beatrice #16, Kathy #24, Dorothy #31, Tasha #17, Brenda #33, Philip #28, Faye #29). Carol and Beatrice both did not want the offender to receive a prison

sentence, and wrote to the court to say so. Subsequent communication with the offender did not seem to affect this desire. Kathy and Dorothy both said that they forgave the offender, but described this as giving the offender the ‘gift’ of knowing they were not hated, rather than a change in their own perceptions of punishment. Tasha and Brenda did not mention the offender’s punishment as relevant to the RJ process. Nita was dissatisfied with the community sentence received by the offender before the meeting, and remained dissatisfied after the meeting. Philip and Faye said specifically as a recommendation for others that they should *not* expect a meeting with the offender to fulfil punitive objectives:

I don't think you can go into that meeting in particular expecting anything about revenge. (Philip)

I'd say actually go to court first. And then go to restorative justice. So you've got justice. (Faye)

7.4.3 Punishment conclusion

Many people mentioned that they were dissatisfied with the punishment the offender had received through the criminal justice system, but few said they wanted to communicate with the offender in order to fulfil this objective. Some people suggested that they were taking part in order to forgive the offender, but most of these people already felt that the offender had been punished, and forgiveness was not an indication that they wanted to waive punishment.

Some people mentioned at T2 that meeting the offender had helped them to feel the offender had been punished, either because they had the opportunity to make the offender feel uncomfortable in the meeting, or because it was an opportunity to witness the offender’s punishment in some way (e.g. to see the offender in prison). Whether or not an RJ process constitutes punishment in its fullest sense, these findings support Von Hirsch, Ashworth, and Shearing's (2003) view that meeting the victim is at a minimum an ‘imposition’ on the offender.

7.5 Perception of prevention

7.5.1 Prevention as motivation for participation

Victims spoke about two main aspects of prevention as their motivation for communicating with the offender: preventing the offender from targeting *them* in future (preventing re-victimisation), and preventing the offender from committing offences against others (reducing recidivism). I do not document participants' attitudes to general deterrence below, because participants did not generally consider it to be of relevance to the RJ process. Only one person, Philip (#28), spoke about a potential general deterrence effect of RJ:

I think that restorative justice process needs to be out there more. And publicised...I don't know if it would make you think about it, it certainly would make me think about things - I'm going to have to stand up to justify my behaviour, other than the court.

7.5.1.a Preventing re-victimisation

Five people wanted to communicate with the offender to make themselves safer - to protect themselves against re-victimisation by the offenders (Sam #06, Kaitlyn #07, Kathy #24, Razik #25, Faye #29). This took a few different forms, for example, Faye (#29) wanted to arrange with the offender that they would not see each other at family occasions. Three victims mentioned at T1 that they wanted to see the offender in a safe environment to prepare themselves for the possibility of bumping into them (Sam #06, Kaitlyn #07, Kathy #24). Sam in particular described this as a safety mechanism. She said that she had panic attacks when she went outside because she often thought she saw the offender. When I asked whether and how she thought a meeting with the offender might help, she answered that she would be less afraid of bumping into him without realising, 'because I'll know what he looks like now'.

Razik (#25) said of the man who burgled his house, 'He is very likely to offend again. But you never know, with the justice he may change.' He referred to RJ throughout the interview as 'the justice.' While this may be because English was his second language, it also suggests he saw 'justice' as its primary function. He stated that his motivations were both self- and offender-oriented; suggesting that it might prevent the offender from returning to his own house, as well as leading to prevention more generally.

7.5.1.b Preventing recidivism

Many victims mentioned wanting to prevent the offender from committing crimes against others in the future, and ten of them mentioned it specifically as motivation for communicating with the offender (Nita #20, Rose #10, Lisa #13, Francis #36, Dorothy #31, Rachel #22a, Owen #22b, Razik #25, Philip #28, Mona #09). All five victims interviewed at T1 who were taking part in an offender-initiated RJ process were motivated by deterring the offender from repeating the crime (Rachel #22a, Owen #22b, Razik #25, Philip #28, Mona #09). Four of the five stated that they did not think prison worked, and two of them agreed to participate based on having been reassured by the facilitator that it would 'help the offender'. In offender-initiated cases, the facilitator often already knows that the offender is remorseful, and so people who might not consider taking part to fulfil a need of their own, are willing to take part for the good of society. Mona (#09), for example, seemed to be participating primarily out of a sense of duty, seeing it as congruent with her job in a homeless charity. Her somewhat professional obligations seemed to become more personal when the facilitator gave her more information about the offender:

When [the facilitator] had mentioned that he, err Mr. [offender surname] has been poorly and he was off, again homeless. That kind of melted my heart a little as well really, I felt like saying "naughty boy, don't do it again" type thing.

7.5.2 Prevention outcomes

7.5.2.a Preventing re-victimisation

Five people felt that communicating with the offender had made it less likely that the offender would re-victimise them and/or that communicating with the offender had enabled them to find out how likely they were to target them in future (Kaitlyn #07, Gemma #23, Kathy #24, Mike #30, Oliver #34). Mike, for example, described both. At T2, he said that the harassment he had been experiencing from the offender's family had stopped since the meeting with the offender. He also described how the experience had enabled him to make a personal judgement as to how likely it was that the offender would reoffend when he came out of prison. He said (twice, with the same very specific number), 'I'm 94% sure that he isn't going to do it again.' Similarly, Oliver talked about having achieved 'closure' through meeting the offender, which he explained meant knowing that the conflict between them would not continue:

I don't know how to explain it, but [the court process] still wasn't an ending... Ok, am I going to bump into him again? 5 years later in the supermarket, I'm like "is he going to... want to continue it because of, he's been, it's messed up his life?" Cos I didn't know how he was feeling.

Interviewer: So... now if you bumped into him?

We'd both be alright.

Kaitlyn had hoped to prevent re-victimisation and recidivism through communicating with the offender. When she was told by the facilitator that the offender was still denying the offence but that he 'didn't wish me any harm', she said that while this was obviously unsatisfactory, it had made her feel more 'ready' for him to come out of prison because 'at least I know kind of how the land lies now'. Similarly, although she felt she was unsuccessful in her attempt to prevent reoffending, she was pleased that she had at least tried:

If he comes out and does it again to somebody else, I really have tried, to stop that. Even though it's not really my responsibility... but, so I do feel like I've done everything I can to try and stop anyone else being in the same situation.

Some people continued to feel vulnerable after meeting the offender. Rachel (#22a) mentioned that she kept the door locked ‘just in case [offender] walks in again.’ Philip (#28) felt that he had made himself more vulnerable to the offender by sharing personal information in the meeting:

He knows a lot about me. He knows about my job, he knows about where I live, he knows about my children, he knows about their ages. And I felt really uncomfortable... in the next couple of days [after the RJ meeting], that my challenging comments to him, and my telling him what he did to me, would result in some retribution of some sort.

When I asked how those feelings had developed over time, he responded that the feeling had receded because nothing had ‘happened’ in the two-three months between the meeting and the T2 interview.

7.5.2.b Preventing recidivism

Almost everyone who had been motivated to communicate with the offender to reduce recidivism said that they could not be sure that the attempt had been successful, but that it had been worth trying. Unprompted, victims offered percentages in the 90s for how sure they were that the offender would not do it again. Gemma (#23) described how the offender had effectively offered her reparation, but she had declined the offer, prioritising deterrence as an outcome of the meeting:

I said, “there's nothing you can do to make it up. But,” I said, “don't ever make a family, a mother, anybody, feel the way we did.” And he said, “I promise you I won't.” I don't think they will, to be honest. I know for certain that [one of the offenders] won't. Actually I'm 99.9% sure that [he] won't. [The other one] - I'm probably about 90% sure that he won't do it again.

Some people did not offer an evaluation of how likely the person was to reoffend, just that they had done their best in the meeting and they hoped it had worked. Karen (#18) said, ‘hopefully I've got that message across’ and Denise (#12) said, ‘I think, I'm hoping, that its rung some bells in her head and she's thinking “I won't do anything like that again”, but you never know do you.’

Dorothy (#31) told me she had said to the offender, “You can change, you can if you want to.” When I asked whether she thought her words had sunk in, she replied ‘I think so. Well for the time anyway.’

Some people seemed to ask themselves whether they should have an ongoing role in the offender’s life after the meeting (Owen #22b, Carol #21, Kathy #24, Francis #36). Carol explained that she felt some obligation towards him, but had not wanted to be too involved:

I just wanted to push it away. We'd done our conference, we'd had our closure, and I really didn't want to think about it anymore. And then when he died I thought, oh maybe we should have been more loving, more supportive of him.

Barbara (#26) was not motivated to meet her son in order to deter him from reoffending, but spontaneously mentioned in the T2 interview that it may have had that effect: ‘And it makes me wonder, with the restorative justice, would it stop them reoffending? Because they've heard how it made somebody feel?’ Similarly, Brenda (#33) did not speak explicitly about wanting to meet the offender in order to deter him from reoffending. However, it was important to her that he get counselling to understand his own behaviour, and she said on one occasion that the reason it was important for him to see her pain was because ‘that can change someone’. Beatrice (#16) spoke a lot about forgiveness, but was clear that her forgiveness would be limited if the offender were to offend again:

I said that to him, “I want you to do good things with your life - because you have a life.” But ...if I found out he was dealing drugs again, then I'd - of course I'm not stupid - I wouldn't be so forgiving, or forgiving in my actions.

Some people did not seem to have been expecting communication with the offender to prevent reoffending, and therefore did not mention it as an outcome (e.g. Bridget #19, Zoe #27, Hannah #32, Oliver #34). Michelle (#35) mentioned specifically that she had not ever thought meeting the offender would prevent reoffending, and she suggested that her father was already unlikely to reoffend because he was 77 years old and in poor health. Tasha (#17) did not seem to have taken part to prevent reoffending, as her motivation was primarily re-establishing a

relationship. Some of those who did not meet the offender had not mentioned wanting to reduce recidivism (Terri #02, Willow #04, Casey #11), but others expressed disappointment that because they were unable to meet the offender they had been unable to prevent reoffending (Lisa #13, Rose #10, Kaitlyn #07). None of the interviewees said or implied that they thought the offender would be *more* likely to reoffend as a result of the process.

7.5.3 Prevention conclusion

Many people mentioned that they hoped to prevent the offender from reoffending by communicating with the offender. For those responding to the offer of an offender-initiated RJ process this was often the primary motivation. For victims who sought communication with the offender on their own initiative, more self-oriented objectives often accompanied the desire to prevent reoffending. It is worth noting that victims who participate in (especially face-to-face) research are often motivated by a desire to help others (Campbell & Adams, 2009). This means that the current sample may be skewed towards people who are motivated to help others, as well as those of multiple previous studies that identify ‘helping the offender’ as victims’ primary motivation for participating in RJ.

After communication with the offender, nobody was completely convinced that it had been successful, but most people said they thought it had been worth a try. People tended to recognise the limits to their own influence, and noted that reoffending would depend upon many factors out of their control (often drug and alcohol use, as well the offender’s own will). Nobody thought that the RJ process had made the offender *more* likely to reoffend.

In Chapter 6, the findings suggested the possibility that victims *finding out* how likely the offender was to reoffend could be a separate mechanism to victims contributing to deterrence. From the interviews in the current study, it seems that nobody was aiming to simply find out how likely the offender was to reoffend, the aim was always to deter them from doing so. However, in

the absence of being able to contribute to deterrence, victims drew some satisfaction from finding out about the likelihood of reoffending and/or reassuring themselves that at least they had tried (e.g. Kaitlyn).

7.6 Perception of offender

Findings from the last three chapters suggest that victims may aim primarily to *find out* about the offender, rather than to develop a particular view of the offender. In this section, I first check this finding against evidence from the interview data and scour the data for counter examples; i.e. of victims who had a specific idea of what they wanted to find out. I then turn to evidence that victims' views of the offender did in fact change, and whether victims associated these changes with overall satisfaction and increases in wellbeing. In particular, according to the theories outlined in Chapter 2, I look for signs that victims developed a view of the offender as less of a criminal or monster (a decrease in agency or increase in morality), or that their whole view of the offender became more positive (increase in agency *and* morality).

7.6.1 Changing perception of offender as motivation for participation

Nine victims who had a previous relationship with the offender said at T1 that part of their motivation for communicating with the offender was to find out about the offender's character and the reason they committed the crime (Naomi #15, Rose #10, Sadie #14a, Willow #4a, Marie #5a, Emma #8, Francis #36, Casey #11, Kaitlyn #7). Naomi, for example, a young woman whose boyfriend had distributed indecent images of her said, 'From what I know of him before he did it, I would have said he's kind, generous and would look out for people. But now I'm not sure.' Some people wanted to find out specific information that would inform them about the offender's character. Rose, for example, wanted to find out whether the crime had been premeditated. Uncertainty about the offender's character seemed to develop because of a contradiction either

between victims' prior perception of the offender as a good person and the fact that they committed the crime, or between some positive aspects of an offender's personality (e.g. being a loving father) and the fact that they committed the crime.

Victims who had not had a relationship with the offender might be expected to hold the classic view of a 'criminal' as high in agency and low in morality (Sadler et al., 2012). However, none of the seven (T1) victims whose offender was a stranger seemed to hold this view, instead they also expressed a desire mainly to *find out* how moral and how much agency the offender had. Nita (#20), for example, said she wanted to find out whether the offender was remorseful, and Dorothy (#31) wanted to find out if the offence had been pre-meditated. Some of these victims had initially held a classic 'criminal' view of the offender, but upon being told that the offender was willing to participate in an RJ process, this view had been disrupted (Rachel #22a, Owen #22b, Razik #25, Philip #28, Mona #09). Philip, for example, said that before the offer of RJ, he and his family had 'moved on' from the offence by caricaturing the offender: '[The offender] featured in [a national newspaper]. And his t-shirt had the word "dork". So as part of that psychological process, I caricatured him... and we moved on.' Philip said that the offer of an RJ process had transformed his view of the offender, and made him feel a sense of duty to 'support' the offender:

He's gone from being a drug addict thief, to ... someone who wants to enter society.
Now, I need to support him in doing that, even though he's done me wrong.

All five burglary victims had also been told that the offender was a drug addict, and this affected their view of the offender's agency. Razik (#25), for example, said that when people are on drugs 'they don't know what they're doing.' Four of the five had also been told that the offender was homeless, a group of people who in general are perceived to be higher in morality and lower in agency than 'violent criminals' (Sadler et al., 2012). These participants tended to see the offenders as having been victims of their circumstances. Mona said, for example, 'People aren't born monsters, are they?' and 'There but by the grace of god go I'.

Only two victims who said that they wanted to find out what the offender was like, also said specifically that they were hoping the offender was high in morality and low in agency. Michelle (#35) said she wanted to 'turn the volume down, from him being this monster' (increase morality and decrease agency). Lisa (#13) expressed a desire to categorise her ex-partner as a 'victim of his own autistic spectrum disorder' rather than a 'nasty' person. Some other victims implied that they hoped to find out the offender was a good person, but most people suggested their priority was to find out what they were 'really' like, regardless of whether that was good or bad:

I think about that a lot. Who he is, who he really is, and if he's completely crazy and doesn't have any emotion, or he does have emotion he's just ill... So I kind of want to figure him out a little bit. (Sadie, #14a)

Four respondents expressed that they already understood who the offender was, and/or that finding out about the offender was not a goal of theirs (Sam #06, Faye #29, Kathy #24, Megan #03). In particular, Sam and Faye both had complex views of the offender, but did not display any uncertainty about these views. Sam seemed to have arrived at an understanding of her abusive father that she was not seeking to change: 'He's a born predator, he's a born paedophile. That's not going to change' and yet she also said, 'he was my dad for so long. It's a Dr. Jekyll, Mr. Hyde situation. On one hand you've got what he is, on the other hand you've got the father figure. It's very hard.' Similarly, Faye had a very complicated view of her brother as both a perpetrator of abuse and a potential ally in her relationships with the wider family, but she seemed content with this complex view rather than seeking to change it. Thus, it seems that it is not the complexity of the perception that motivates a desire to find out about the offender, but the degree of uncertainty about the perception.

7.6.2 Changing perception of offender as outcome

7.6.2.a *High in morality*

Rachel (#22a) expressed surprise to discover that the offender was ‘exactly the same as us’, and seemed embarrassed at T2 when I reminded her that she had described her motivation at T1 as partly curiosity: ‘Err, you sort of come away thinking, well that's a bit mean’. It is this sort of transformative story that is perhaps responsible for the humanisation theories of RJ – that victims come to see the offender as more human, and that is what makes it ‘work’. I posit that practitioners and academics focus on humanisation as an outcome because it is unique to RJ processes; it rarely occurs in the conventional justice system. In addition, when it does occur it can make for quite a dramatic transformation. However, it is relatively rare, and therefore cannot be the sole or the main explanation for how RJ benefits victims. In this study, for example, although the transformation for Rachel was quite dramatic, it was also unique amongst the participants in this study. Her husband Owen (#22b) and Philip (#28) had similar insights, but had already concluded prior to the meeting that the offenders’ willingness to communicate suggested that they were high in morality.

Six victims (at T2) said that before the RJ process they *already* believed there was some good in the offender, and that the process had confirmed this view (Zoe #27, Barbara #26, Carol #21, Beatrice #16, Gemma #23, Dorothy #31). Dorothy is the only one of these participants who was interviewed at both T1 and T2. At T1, she said, ‘I cannot say at any point, even through the trial, that I felt, those people are wicked.’ She admitted at T2, however, that she had expected the offender to be angry in the meeting, but instead she found out that her hope in his humanity was justified: ‘Now I know that I have been talking to a person. And there was no, outburst. Instead he broke down. So he has feelings.’

Similarly, Zoe said that she always had a view of the offender as ‘not a bad person’, but that the purpose of meeting him was to find out whether he ‘meant to do it or not.’ The fact that he had pleaded guilty and ‘did exactly what he was supposed to do’ seemed to confirm her image of him as high in morality. Carol also said that before the meeting she had a strong sense of the offender as a ‘victim of society’ (low agency), and that ‘without the heroin he was a nice guy’ (high morality). She does not seem to have expected the meeting to change this view, but mentions that the process itself developed a bond between them: ‘It’s a bit like when a friendship is tested when you have an argument... then when you make up, it’s deeper than it was before.’

Beatrice said that she strongly believed in the humanity of the offender from the outset, yet the combination of the letters they exchanged and seeing him (accidentally) in a supermarket did seem to change the stereotypical view she had of him, and increased her perception of his morality/decreased agency:

[Previously, it was] like a poster had been created of a young mixed-race guy who dealt drugs that killed somebody. But then in the supermarket he just looked like a little boy. He was there with his friends, and just ... looked really quite like a nice young lad.

Gemma sums up the experiences of these victims for whom the process resulted in a view of the offender as high in morality. In general, they tended to experience first-hand confirmation of their existing uncertain or second-hand view, rather than a change of view from immoral to moral:

I wanted to see whether he was really sorry, whether he had remorse. I’d been told, but that wasn’t good enough for me. I wanted to see it for myself.

7.6.2.b Low agency

Seven people said they had found out that the offender was less powerful or less in control than they had thought (Bridget #19, Mike #30, Hannah #32, Michelle #35, Oliver #34, Terri #02, Zoe #27). For many this was linked to an increase in their own sense of agency, suggesting

that it is perhaps *relative* agency that was important. Mike, for example, seems to have derived benefit from seeing the offender with less agency:

So instead of being a big man, he was like a little man. You know, so, he had nothing. He was very, I would say a broken man.

Hannah was pleased to see the offender with less agency, saying she had liked the big table in the room where they met because it made him look small. She also noticed the offender was nervous and she was pleased about that, as well as hearing through the VLO that ‘apparently it destroyed him for about a week after.’ Oliver implied that while it was not the only way of achieving closure, it had been somewhat satisfying to see that the offender was now low in agency: ‘Last time I see him he was kind of hench. But when I see him, he had walking sticks, he had all these bone problems.’

Both Michelle (#35) and Terri (#02) had been seeking morality in their fathers, but upon finding it absent, they turned instead to seek comfort through viewing the offender as low in agency. Terri said she had hoped and believed at every stage that her father would confess, in order to avoid putting her and her sisters through the stress of the trial. She was repeatedly disappointed, and when he also continued to deny the offence to the RJ facilitator, she said, ‘I just wanted him to say “I’m sorry” or you know, something. But I know if I go and see him in prison, he won’t.’ In lieu of discovering a hidden nugget of morality in him, she instead turned to look for ways to reduce his perceived agency. She wondered aloud in the interview, for example, whether he might have committed the abuse because he himself was abused. She dismissed this reason because it suggested that as a victim of abuse, she and other victims might also be more likely to commit abuse. In the end, she concluded ambiguously that ‘I don’t think he was quite all there’.

7.6.2.c Low morality

Nobody at T1 said they were actively looking to discover the offender was low in morality, but some people reached this conclusion at T2 (Willow #04, Casey #11, Kaitlyn #07, Karen #18). Willow, Casey and Kaitlyn had all hoped to find out why the offender committed the offence, and then were told that the offender had not agreed to communicate with them. This led them to the conclusion that the offender was lower in morality than they had thought, and they therefore experienced a reduction in self-blame, either about the offence itself (Willow, Casey) and/or about the offender's sentence (Kaitlyn); see also section 7.7.2.

Karen was not interviewed at T1, but she said at T2 that the meeting had *confirmed* her negative view of the offender. She said, for example, 'That was the real positive thing about that meeting. It confirmed that he was a liar. Absolutely a liar.' This view of the offender had a few possible psychological benefits for her 1) she could explain the fact that she was 'taken in by him' by his character faults rather than her own, 2) she would not feel she owed him anything in future, or 3) she could confirm to herself and others that she was not, as she put it, the 'wicked witch of the west' for calling the police. It may also simply have benefited her because she was able to categorise him, making the world a more predictable place. She said her immediate reaction to the crime had been fear because she no longer knew 'what he is capable of'. After the meeting she seemed to have very firm opinions on what he would be capable of, describing him as a 'sociopath'.

7.6.2.d No change

Some people wanted to find out about the offender, and when they were unable to do so they were dissatisfied with the process (Denise #12, Lisa #13, Brenda #33, Nita #20). Remaining uncertainty seemed to be the cause of the most dissatisfaction, particularly when victims perceived the offenders' explanations to be inadequate or untrue. Brenda, for example, wanted the offender

to be able to give a reason that it happened, and thought that if he could say it was because he himself had been abused, that would help her son (the direct victim) make sense of it:

He could then say to [my son], you know [name], yes, I'm really sorry, this was awful, I deeply regret it, but somebody did it to me. That changes it. That would change it for [my son] massively.

She said, however, that the offender was unable to answer her questions because he was insufficiently reflective, and had not attended counselling prior to their meeting as she had asked him to. Much uncertainty about the offender therefore remained with her after the meeting.

Other people had not sought to find out about the offender, so when their view of the offender remained unchanged, this was not an area of dissatisfaction (Faye #29, Kathy #24, Tasha #17). Kathy, for example, already seemed certain that the offender was low in agency, high in morality. She said, 'underneath the idiot that was here that night, is a kind, a caring person, who was hurting'. Tasha similarly had perceived her friend, the offender, as low in agency, high in morality, and this did not seem changed by the meeting between them. She explained that the offender 'has issues' (drugs and alcohol) and that the meeting was a continuation of her supportive relationship, as a means by which to 'not give up on her'.

Several participants said they were satisfied that they had at least tried to find out about the offender, even where it had been impossible (Rose #10, Casey #11, Gemma #23, Dorothy #31, Hannah #32). This can be somewhat explained by a desire for procedural justice (described in section 7.3), but it is relevant here because it demonstrates that participants valued what could be called a kind of meta-certainty, i.e. certainty about the uncertainty. Three people mentioned that they did not believe the offender's version of events in the RJ meeting, for example, but that they could at least stop wondering what the offender would say if they were to be asked (Gemma #23, Dorothy #31, Hannah #32). Although they were left with a high degree of uncertainty about the offender, they gained a sense of certainty about whether it would be possible to obtain answers to their questions.

7.6.3 Perception of offender conclusion

Thus far, this thesis has considered perception of offender as the best label for this mechanism, i.e. that a change in victims' views of the offender is one of the ways RJ processes benefit victims. The evidence in this section suggests, however, that there is a non-specific effect of reducing uncertainty about the offender, which is independent of any change in the specific view of the offender. There are at least six reasons to consider a change in victims' uncertainty about the offender to be the mechanism by which victims benefit from communication with the offender. First, many victims wanted to communicate with the offender in order to *find out* about who the offender was, with only a few stating this was not part of their motivation. Second, if victims had a particular perception of the offender before the RJ process, communication with the offender tended to confirm their existing view. This suggests that in these cases it was not so much a *change* of perception of the offender that was beneficial, rather an increased sense of confidence about their view.

Third, victims whose perceptions of the offender became more negative nevertheless seemed to derive some benefit from increased certainty about the world – making it more predictable even if those predictions were negative. Fourth, some people who already demonstrated a high degree of certainty about the offender neither sought nor experienced a change in their view of the offender. Fifth, victims were least satisfied when they had been seeking certainty but it was not forthcoming. Finally, participants demonstrated a desire for certainty about their uncertainty – knowledge that they had at least tried to find out about the offender, even if it was impossible. Van Camp (2017) confirmed that this was important to the victims she interviewed: 'respondents anticipated that answers could be painful, but they argued that not knowing what happened was even worse' (p. 685).

It is known that humans tend to try to reduce or manage uncertainty, for example by maintaining identity groups (Mullin & Hogg, 1999) or entering into communication with others

(Berger & Calabrese, 1975). Uncertainty management is also a way for people to reduce their levels of anxiety (Afifi & Weiner, 2004). It follows then, that for some people the desire to reduce uncertainty could prompt communication with the offender, and that for these people communicating with the offender could increase satisfaction and wellbeing.

7.7 Self-perception

7.7.1 Self-perception as motivation for participation

Participants expected the RJ process to change their perceptions of themselves in a number of different ways, which I categorise here into two main types of change. Firstly, many people were concerned with increasing their own sense of agency. Secondly, some people felt that the crime or their response to the crime had cast a shadow on their view of themselves as morally good people, and they were hoping to counteract this through communicating with the offender.

7.7.1.a Increasing agency

Five victims talked about communication with the offender as a way to increase their sense of agency, by allowing them to face their fears. This is consistent with victim-offender meetings being an exercise in ‘desensitisation’ as suggested by Sherman et al. (2005). Kathy (#24) and Rose (#10) both spoke about meeting the offender as a way to ‘face up to our fears in life’ (Kathy), and others described the process as a risk that could set them back, but one that was worth taking (Casey #11, Sam #06, Willow #04).

Almost all the interviewees wanted to tell the offender about the impact of the crime. On the surface, this desire to share the ways they felt weak and hurt by the offence does not seem compatible with a desire to increase their sense of agency. However, it became apparent that most people wanted to describe the impact of the crime precisely in order to separate it from their self-

identity. They wanted to emphasise that they had been angry or afraid because of the actions of the offender, not because of their own character or identity. Primarily this meant that victims wanted to demonstrate that despite the crime and its effects, they felt strong, i.e. high in agency. Sam (#06), for example, said that she wanted the offender to know the impact it had on her because 'it's not fair for him to think that everything is hunky dory and everyone can forget what he done.' She then also went on to say,

And that is part of why I want to do it. Because I want to show him that despite what he's done I have come out the other side. I am still standing.

Michelle (#35) and Sadie (#14) wanted to tell the offender about the impact of the crime in order to receive acknowledgement that they were victims. Yet at the same time, they both said they were only ready to communicate with the offender precisely because they did not feel vulnerable anymore. Sadie said she was only ready to meet her father because she did not think she could be 'easily manipulated', and because she was not 'in a bad state, or really miserable or lonely'.

Unlike the other participants, the victims of burglary were all willing to demonstrate to the offender that they were low-in-agency victims (e.g. Rachel #22a, Owen #22b, Razik #25, Philip #28, Mona #09). On the surface, their desire to describe the impact of the offence to the offender was similar to other victims in the sample. These five victims, however, were much less concerned with separating themselves from the effects of the offence or appearing strong to the offender. This may be because they already had a great deal more power than the offender did, on several dimensions (e.g. social capital, class, wealth, etc.). Mona, for example, wanted the offender to know that she had a hard life even though she lived in an expensive home, and said that she wanted to say to the offender "you're not taking away from those with a silver spoon..." This suggests that whether victims are motivated to communicate with the offender by wanting to increase their sense of agency depends at least somewhat on their power relative to the offender, and that this is determined by societal factors as well as those related to the crime.

7.7.1.b Increasing morality

Many of the participants, particularly those who had been victims of sexual offences, displayed a strong sense of self-blame for the offence. This seemed to create an intense internal conflict, as demonstrated by the high proportion of the interviews that consisted of victims struggling with this issue. Many people spoke as if they were themselves still trying to work out whether they were to blame, or could have done anything to prevent the offence from occurring. Willow #04, Casey #11, Faye #29 and Lisa #13 all spoke about wanting to know why it happened and their worry that they been responsible for the offence in some way. Willow articulated this most simply, saying,

I always just think “Why me? Why did he come? Is it anything I done?” I feel guilty sometimes, and I just want to know.

Seeking answers to these questions seemed, therefore, to be an attempt to release themselves from a sense that they might be morally bad people, who somehow caused the offence to happen. People implied that they expected a certain answer – i.e. that they were not to blame – and rarely discussed how they would respond or feel if the offender answered that they were in fact somehow to blame. In addition to those who felt guilt about the offence, some people felt guilt about the offender’s *sentence*, and this was also closely tied to their perception of their own character. Participants felt bad about calling the police (Kathy #24), or about enjoying their freedom when the offender was unable to (Casey #11, Sadie #14).

The five burglary victims interviewed at T1 seemed to feel that they were fulfilling a societal obligation by taking part (Rachel #22a, Owen #22b, Razik #25, Philip #28, Mona #09). Razik, for example, gave his Muslim faith as his underlying motivation for participating, going as far as to say that he would not be taking part if he were not a Muslim. Owen said he was ‘prepared to go along with it’ because the facilitator thought it would be ‘worthwhile’, and Philip said, ‘if somebody is willing to go through the process, then it's important that I go through it from the other side.’

This suggests that one of the reasons these participants wanted to participate was to maintain a view of themselves as morally good people, who fulfil their duties to society.

7.7.2 Change in self-perception as outcome

7.7.2.a *Increasing agency*

Seven victims who took part in a meeting with the offender explicitly described the meeting with the offender as having fulfilled their need to ‘face their fear’, ‘be brave’, ‘take a risk’ or get ‘over a hurdle’ (Michelle #35, Kathy #24, Bridget #19, Barbara #26, Zoe #27, Mike #30, Hannah #32). Bridget describes this as the main outcome of the meeting, along with finding out that she had not been targeted:

I came away with peace of mind and the knowledge and the bravery, that I wanted to find, so yeah. I’m happy with the way it’s been left.

Interviewer: So it’s given you some peace of mind, partly from having the questions answered...

Yep, and partly from being brave enough to do it. I’d say that was the main thing I think.

Hannah said that the purpose of the meeting for her had been to ‘feel strong’. She said it was therefore important not to show any weakness in the meeting, and she opted to communicate the impact of the offence in a statement written for the parole board, rather than to discuss it in the meeting with the offender.

He’ll get the impact on me when it comes to the parole letter. I didn’t want to sit there and tell him that, cos I didn’t want him to, I wanted him to see me as the new me. And me being strong. I didn’t want him to know that when I was 12 my mum walked in on me trying to take an overdose.

She said she also achieved a sense of increased agency by explicitly distancing herself from a victim identity in the meeting:

To be able to go and tell him that... I don’t consider myself a victim, cos I’m not. I haven’t let it beat me. I did for a bit. But, I call myself a survivor. So cheesy, but...

Three victims seemed to reassert their agency in the meeting by communicating to the offender that they had not been deceived (Karen #18, Gemma #23, Francis #36). Karen felt the offender had taken advantage of her in multiple ways. She described an incident (prior to the offence) in which he was accused of breaking a window, and she had negotiated on his behalf with the owner on the basis that it had been an accident. It seemed important to her in the meeting to communicate that she now knew it had not been an accident:

It not only confirmed things, but confirmed things, with his knowledge. And I came away thinking gosh, he now knows how much I know about him.

Similarly, Gemma and Francis said it had been important for them to state in the meeting that they knew the offender had been lying. This seemed to be an attempt to regain lost power relative to the offender.

Although it is a common claim that RJ processes are beneficial for victims because victims find out they were not specifically targeted by the offender (Sherman et al., 2005), in this study that was true for only three people (Bridget #19, Zoe #27, Francis #36). Bridget said, 'I was under the impression that I was stalked, but no I was just in the wrong time at the wrong place'. Zoe had been seriously physically harmed by a violent attack and suffered mentally for more than two years, including having regular nightmares and not leaving the house. She said she thought the psychological effects had continued for so long 'because I don't know what happened. I don't know if it was me, if it was something that I did.' When she met the offender, he could not give a reason as to why the offence had occurred because he had no memory of it. Nevertheless, she said the meeting had made her feel better 'because I know it was nothing that I did, it could have been anybody. It wasn't because it was specifically me - it could have been anyone, it was just time and place, circumstances.' Zoe said she had intended on describing the impact of the crime to the offender, but felt she did not need to at the meeting because 'I didn't think the gruelling details were necessary because you could already see that he was completely broken from it all.'

Twelve people had hoped to find out whether they were targeted but were unable to do so. This was either because they were unable to communicate with the offender (Willow #04, Rose #10, Casey #11), the offender was unable to give reasons for the offence (Tasha #17, Denise #12, Lisa #13, Brenda #33) or the offender gave a reason that the victim did not believe or feel satisfactorily explained why it happened (Karen #18, Nita #20, Mike #30, Dorothy #31, Hannah #32). In these cases, some people said they were nevertheless able to escape a victim identity by ‘working’ on themselves (e.g. through counselling or taking part in other constructive activities, Rose #10, Beatrice #16).

7.7.2.b Increasing morality

Four victims said that meeting the offender had helped them to feel better because it made them feel less guilty about calling the police or about the punishment the offender received (Karen #18, Barbara #26, Zoe #27, Kathy #24). Karen perhaps most explicitly spelt out how this had occurred for her as part of meeting the offender:

Restorative justice gave me a chance to face up to him and say why. And give him reasons for my behaviour, for saying sorry you’re going to be arrested here and taken away.

Barbara, whose son was imprisoned on an indeterminate Imprisonment for Public Protection (IPP) sentence, said,

I was almost a shell of myself - even felt guilty about going out, because what right have you got going out when your son's in prison? The shame that I had not only because [the offender] was in prison, but because it was me, it was my fault he was there.

She then also described precisely how the meeting with her son had helped: ‘the relief of the guilt - lifted, you know, and, “No it wasn't me, it was you, cos I heard you say it.” It was absolutely amazing.’

A further four victims said that they felt less guilty about the offender's punishment after the offender had refused to communicate with them (Terri #02, Rose #10, Casey #11, Willow #04a). As described in section 7.6.2, some people took the offender's decision not to communicate as a sign that they were not remorseful, and were therefore bad people. This discovery in turn prevented the victim from feeling like a bad person for having been responsible (as they saw it) for putting the person in prison. Terri, for example, said, 'I didn't know whether to feel guilty because he'd gone to prison or glad that he'd gone to prison.' When she received the message that he was still denying the offence after having been found guilty, she made the final decision not to meet with him, and at the same time seemed to stop feeling guilty about his sentence.

7.7.3 Self-perception conclusion

Communication with the offender increased at least some victims' sense of agency, as it enabled them to find out they were not targeted, they could face their fears, and/or separate themselves from the impact of the crime. Although no one seemed to anticipate it, some victims developed a greater sense of agency by communicating to the offender that they knew more than the offender realised.

In addition, communication with the offender increased some victims' own moral-image. Some people felt guilt about the offence or the punishment, indicating that to some extent they saw themselves (or were worried that others saw them) as low in morality. When they heard the offender take responsibility for the offence this tended to reduce their feelings of guilt, or if the offender was uncooperative this led them to believe the offender was responsible for the offence and/or the sentence, and this also reduced their feelings of guilt. Some people maintained a sense of their own moral image by agreeing to communicate with the offender out of a sense of duty, rather than for their own benefit.

Finally, some people's perceptions of themselves did not seem to change through participating in an RJ process; for example, if they did not receive satisfactory answers about why the offence happened.

7.8 Limitations

Many of the limits to this study are set out in the introduction to this chapter or are so self-evident that they are barely worth commenting on. As a result of the context, the hard-to-reach sample, the sensitivity of the topic matter and the (perfectly reasonable) suspicion of researchers among practitioners, I had no choice but to accept inconsistencies and variation in method, in victim-participation in the study, and in victim experience. Inconsistencies in method affected the extent to which I can compare cases to one another, for example, that I had to conduct some interviews by phone and others in person. I also had to significantly adapt my original plans, for example abandoning quantitative data collection and the T3 interviews.

Inconsistencies in victim-participation mean the study is likely to have been affected by non-response and self-selection biases. The RJ practitioners only asked some people to participate in the study, and of those they did ask, only some opted to participate. Some victims chose not to be interviewed until after the RJ process was complete, others agreed to a first interview and then I was unable to reach them for a second. These non-response and self-selection biases means that the 'outcomes' of participation in RJ may in fact be caused by being the kind of person who would want to communicate with the offender, rather than by participation itself. Similarly, the generally positive view of RJ could be caused by the higher attrition rate among participants who had negative experiences.

Variation among the victims' experiences is both a limitation and an advantage. Among this sample, cases vary by source, crime type, relationship to the offender, and the form and

content of the RJ process (e.g. offender-initiated and victim-initiated). Drawing on Ragin's work (1994), Maruna notes that 'qualitative research is best suited for exploring similarity, not for establishing systematic differences' (Maruna, 2001: 62). Maruna says comparisons are 'best left to large-scale, randomized research' (2001: 61), and for this reason I have combined this study with analysis of larger-scale quantitative data in previous chapters. In Chapter 9 I evaluate the findings from this study alongside those from Chapters 4-6 to very tentatively propose patterns of differences among certain groups of victims. For the purposes of the current study, however, the varied experiences among the victims in this sample means that although they cannot be systematically compared, conclusions drawn from commonalities among their perspectives are more robust.

7.9 Conclusion

Procedural justice was often only implicitly described as motivation for communicating with the offender, and victims rarely explicitly linked it to other outcomes. However, it was at least sometimes a mechanism by which communication with the offender improved victims' satisfaction and wellbeing, and victims saw achieving a sense of procedural justice as an important outcome in its own right. Victims' sense of procedural justice usually increased through participating in an RJ process, but also sometimes diminished, most often when offenders declined to participate.

Victims did not give **punishment** as motivation for communication with the offender, so if people were motivated by seeing the offender punished, then they were for some reason unwilling to admit to it. Some victims said after the process that it had given the opportunity to both witness and sometimes impose punishment, however, and they linked this directly to satisfaction with the RJ process. People's sense of the extent to which the offender had been

punished seemed to either stay the same or increase; there were no examples of the RJ process leading to a reduced perception of punishment.

A desire to **prevent** reoffending was frequently given as a reason for communicating with the offender, including both prevention of re-victimisation and recidivism. Victims rarely said they were sure that it had been achieved, but linked it to their own satisfaction and wellbeing through having *tried*. Participants seemed to say that their confidence in the offender's ability to desist either stayed the same or slightly increased through communication with them; no one thought the offender was more likely to offend.

Victims seemed to want to confirm their **perceptions of the offender** through communicating with them. Although a few people had specific hopes about how their view of the offender would change, most people wanted to find out about the offender regardless of whether the outcome would be positive or negative. Irrespective of the specific nature of the victim's view of the offender, therefore, developing a sense of certainty about the offender was linked with satisfaction and wellbeing.

Participants commonly cited two aspects of **self-perception** as their motivation for participation: an increase in their sense of their own morality and agency. Agency was particularly important, as participants said that they developed a sense of control through the process, and this reduced their fear and anxiety. Sometimes the outcomes, or the paths towards the outcomes, were unanticipated (e.g. viewing the offender as low in morality, reducing self-blame and thereby increasing their own sense of morality). An increased sense of agency and morality were strongly linked to satisfaction and wellbeing. Participating in an RJ process seemed either to increase victims' views of their own agency and morality or to have no effect; there were no instances in this sample of reduction in these perceptions.

In conclusion then, the five mechanisms described in Chapter 2 encompass almost all of the reasons that victims gave for wanting to communicate with the offender, and are a good description of the main outcomes that victims experienced. Victims also tended to attribute

improvements in wellbeing and satisfaction to changes in the five types of perception. This chapter therefore constitutes strong evidence that the mechanism theories are good explanations of how victim-offender communication benefits victims. The overlaps between the mechanisms and the potential existence of additional mechanisms are discussed in Chapter 9 (sections 9.2 and 9.3). In the next chapter, I examine the relationships between the five mechanisms in the context of six case studies.

Chapter 8: Patterns in victim motivation and outcomes from communication with the offender

In the previous chapter I presented evidence from 40 people that - to varying degrees – victims want to fulfil certain justice objectives, victims believe that communicating with the offender has fulfilled these objectives, and victims attribute overall improvements in wellbeing and satisfaction to having fulfilled them. There is, therefore, evidence that the psychological changes described by the theoretical framework in Chapter 2 constitute five mechanisms by which victims benefit from communicating with offenders. In this chapter, I examine in detail the experiences of six participants who were interviewed both before and after an RJ process, and in the discussion draw on the experiences of another nine who were also interviewed at both time points. This within-case analysis enables me to explore how the mechanism theories relate to one another, their relative roles in motivation and outcome, and the relationship between victims' motivation and the outcomes they experience. In combination with Chapter 7, this chapter aims to answer the final three research questions:

3. Are victims motivated to communicate with the offender by wanting to change their perceptions?
4. Does communicating with the offender change victims' perceptions?
5. Do victims attribute other outcomes (e.g. feeling better) to a change in their perceptions?

8.1 Method

Details of data-collection and full sample characteristics can be found in Chapter 7, section 7.1. In 15 of the 40 cases I was able to complete interviews both before and after an RJ process. From these 15 cases, I selected six to include a range of experiences and patterns of objectives that

were the most representative of the other victims. For example, experience of the RJ process ranged from sending a letter to the offender and receiving no reply, to having two meetings with the offender. The crimes ranged from a single incident of voyeurism to sustained childhood abuse. The experiences of RJ represented by the chosen cases are shown in Table 8.1.

Table 8.1		
Case study by RJ experience		
<u>RJ experience</u>	<u>Full case study</u>	<u>Also interviewed at both T1 and T2</u>
No communication with the offender		#04, #07
Sent offender a letter but no reply	Casey #11	#10
Sent and received letter	Sadie #14	#13
1 victim-offender meeting	Nita #20, Dorothy #31	#24, #35, #28, #22a, #22b
2+ victim-offender meetings	Francis #36	
Victim-offender meeting as diversion from CJS	Faye #29	

8.1.1 Analysis

The interviews were transcribed and coded as described in Chapter 7. Participants' stated motivation and the outcomes they experienced were coded as at least one of the five mechanism theories or where they did not fit into one of the theories they were coded accordingly. The overall analytic approach, therefore, remains congruent with Braun and Clarke's recommendations for thematic analysis (Braun & Clarke, 2006). In contrast to Chapter 7, however, this chapter focuses on identifying patterns within each case rather than across the data set. As Ayres, Kavanaugh, & Knafl (2003) note, within-case analysis, though harder to generalise from, can add depth and context to across-case analysis, which can strip individual experiences of their meaning. Ayres, Kavanaugh and Knafl recommend, therefore, that within and across case analysis is combined. I do this here in two ways: 1) I recommend that Chapters 7 and 8 are read in combination and 2) in this chapter I briefly present the aggregate learning from the within-case analyses in a short discussion section. The discussion section is brief, however, as the data analysed here are reviewed alongside the findings from Chapters 4-7 in an overall discussion that can be found in Chapter 9.

8.2 Six case studies

8.2.1 Casey (#11)

Casey was abused by a friend of her family's over a period of approximately two years (when she was aged 6-8 years old). Casey identified the behaviour as abuse when she started a course in health and social care almost a decade later, and she reported it to the police. The offender was convicted and sentenced to four years in custody. Casey's friend, who had also been abused, recommended that she try RJ. Casey referred herself to TVRJS, requesting to meet with the offender.

Wanted: Procedural justice, Self-perception

Experienced: Procedural justice (partially), Perception of offender, Self-perception

Casey's motivation for wanting to meet the offender was relatively unidimensional in comparison to that of other participants. Her clear priority was to hear the offender take responsibility for the abuse, in order that she might stop blaming herself – both for the abuse and for his subsequent punishment:

I just really want to know why. Why was it me? Why then? Was it something that I done, or, just the usual kind of questions.

Interviewer: And do you think there is an answer that would satisfy you?

That there was nothing I done to encourage him really.

Casey said that intellectually she knew he had been punished because of his actions rather than hers, but that nonetheless she felt guilty about his sentence:

He's in prison now, so I feel guilty about sending him there. And I just keep feeling really bad that that's where he is.

Initially, the offender agreed to meet with her, and a date was set for a meeting between them. Only a week before the meeting, the offender changed his mind. He at first said he would

write a letter, then that he needed more time, then after several withdrawn promises of a meeting, said that he did not want to participate at all. Eventually, after having been let down several times, Casey decided to write a letter to him. This is what had taken place when I interviewed her at T2, although the facilitator informed me that he subsequently agreed to and then withdrew from a meeting another time after receiving the letter.

At T2, I asked Casey whether her view of the offender had changed since the last interview. She answered as if I was expecting her view of the offender to have improved, and said that instead it had worsened:

Not through restorative justice, no. No not at all, if anything it's made me think less of him. Because if it was me, and I had done something wrong, I would do everything I could to make amends...[but his declining to participate] has made me think "well - he's not sorry, he doesn't want to make amends, he doesn't want to try and right the wrongs."

This change in her view of the offender had at least partially positive consequences, as it lessened the extent to which she blamed herself for his sentence:

I did struggle a lot to begin with him being in prison, I was blaming myself and things like that. Where, to an extent I still do. But, not as much. Because he hasn't done a, b, and c to at least try to prove that he is remorseful.

As well as reducing self-blame, attempting to make contact with the offender increased the extent to which Casey saw herself as strong. This was despite – or perhaps because of – the fact that the offender's repeated failed promises could have been extremely damaging. At T1, she herself identified that risk:

I think the whole restorative justice is a risk, cos I still might not get what I want... It's a very open thing to do, very risky, and if you don't get what you want out of it then you're still where you are, but at least you've tried something.⁸⁴

⁸⁴ This was a comment made aloud after answering the written recovery survey question: 'I take risks to move forward'.

At T2, it was precisely having taken this risk, made decisions, and acted upon them that Casey associated with feeling stronger:

I feel that I'm more confident within myself because I've gone through the necessary channels, and I've tried my best. Yeah, I would say that just knowing that I'm doing what I can, has helped to bring me out if that makes sense?

Interviewer: Because it's something that you've decided to do yourself?

Yeah, because I'm just being proactive rather than just sitting on my hands, saying I want to do this, I want to do that, but never doing it.

By many measures, Casey experienced the worst possible version of an RJ process. Not only did the offender decline to take part, he did so after repeatedly leading Casey to believe that he would meet her – for which she prepared both emotionally and practically each time. Whereas this may have led to change in a negative direction on any of the five mechanisms, in fact Casey came out of the process with an increased sense of agency, decreased self-blame, and an overall improvement in wellbeing and satisfaction. She believed that these changes would have been greater if she had been able to meet the offender, although she volunteered the possibility that he might not have been able to answer her questions even if he had agreed to meet. Even though others in her situation might have interpreted the events as the offender having control over the process, Casey said it was having the opportunity to try that had helped her. She attributed her increased sense of wellbeing at least partially to an increased sense of procedural justice; having had at least some control over the process, and having been listened to and respected by the facilitator.

8.2.2 Sadie (#14a)

When Sadie was two years old, her older sister went to live with their father, and Sadie stayed at home with their mother. She learnt at the age of 12 that her father had sexually abused her sister over several years, and had also raped her mother more than 10 years previously (when they had been married). The offender was convicted of multiple counts of rape, and sexual activity with a child family member, and he received a 19-year sentence. Sadie

was not recognised by the criminal justice system as a victim, but was affected in a number of ways. She asked the Victim Liaison Officer (from the Probation Service) whether it would be possible to communicate with her father. Sadie said that the VLO 'didn't seem too keen on it', but nevertheless referred her to the RJ service.

Wanted: Procedural justice, Perception of offender

Experienced: Procedural justice, Perception of offender, Self-perception

Sadie had a relatively distinct two-part motivation for wanting to communicate with the offender: she wanted to have her say (procedural justice) and she wanted to 'figure out' who her father was (perception of offender).

Firstly, Sadie wanted to feel that she had a voice in a criminal justice process that had completely excluded her. She felt hurt by a process that had not properly considered the damage his abuse might have done to her:

I had one rubbish social worker come to me and say, you know, "Has anything happened to you?" and it was like "No", "Ok!" and it was like "Ok great".

She also felt that she had been excluded from the court process in which, she said, 'I think the judge mentioned my name once'. Her mother, Abby, summed this up when she said:

She hasn't had her say. Because [her sister] got to stand up in court, I got to stand up in court, she didn't even get... She thought [the offender] was this great dad.

When I interviewed Sadie the second time, she had written to her father and he had replied. Writing a letter made her feel that she had a voice in the process: 'I said what I needed to say.' Her ongoing control over whether to continue communicating with him also seemed important to her. When I asked her what had been good about the process, she replied:

He can only write when I say yes. And he can only receive a letter from me when I want him to. So it's very much me controlling everything. I think, that just lets me be comfortable with the whole thing.

Sadie's second main motivation was to understand who her father was:

I think about that a lot. Who he is, who he really is, and if he's completely crazy and doesn't have any emotion, or he does have emotion he's just ill... So I kind of want to figure him out a little bit.

Sadie said that this process was partly about wanting to say goodbye. At first, I considered whether saying goodbye might be a mechanism not covered by the five theories in this thesis. However, Sadie made it clear that what she meant by saying goodbye was getting to a point where he did not 'matter' as much. It would be by both 'having her say' and 'figuring him out' that she could get to a point where he did not matter to her:

It's very difficult to hate him. Or think, you know, "oh he doesn't matter". So I suppose I just want to be able to, like, reach a point where I can say "yeah I've said all I need to say, I'm done now" and then say goodbye.

When I interviewed Sadie at T2 she said that she had managed to 'figure him out', and that this had occurred through a combination of their letters and a meeting she had arranged (outside of the RJ process) with her father's current girlfriend. Sadie's mother, Abby, said that Sadie was pleased when she received the letter demonstrating his 'nice side' because it proved she was not 'going mad' or 'making it up'. Sadie said that meeting the father's girlfriend helped in combination with the letter, because it confirmed that his 'cruel side' was also very real. She felt she had been able to observe his cruelty through seeing the ways he treated his current girlfriend; by the fact that he was still maintaining his innocence and appealing the sentence; and that he (through the girlfriend) said some insulting things about Abby.

Sadie's goal of 'figuring him out' seemed intricately tied to processing how she felt about his sentence. Sadie told a story (that she heard from the offender's girlfriend) in which her father had spat in an older prisoner's sandwich. Her response was, 'All I could think is - he's one of them now, that's where he is. And that's where he belongs.' She spent quite a long part of the interview describing how his loss of liberty and small deprivations were punishment enough, and that – unlike her friends and family – she did not want to see him 'beaten black and blue'. Abby clearly

felt differently, so Sadie sounded like she was trying to convince her mother that his punishment was sufficient:

Not being able to go outside, and not being able to see his loved ones, and not being able to go to bed with his girlfriend at night and waking up in the morning together, or going for a walk. I think that is such a punishment.

Abby had said to me on the phone before I arrived for the T2 interview that Sadie ‘thinks he’s a scumbag now’. However, by her own account Sadie’s view of the offender was much more nuanced. Sadie said that the combination of the letter and the meeting with his girlfriend had confirmed three things: ‘who he was..., who he was to me, and who he is now’. When I asked her to tell me about each of those three elements, she responded:

Who he really was: a manipulator, you know, [laughs] a liar. Who he was to me: was this wonderful dad [laughs]. Because even though there wasn't much backing up what I thought - I was a kid and it was my dad. And that's how it was supposed to go. So yeah... And who he is now: [long pause] is a mixture of the two, I think. I think like, cos obviously now I know what, everything, like, he's done. I know what he's done. I know that he's spitting in people's sandwiches and I know what he's done to his girlfriend.

In addition, she also seems to have at least partially achieved her aim of ‘letting him go’:

But I just think who he is now isn't my problem [laughs]... I just think, like, I'm never going to know who he is... I'm never going to understand why he did what he did, and I could drive myself crazy thinking about it.

As well as fulfilling her stated motivation, Sadie also seems to have come out of the process with a changed perception of herself. Meeting with her father’s girlfriend gave her a sense of increased agency: ‘It did make me feel proud of myself, and stronger, and, I was bit shocked that I'd been able to do it without crying.’ At T1 she expressed concern that because the offender was her father, her perspective on violence might be distorted: ‘If he had like attacked someone right in front of me, or even me, would I have just thought, “That’s normal, that's ok”?’ At T2, she had gained a view of herself as a highly moral person, particularly with regard to sexual violence: ‘I'm like “that's wrong” whereas all my friends are like ha-ha they're just boys’.

In summary, Sadie's desire to have her say and understand who her father was seemed to have been fulfilled through communication with him, in combination with a meeting she arranged outside of the RJ process. In addition, she seemed to be more at ease with his punishment, and felt herself to be stronger and wiser. Despite these very clear outcomes, Sadie's mother Abby (who had done some research about RJ) said she felt guilty about taking up the time of the RJ facilitator, because it was not all about reconciliation:

Just because we haven't got a happy ever after, like you imagine it to be. Like the things I've seen on the telly are things like a bloke who beat someone else up, stole his wallet or whatever, and... they become friends. It's a whole different thing.

8.2.3 Nita (#20)

Nita had been swimming at her local pool, when she noticed a man's hand holding a phone and taking pictures of her over the top of the changing room door. The man was convicted of voyeurism (Section 67 of Sexual Offences Act), and received a community sentence with 35 Reparation Activity (RA) days. Nita mentioned to the police officer that she had questions for the offender, who referred her to TVRJS. The offender and his wife met with Nita about a year after the offence.

*Wanted: Procedural justice, Punishment, Prevention, Self-perception, Perception of offender
Experienced: None*

Nita was the only person who mentioned a desire for punishment at a T1 interview, saying 'I want him to feel a bit of what I felt'. When I asked her what kind of sentence she would have been satisfied with, she answered, 'For me, bring back the stocks [laughs]. In the market square. And then, I suppose you could have that bit of physical violence, throwing your tomatoes at them.' In the T2 interview, it became clear that her desire for punishment remained unmet. She said, 'he has got away with it' because the sentence was too light: '35 days of sitting having cups of tea, chatting', referring to the RA days. She also said that he 'let slip' in the meeting that his visa was

up for renewal, so she had since informed the home office that it was an 'immigrant crime', hoping they would not renew his visa. Her remaining vengeful feelings were still clear at the end of the process: 'If I was in my car, and I saw him, if I recognised him... I might end up with a dent in the car [laughs]. But I'm not like that.'

Nita's objective to see the offender punished seemed to remain unfulfilled at least partially because of a disagreement in the meeting about the type of sentence he deserved. Knowing he was American, Nita wanted him to agree that if he had committed the same crime in the USA, he would have got a higher sentence. This developed into a technical conversation in their meeting, and he disagreed that it would have been the case. We cannot know how she would have responded had he conceded that he might have received a more severe sentence in the USA, but it is important that victims' perceptions of punishment are a function of the offender's *attitude* towards the punishment as well as the actual sentence they receive. She did state that 'he may have found [the meeting] hard' and this seems to have been somewhat satisfying to her. At T1, Nita's expectations of the meeting seemed to be very high; she had been victim of a number of serious physical and sexual offences throughout her life, and seemed to want to meet this offender as a representative of others who had previously done her harm. In the first interview, after she had recounted several different incidents, I asked her,

Interviewer: ...Are you saying that if you had some answers about this one, it might make a difference in a bigger sense?

Well, just the fact that for once I would have got justice. But I haven't.

Linked to her desire to prevent reoffending ('I don't want him to do it again to anyone else'), and her desire to have her experiences of victimhood acknowledged, she also demonstrated conflict about her view of the offender. On the one hand she depicted the offender as classically high in agency, low in morality. On the other hand, she said that she did not really know and wanted to find out: 'I'm gonna keep pressing him, why he did it. And different questions, no, similar questions but worded differently. To see if I can get the sense that he's lying or not.'

Meeting with the offender does not seem to have met any of Nita's complex objectives. She did not believe his remorse was genuine, suggesting he was no less likely to repeat the offence. She was unsatisfied with the reasons he gave for the offence and saw them as excuses: 'he just said he's got demons in his head'. They had both been abused as children, but Nita did not accept this as a reason for his behaviour, nor did it seem to have the effect of humanising the offender: 'I was abused as a child and raped in my 20s, I've never considered using it as an excuse for abusing anyone.' The process does not seem to have helped her feel less of a victim; on the contrary, she said about the meeting: 'I feel in the end that I was violated a second time. By somebody who really isn't that sorry'. I clarified whether she thought the meeting had set back her recovery, and she responded only that it had been a 'waste of time. In some cases it might work, but I didn't think it did for me.'

An absence of change in Nita's view of herself (i.e. that she did not as a result feel a greater sense of agency), is related to her perceived lack of procedural justice. She said before the meeting with the offender, 'I'm wanting to do this because I think it will let me take back control.' Afterwards, she did not feel she had been listened to, and this seemed to be both influenced by, and an influence on, the degree to which she achieved her other goals:

I think [the facilitators] should have intervened a bit earlier... Cos they had asked them to be respectful and not interrupt. And they interrupted me straight away. And I didn't feel protected.

The negative effects of this meeting seem to have resulted in a vicious cycle. Nita was interrupted in the meeting, did not believe the offender was sincere, thought the offender just as likely to reoffend and did not feel that her experience as a victim was taken seriously. All of these elements may have reinforced one another. It is hard to know which of her statements she felt to be most true: that the process was only a 'waste of time' (i.e. that it did not cause her harm), or that she had been 'violated a second time'. While she was dissatisfied with various aspects of the process, it is the absence of punishment and of procedural justice that seem to be the most

significant contributors to her dissatisfaction. Before the meeting, one of her stated motivations was to find out whether the offender was lying. In the meeting, she concluded he was. It is perhaps unsurprising that someone who wants to find out whether someone is lying is in fact not neutrally seeking only to find out, but is actually hoping for him to tell the truth. Some people seem to benefit from finding out even when the answer is negative, but this did not seem to be the case for Nita.

8.2.4 Dorothy (#31)

Dorothy's son was stabbed multiple times and died at his home. Two men were convicted of his murder. They had both been known to her son before the murder, but not known to her personally. Dorothy was contacted about RJ approximately two years after the murder and declined. Eight years after the murder, prompted by her involvement in a prison-based victim awareness course, she self-referred to TVRJS. She was willing to meet both the offenders, but the younger one was unwilling to take part. The older offender agreed to meet her, and a meeting took place in prison.

Wanted: Prevention, Self-perception

Experienced: Prevention

Dorothy was willing to meet with both of the offenders, and was motivated primarily by helping them to 'learn something out of what they've done, and change.' She had worked as a nurse in prisons, and had been involved in a programme that links victims of crime with groups of prisoners to talk about their experience. She talked about how the offenders 'need help', but it is not clear whether she thought that she should be the one to help them:

They need help. Especially the, the younger one. I don't know why, I just feel that too many young people are in prison anyway, and they should be doing, you know, other things with their life, enjoying life, rather than being in there. It's not a nice place, and, I don't know, I just wish that, they were doing something more constructive to help themselves. You know, and being in there is not helping.

The quotation above raises the question of whether prevention as a motivation for communicating with the offender can be differentiated from a desire to ‘help’ the offender – i.e. demonstrating care for the offender’s wellbeing beyond the desire to help them desist. Dorothy said that she had already forgiven them both, and the purpose of the meeting was to express her forgiveness because ‘He don't need to, to, go through life feeling - oh these people hate me.’ She went on immediately to express doubt about this approach, however, saying, ‘I don't know. I keep putting myself in his place rather than thinking about what I should be doing’. Overall at T2, however, she did focus on the possibility that he would change. She said that she prays for him to ‘turn his life around’, and she told me what she said to him in the meeting:

I said, “I know it’s hard maybe being in there... but you can change, you can if you want to.” So he said he would.

There were two main ways in which Dorothy hoped meeting the offenders would affect her perception of herself. Firstly, she saw herself as a forgiving person. She seemed to experience cognitive dissonance when the prisoners she worked with asked her whether she had met the men who murdered her son, and this seemed to form a large part of her motivation to meet them and express her forgiveness. When I asked her whether she wanted to meet with them because of her Christian faith, she replied that it was in fact something more fundamental about who she was:

I think I still would have wanted to. I don't know if the, if the reason would be the same. But it might be. I'm thinking before I came to faith I was more or less the same. Faith has just strengthened the way I am, or the way I am has strengthened, I don't know. But I suppose one strengthens the other.

After the meeting, Dorothy asked herself ‘Does it mean you didn't love your son? Does it mean that his life was futile, you know? Did his life mean nothing; that somebody took it away, and then you forgive that person?’ However, she concluded that forgiveness was the only possible route for her, because of her faith and because of who she is: ‘I wouldn't be the type of person who would say, “right I'll get a gang or somebody to go and beat you up”.’

The other way in which Dorothy hoped to change her perception of her 'self' was in fact to find out whether her son had provoked the offence or not. This is the only case in which a victim's self-blame was actually directed at someone else. I include it here in self-perception, however, because Dorothy describes her son as somewhat an extension of herself. She talked about her own childhood experience of poverty and limited options, to which she saw education as the solution. As an adult, she continued to see education as key, and sent her son to public school. However, he rejected the life she wanted for him and moved to another area, which she feels brought on the trouble he experienced. She was angry with him for doing so, and seemed to be struggling with whether to blame him for what happened:

[My son] went to a public school since he was eight, he was quite bright... I felt that was a waste of talent, life. So, I would be more angry with [my son] staying there.

At T2, she said that the story the offender had told her at the meeting did not match what she had heard in court, and that she did not believe it. For this reason, it did not provide any insight into her son's role in his own murder. When I asked her whether she now understood why the offence happened, she returned to what the police had told her, 'I think, the detective said initially, the only thing he could put it down to was a robbery went wrong.' At T2 she minimised this goal for participating as it had not been fulfilled, and she seemed to prefer to focus on the things she *had* achieved through the process. This is an example of how people's motivation can affect their subsequent interpretation of events (Deci & Ryan, 2000), and a situation in which a post-hoc interview would not have revealed the full extent of Dorothy's motivation for participating.

Dorothy saw the offenders as low in agency because of their upbringings, and believed that their actions might be explained by their situation: 'we don't know what we would do in any given circumstance'. At T1, she suggested that it was important to her to find out whether it was pre-meditated (and thereby malicious, intentional) or was the result of a fight:

I could understand if there was a fight, somebody had a weapon, and they used it in a rage, and the other person got killed, or one hit the other, and the other person got killed, and, that you can, you can sort of, you know put it in, in its little box. But to be stabbing somebody several times...

As mentioned above, Dorothy did not believe the explanation given by the offender at their meeting. Therefore, her perception of the offender's agency did not change. However, her perception of his morality increased through meeting with him: 'Now I know that I have been talking to a person. And, there was no outburst; instead he broke down. So he has feelings.' She was clearly looking for signs of good in both offenders, and was willing to see it where others might not. She took the older offender's decision to meet her as a sign of his morality, but she also took the younger offender's decision *not* to meet her as a sign that he had empathy, saying that his 'better upbringing' meant that 'maybe for him it would be harder to face a parent'.

Dorothy is a rare example of someone who did not seek to be fulfilling procedural justice objectives by taking part in RJ. She had initially had very low expectations of police fairness, but was pleasantly surprised by the amount of work the police put into the case:

I mean I said it to the detective, I said "well, it's a black on black crime, I don't think you're going to do anything then are you?"... [But] afterwards I wrote them a letter thanking them, cos when I went to court I saw so many boxes, and boxes of, you know, information, records, and all those things, and I thought, oh my goodness, the amount of work that goes into bringing somebody into a trial, it's unbelievable, you know.

Having felt that she was treated fairly by the justice system, Dorothy did not mention wanting to have her say, take control or any other procedural justice objectives, nor did this seem to be a factor in her assessment of the meeting after it had taken place.

In summary, Dorothy's perception of the offender's likelihood of reoffending and her perception of herself both changed as she had intended them to, through meeting with the offender. She did not manage to find out why the offence had occurred, meaning that she was unable to understand her son's role in the event, or to understand the extent to which it had been intentional on the part of the offender. Nonetheless, she identified signs of morality in the

offender, and came away pleased that she had at least tried to help him see the benefits of a crime-free life.

8.2.5 Francis (#36)

Francis was robbed and beaten by a group of teenage boys. He was targeted because of his transgender identity, and sustained serious head injuries resulting in a brain haemorrhage with long lasting effects. Two of the boys were convicted of hate-motivated robbery and theft, one received a six-year sentence, the other a two-year sentence. Francis had known of some of the boys from the local area before the attack. Francis was contacted by the RJ service because the possibility of RJ had been mentioned in court when the older offender (aged 21) showed remorse. Francis was willing to meet with both offenders, but the younger, so-called 'ringleader' was unwilling to take part. The older offender, who was still serving his two-year sentence, agreed to two meetings with Francis, as well as the exchange of several letters.

Wanted: Procedural justice, Prevention, Self-perception, Perception of offender?

Experienced: Procedural justice, Prevention, Self-perception

Francis spoke about his desire for prevention as an intense personal need to do something as a response to the crime: 'I want to do something, like, even if it's by stopping that boy from doing that again.'⁸⁵ He said he would be willing to meet both of the offenders because it was worth trying, but he was more convinced that the older one would be able to change:

I think certain people can be rehabilitated, and certain people should be just put on an island to make blankets for poor people, do you know what I mean? Like, I don't know if [the younger ringleader] can be helped. But [the other one] can.

⁸⁵ He also spoke in similar terms about having agreed to take part in the research: 'Doing this makes me feel like I'm doing something. To help towards any research that you need.'

After he had met with the offender twice, Francis seemed conflicted about whether the meetings had prevented reoffending, and how involved he personally wanted to be in the offender's rehabilitation. At one point he said, 'I don't want to be his life', but then also explained how he wanted to continue writing to the offender, he wanted them to work together as a warning to others, and potentially to even be the male role model the offender never had.

Francis' desire to be involved in the offender's rehabilitation is closely linked to his perception of himself. A large part of his self-identity was helper or mentor (for example, he mentioned numerous times that he had been a drug and alcohol worker). It was perhaps for this reason that it was important to him not just that the offender stopped offending, but that he should be instrumental in the change:

Interviewer. How likely do you think he is to commit offences in the future?

[long pause] God. Honestly, I think he might. Without my help, and him coming to sit with me in places like this, do you know what I mean, I want him to lay back, have a little barbecue, like sit with the dogs, that's what I want. But his realisation of things, I don't. I'm scared. I'm scared.

Being a supporter/helper/mentor to the offender also seemed to be a route away from a victim identity – a means by which to see himself as higher in agency and morality. Francis had been attacked multiple times throughout his life; he told me that frequently throughout his childhood boys would challenge his identity as a transgender boy by saying he should fight 'like a boy' and attacking him. He also described himself as a victim of the criminal justice system (because the police had not protected him, and they had also recently arrested him). A significant change in his perceived lack of agency occurred when he found out from the offender that the other offender (the 'ringleader' who declined to meet him) had committed other offences before. Shifting his perception of the offender to a more simplistic 'criminal' image enabled him to feel less characterological self-blame:

It makes me realise how evil [the ringleader] is... I'd thought, in my head, that I was the only victim he'd ever had. But it wasn't the case.

A large proportion of both interviews consisted of Francis voicing an internal debate – beforehand he repeatedly questioned how someone he had known as a child, and who demonstrated remorse in court, could have done such a thing:

But, just cos he's had a shit childhood, I had a shit childhood. You can still do something positive with your life.

After his two meetings with the offender, Francis' debate centred on whether the offender had been honest in the meetings and letters. Francis said that he admired the offender's honesty, but then also expressed doubt as to how honest he really was. He displayed a paternal, caring attitude towards the offender, and was shocked when he heard the offender had thrown urine at a prison officer, perhaps because it did not fit the positive image of the offender that he was trying to create. Even after two meetings and several letters, he was not satisfied that he knew the offender's true character. He told me about a chance meeting with an ex-prison mate of the offender's. Francis said 'I just found myself giving him money and grilling [the ex-prison mate], to kind of find out if [the offender] was bullshitting me I suppose.'

In the T1 interview, Francis expressed displeasure about the length of sentence the boys had received, but dealt with this by focusing on their loss, and a belief that they would get their comeuppance eventually. He said about the sentences, 'They're out in 5 minutes, realistically, for what they've done', and he was unhappy that only two of a larger group of offenders had been brought to justice. Yet he focused on the extent to which they had been punished: 'When I'm out with the dogs, and I'm up in the countryside, I do say to myself "I've got this. They've not got this."' He also displayed a belief that justice would come to them at some point in the future: 'I cannot be angry about it...because when they come out, they are going to really, really upset the wrong person.'

After having met the offender, he seemed equally dissatisfied with the sentences, if not more so. He compared the consequences of the offence for himself, with the consequences for

the ringleader: 'By the time he's, like, this time next year he'll have a life, and he'll only be 19. I won't have a life.' Hearing the other offender talk about how hard the prison sentence had been did not seem to reassure him that he had been sufficiently punished. Instead he indicated that it was difficult to hear him complain about the sentence, given his own experience:

How can somebody make another person feel belittled, undermined, battered, assaulted, never be the same person again. And you feel like you're hard done by because you got two years?

At the first interview, Francis wanted to achieve procedural justice: to have a voice, some process control and to feel respected. When I met with him afterwards, he reported that he had achieved this sense of control early in the meeting. Unlike many other participants who simply did not mention or did not ascribe much importance to the process (perhaps taking it for granted once it was complete), Francis described the precise moment in which he felt he took control. He told me he had said to the offender, "I'm gonna cut you off dead"... it was me telling him that he didn't have the power to win, he wasn't telling the truth, he didn't know the facts.'

In summary, Francis was motivated primarily by preventing the offender from reoffending. Although he had serious doubts about whether this had been achieved, he continued to talk about working with the offender. The importance of this for him seemed to be because his role in preventing reoffending was closely tied to his perception of himself – his need to be a mentor or supporter rather than a victim. Both his self-perception, and the degree to which he thought the meeting would stop the offender from reoffending, were somewhat dependent on his perception of the offenders. After the meeting, he still did not seem to know how to categorise the offender, although his view of the other offender as straightforwardly 'evil' seemed to help reduce characterological self-blame. He did have a sense of having experienced procedural justice, which was also related to his perception of his own agency.

8.2.6 Faye (#29)

Faye was a victim of sustained sexual abuse by her older brother for 11 years during her childhood. She had told some family members when she was a teenager, but they did not encourage her to report it to the police. Several decades after the offences, without prompting, her brother apologised to her but did not give her the opportunity to respond. She subsequently contacted Victim Support, and explained that she wanted to have a longer conversation with him. Victim Support referred her to TVRJS, who communicated her request to him. Faye proposed a meeting as an alternative to reporting him to the police, and he agreed to meet.

Wanted: Procedural justice, Punishment, Self-perception

Experienced: Procedural justice, Self-perception

At first glance, punishment does not seem to have been Faye's motivation to communicate with the offender. On the contrary, she talked about offering grace, forgiveness and mercy, and she offered to meet the offender as an alternative to reporting him to the police. However, when I asked her whether she had any desire for revenge, she replied that achieving justice was a priority for her. At T1 she described justice primarily as acknowledgement from the offender:

The desire for revenge is not there. Desire for justice is absolutely there. Absolutely.

Interviewer: So do you think you will come out the other side of [the meeting] and think "Ok, justice has been done?"

Yep, absolutely. Absolutely, yeah. That's absolutely, for me, it's the, it's acknowledgement that you [the offender] did it. And I need you to see the reaction, because you're just living in this little fairy, fairy land.

Afterwards, Faye was very positive about the meeting. She said that she had felt 'very happy afterwards', 'relieved' and 'pleased'. However, she also said that the meeting had *not* fulfilled her desire for justice:

I think restorative justice is great... [but] I wouldn't advocate it for before it goes to court.

Interviewer: So if you were to advise someone else...

I'd say actually go to court first. And then go to restorative justice. So you've got justice.

Whereas Faye had previously thought that acknowledgement from the offender would constitute justice, this was clearly not the case for her. She said that in the meeting he *did* acknowledge what happened and the impact it had on her. However, from her perspective 'justice' was still lacking.

The process does not seem to have changed her views of whether he would reoffend, but nor is this something she had explicitly said she was hoping to achieve. She stated that she worked in safeguarding, and gave this as the reason she was able to name the abuse so many years later, and the reason she wanted to do something about it. However, she never explicitly said that she thought the meeting might stop him doing it again, nor did she compare the preventative capacities of an RJ process with reporting to the police.⁸⁶

The meeting did not seem to greatly affect her view of the offender, which was already complex beforehand, and remained so afterwards. Despite all the positives she had gained from the process, and the ways in which he had demonstrated remorse, she said: 'Even now he will sully my name, to make himself - he's got to make himself look ok, by continually, and that's what, that's what abusers do, you know, to keep their power, that's what they do.'

The positives of the meeting seemed to be achieved through fulfilling Faye's desire for procedural justice, and changes in her perceptions herself. Before the meeting she said that 'It is about me being able to voice it.' Afterwards she very explicitly said that had been achieved:

When you go through the criminal system, your voice isn't heard. So, in that regard. At least with the restorative justice then yes you could, your voice is heard.

⁸⁶ As interviewer I wanted to ask directly whether she thought a meeting would stop him from doing it again, but at the time was worried it might sound judgemental, and that it would imply I thought she should have gone to the police. I was particularly concerned that I would imply this, because I do in fact think she should have gone to the police. I therefore avoided this line of questioning as a way to ensure that I remained impartial and independent.

As with several others, this increased sense of agency in the process was linked to her overall self-perception. She said that she was 'quite proud of myself for doing it, cos it's not an easy thing to do.'

Before the meeting, she had also said that she was hoping it would reduce her self-blame; that is, that it 'would be about just, him taking responsibility for his actions, and actually, almost freeing me from the load of guilt, which was involved with what went on.' She also wanted to take part to demonstrate to her family that some elements of her personality and lifestyle were not evidence of a bad character, but were actually a result of the abuse:

I need to justify how I am, because of what his actions, what he did, and it was over a long-term. So it has affected me different ways, or what-have-you. Which, I've been shunned by my family because of it.

She described a somewhat unusual turning point in the meeting, when the offender praised her for having gone to university, and she says 'I broke down at that point. And that's when he got it. That's when he broke.' When I asked her why that was such an important moment, she replied, 'Because I think he realised, that my self-esteem was just such, is so low. I, I don't think he'd realised it.' This seemed to be significant because it signified acknowledgement that what she called the 'way I am' was at least in part a result of the abuse. His recognition of her achievement also seemed significant because in some ways he could speak on behalf of the rest of the family.

The limits to the success of the meeting seemed to be a result of the complicated relationships with the rest of her family (primarily her mother). She seems to have expected acknowledgement from the family (which was not forthcoming) and that the family might, if not punish him for his actions, at least stop punishing her. She had hoped that after the meeting they could negotiate an arrangement by which she could see her family. Instead, she said at T2,

I've given him something [by meeting with him instead of going to the police]. And now I'm being punished for it. I mean totally isolated from the family. He's been involved in the family. And I haven't.

Faye said her family treated her as if she were the offender and her brother the victim. Before the meeting she suggested this might change through meeting with her brother, because they would not be able to accuse her of breaking up the family by going to the police. However, it was clear after the meeting that this had not been achieved. As acknowledgement by family was also mentioned by a few other victims (e.g. Michelle), I considered whether this might be a mechanism or part of a mechanism by which benefits are produced for the victim that I had not already considered. However, 'acknowledgement by the family' seemed to function much more as an active ingredient – where it was absent, it was harder for the victim to achieve goals such as feeling stronger, but it was not impossible. It was also external to the victim and largely out of their control.

8.3 Discussion

In this section I discuss the patterns of motivation and outcomes apparent in the six case studies presented here, drawing also on the other nine cases where both a T1 and T2 interview was conducted.

Dorothy and Francis both seemed primarily focused on prevention, particularly the reduction of recidivism (rather than preventing their own re-victimisation). This focus was also present for four of the other victims who were interviewed at both T1 and T2 (Philip, Owen, Rachel and Rose). In all six of these cases, victims described wanting to participate for what Van Camp (2017) called prosocial reasons. These six formed a relatively distinct group from the other nine cases, who in general did not mention a desire for prevention (with the exception of Nita who will be discussed shortly). In all six cases, the desire to act for the benefit of society was clearly linked to their view of themselves as morally good people. This ranged from feeling that they ought to fulfil a duty to society (e.g. Philip, Owen and Rachel), to using a mentor/helper identity as a

way to escape a victim identity (Francis), to describing Christian forgiveness as a fundamental part of the 'way I am' (Dorothy and Rose).

In most of these cases (where the victim was able to communicate with the offender), the participants also seemed satisfied that they had at least tried to prevent the offender from reoffending, although no one was confident that they had definitely succeeded. Some of the other outcomes were anticipated (for example Francis, who also sought and experienced an increased sense of procedural justice), whereas others were unanticipated. Philip, for example, said that the process was unexpectedly (although only slightly) cathartic for him because:

I got my five minutes of just: "you have messed, you have made my life so much more difficult, because of your, because of your crappy choices".

In one of these cases, the victim was motivated by prevention (at T1) but was unable to communicate with the offender. When the offender declined to meet her, Rose described at T2 that her motivation for participating had changed from prevention to achieving a sense of procedural justice and a view of herself as a strong person:

The tables have turned. I suppose in a way at the moment I couldn't give a toss about him, to be honest. Totally honest. But I want to be able to, for my own closure, I want to say what I want to say to him.

Thus, while all five who were able to communicate with the offender said they had (at least partially) achieved their goal of preventing reoffending, Rose readjusted her expectations of the process when she realised this would not be possible. She said that this had been a difficult process for her, and that as a result she had instead 'worked quite hard on [her]self', with the help of a counsellor and the RJ facilitator. Babrow (1992) noted that when people who seek certainty are unable to attain it, they 'sometimes reframe their uncertainty as a test of character or as a chance for self-exploration.' This suggests a need for better integration between RJ services and victim services, especially for those who, unlike Rose, are unable to afford or may not seek support such as counselling. This recommendation is far from new (Marshall & Merry, 1990; Mika, Achilles,

Halbert, Amstutz, & Zehr, 2004; Wemmers, 2002) but remains frequently unimplemented, and will be discussed further in Chapter 10.

Casey, Sadie and Faye suggested that their primary motivation was to achieve a sense of procedural justice, but that this was intricately linked with their views of the offender and/or of themselves. A further five of the other cases interviewed at T1 and T2 also displayed the same cluster of these three related motivations (Kathy, Willow, Michelle, Kaitlyn, Lisa). In all of these cases, victims had relationships with the offender prior to the offence. This cluster of three different types of motivation makes sense given the ways in which they are logically connected - feeling listened to and respected is linked to feeling stronger and less to blame for the offence; feeling stronger and less to blame is linked to feeling confident about their view of the offender (making their future behaviour more predictable). This cluster of motivations tended to incline primarily towards either the view of the offender (e.g. Sadie 052) or of the self (e.g. Casey), but often incorporated at least a part of both. Faye, who had hoped that a meeting with her brother would act as a replacement for the criminal justice system, had similar motivations to the rest of this group regarding procedural justice and self-perception. However, at T2 it became clear that she had also expected a certain degree of punishment, which was not forthcoming.

Did the victims who were motivated to participate by this procedural justice/self-perception/perception of offender cluster succeed in achieving their goals? The answer, at least among the participants I was able to interview at both T1 and T2, is yes. Sadie and Casey, despite their very different experiences, not only achieved the two of these three goals that they set out to achieve, but both commented that they had also achieved the unanticipated third. Both of them found that developing a sense of certainty about the offender helped enhance their self-perception. Four of the others in this group found that participating in an RJ process helped achieve at least a partial sense of procedural justice (although limited by the offender's ability to decline), that they developed a sense of certainty about the offender and in most cases an increased sense of their

own agency and morality. Michelle was the most ambivalent about these achievements, saying both that meeting the offender had not made her feel better, yet also describing some significant reductions in trauma symptoms: 'I'm not afraid of him anymore... I feel like that's gone. And I feel like, the flashbacks are just less frequent.'

Lisa was the only participant who did not experience any of the cluster of three outcomes. She said that she did not feel she had enough control in the process and that she was not listened to (by the offender, who did not answer her questions in the letter he wrote). It is perhaps for this reason that she also experienced little to no improvement in her self-perception or her certainty about the offender.

Finally, Nita had an unusual pattern of motivation, in that she seemed to be seeking to meet all five objectives. She was also the only participant who felt their objectives had been entirely unmet by a meeting with the offender. The question arises, therefore, whether Nita's desire for all five objectives proves that the two distinct clusters of motivation identified above are spurious; perhaps another group of victims might not fall into these two distinct camps. Another interpretation could be that it was precisely because her objectives were too numerous and her expectations were not well managed that the meeting with the offender failed to meet her needs. Perhaps her punitive motives led her to behave as a 'victim in opposition', a term used by Jacobsson, Wahlin, and Andersson (2012, p. 242) to describe victims who enter dialogue with the intention of being competitive and/or confrontational. Or maybe she was unwilling to let go of her victim identity. In short, there are too many potential reasons for the 'failure' to determine the cause. However, it does seem to be the case that if the facilitators had a more structured theoretical framework for helping Nita talk about and prioritise her objectives, such as the one I have proposed in this thesis, she might have gone into the meeting with more achievable and realistic goals.

8.4 Conclusion

This chapter has demonstrated that victims value different combinations of the five objectives. Table 8.2 shows the main pattern identified in this chapter, that some people seem primarily motivated by prevention (upper section of the table), and some people seem primarily motivated by a cluster of procedural justice, perception of offender and self-perception motives (lower section of the table). It also displays the occasions on which victims did not feel that their objectives had been fulfilled, or felt that some unexpected objectives had been fulfilled.

Most of the time, participants who had a particular motivation at T1 felt that this motivation had been fulfilled at T2. Sometimes, however, particular goals remained unfulfilled. In some cases, the unfulfilled goals seemed to have simply been ‘forgotten’ by T2, especially where other goals had been fulfilled (e.g. Dorothy). In other cases, however, people needed help with interpreting and making sense of the experience in order to make positive gains despite unfulfilled goals. Rose, for example, was able to shift her goal from prevention to self-perception when the offender declined to take part, but only with help from the counsellor she was paying for. If she had been unable to access such support, the process may not have been so positive. Certainly, in some of the cases here, unfulfilled goals were a source of dissatisfaction (e.g. Faye and Nita).

This chapter suggests that victims did not tend to think witnessing the offender’s punishment was important, and the few who wanted to achieve this objective were disappointed. The potential reasons for this were discussed in Chapter 7 (see section 7.4.2), but its absence here certainly raises questions about the role of this mechanism. The findings here also suggest that there is strong relationship, and maybe a significant overlap, between procedural justice, self-perception and perception of offender. In the following chapter, the findings from this chapter are discussed alongside those from Chapters 4 – 7 to consider the explanatory power of the theoretical model, and the questions of whether the five mechanisms are necessary and sufficient.

Table 8.2

Summary of motivation and outcomes for all cases interviewed at T1 and T2

	<u>Punishment</u>		<u>Prevention</u>		<u>Procedural</u>		<u>Offender</u>		<u>Self</u>	
	<u>Motive</u>	<u>Outcome</u>	<u>Motive</u>	<u>Outcome</u>	<u>Motive</u>	<u>Outcome</u>	<u>Motive</u>	<u>Outcome</u>	<u>Motive</u>	<u>Outcome</u>
Rachel #22a			☐	✓				✓		
Owen #22b			☐	✓						
Philip #28			☐	✓				✓		✓
Dorothy #31			☐	✓					☐	✓
Francis #36			☐	✓	☐	✓	☐	X	☐	✓
Rose #10			☐	X	☐	X			☐	✓
Kathy #24					☐	?	☐	✓	☐	✓
Willow #04					☐	X	☐	✓	☐	✓
Michelle					☐	✓	☐	✓	☐	✓
Kaitlyn #07					☐	?	☐	✓	☐	✓
Lisa #13					☐	X	☐	X	☐	X
Sadie #14					☐	✓	☐	✓		✓
Casey #11					☐	✓		✓	☐	✓
Faye	☐	X			☐	✓			☐	✓
Nita	☐	X	☐	X	☐	X	☐	X	☐	X

Key

- ☐ = Fulfilling this objective was part of their motivation for participation
X = Did not achieve this objective
✓ = Fulfilled this objective, when expected
✓ = Fulfilled this objective, unexpectedly
? = Not sure

Chapter 9: Discussion

In this chapter I discuss the findings from Chapters 4-8, and whether they bring us any nearer to understanding how victims benefit from communication with the offender. What do victims' expectations and experiences of psychological change reveal about the mechanisms by which RJ 'works'? Before victims choose to step inside the 'black box', can we tell them what is inside?

Scholars have made clear that we still know very little about the contents of the black box. Tyler noted in 2006 that the psychological mechanisms underlying RJ remained 'unexamined' (p. 317). In 2013, Strang, Sherman, Mayo-wilson, Woods, and Ariel said, 'no tests have yet compared competing or complementary theories of why [RJ Conferences] can affect offending behavior and victim outcomes' (p. 9). As recently as 2016, Daly wrote that it is impossible to identify 'the actual workings and effects' of RJ because the intervention 'subject to empirical study' has been so poorly defined (p. 22).

In Chapter 2, I collated into five categories the existing theories by which victim-offender communication might produce outcomes for victims. The aim of this thesis is to interrogate these theories, and discover whether they are fit for purpose. Victims usually have more than one kind of motivation to participate, and experience more than one type of psychological change when they communicate with offenders. For this reason, the five theories were considered complementary rather than competing – it is possible for all five, none of the five or some combination of the five mechanisms to be engaged at once. The purpose is not to interrogate the mechanisms with the aim of choosing one over the other four, but to assess whether the five mechanism theories together explain how victims benefit from communication with offenders.

In the first part of this chapter I consider each potential mechanism in turn, and interrogate the evidence from the five original research questions (set out in Chapter 2) that each is indeed a mechanism. This is not the end of the enquiry, however, because to assess the explanatory power of the five mechanisms, a few additional issues must be addressed. First, are all five mechanism theories necessary, and if so, what is the relationship between them? Perhaps some of the mechanisms are in fact describing the same change, and the same degree of explanatory power could be achieved with fewer than five mechanisms (section 9.2). Second, are the five mechanism theories sufficient? Perhaps there are other changes in victims' psychological states that occur during communication with the offender but are not accounted for by the five mechanisms (section 9.3). Third, and finally, this thesis has focused on whether the mechanism theories explain *how* communication with the offender may benefit victims, but some evidence gathered along the way sheds light also on *when* it might have benefits for victims. These findings will be discussed briefly in the last section of this chapter (section 9.4).

9.1 Evidence for the five mechanisms

To address the issue of whether each of the five mechanism theories does truly constitute a mechanism, I turn to the evidence gathered in answer to the five original research questions:

1. Do victims' perceptions predict appetite for communication with the offender?
2. Do differences in victims' perceptions explain the relationship between other predictors (e.g. nature of crime and group identity) and victims' appetite for communication with the offender?
3. Are victims motivated to communicate with the offender by wanting to change their perceptions?
4. Does communicating with the offender change victims' perceptions?
5. Do victims attribute other outcomes (e.g. feeling better) to a change in their perceptions?

For each mechanism, I consider how the evidence from Chapters 4-8 reinforces or challenges the evidence from the existing literature presented in Chapter 3.

9.1.1 Perceptions of procedural justice

As discussed in Chapter 3, a considerable amount of evidence already exists that a change in victims' perceptions of procedural justice might be a mechanism by which communication with the offender benefits victims. Previous studies have demonstrated that if victims value having a voice, they are more likely to want to communicate with the offender (V. Braithwaite et al., 2013; Paul, 2015b), and victims explicitly say it is one of the reasons they want to participate (Hallam, 2015; Hoyle, 2002; Strang et al., 2013). In addition, some studies have shown that victims' sense of having experienced procedural justice increases through participation in an RJ process (Miller & Hefner, 2015; Strang, 2002; Van Camp, 2017; Van Camp & Wemmers, 2013), and that this is related to their level of satisfaction with the process (Beven et al., 2005; Wemmers & Cyr, 2005, 2006).

This thesis has provided additional evidence that a change in victims' perceptions of procedural justice is a mechanism by which victims benefit from communication with the offender. In Chapter 4, victims having experienced a deficit in procedural justice (i.e. reporting that the police treated them unfairly), predicted victim willingness to meet with the offender. This rules out the possibility that a correlation between the desire for procedural justice and communication with the offender (e.g. V. Braithwaite et al., 2013; Paul, 2015b) can be explained entirely by individual differences. While it may be true that some people simply value procedural justice more than others - and that these same people also tend to want to communicate with the offender - this is not the full story. If people's *experiences* of procedural justice also affect their choice, then it is likely they expect to compensate for a lack of procedural justice in previous experiences by communicating with the offender. In Chapter 5, a deficit in procedural justice also partially mediated the relationship between the impact of the crime and willingness to meet; those who experienced a

greater impact were less likely to feel the police had treated them fairly, and this in turn led to a greater willingness to meet the offender. Similarly, a deficit in procedural justice partially mediated the relationship between the victim having a disability and willingness to meet; those with disabilities were less likely to feel the police had treated them fairly, and this also led to an increased willingness to meet the offender. In Chapter 6, if victims expected a meeting with the offender to result in fair treatment, respect and a voice, they were more likely to want to meet the offender.

In Chapters 7 and 8, most people who wanted to meet the offender felt they had not experienced a sense of procedural justice through the court process.⁸⁷ Many of these victims were hoping that taking part in an RJ process would enable them to have a voice. Having a voice was closely linked to an increased sense of agency (self-perception) and their ability to find out about the offender (perception of offender), and the overlaps between these three mechanisms will be discussed further in section 9.2. The handful of participants who did not mention wanting to *increase* their sense of procedural justice as part of their motivation for communication with the offender nevertheless seemed to expect that an RJ process would deliver a minimum level of procedural justice.

Most of the victims who were motivated to communicate with the offender in order to have a voice felt afterwards that this had been achieved. They did not tend to link it explicitly to other outcomes – only a few people said they felt better *because* they had a voice – but most people seemed to consider it an achievement in its own right. In some cases, even where the offender had refused to take part, victims felt the process had been fair. However, some of these cases were also the starkest examples of a perceived lack of procedural justice; when the offender declined to

⁸⁷ This is unlikely to be specific to victims who want to communicate with the offender, as Chapter 6 showed that almost all of a (somewhat randomly selected) sample of victims did not feel they had achieved a sense of procedural justice either.

participate, victims tended to feel that the offender had a disproportionate and unfair amount of control over the process.

In conclusion, then, the evidence in this thesis supports previous studies, that one of the mechanisms by which victims benefit from communication with the offender is by increasing (or at a minimum maintaining) the degree to which they feel they have experienced procedural justice. Compared to the other mechanisms, victims also valued the intermediate outcomes associated with procedural justice in their own right, even when they did not lead to wider outcomes (e.g. improvements in wellbeing). Where experiencing procedural justice does lead to overall satisfaction and wellbeing, this may also be a result of links to victims' perceptions of the offender and of themselves, explored below in section 9.2.

9.1.2 Perceptions of punishment

Many people have argued with Zehr's (1990) original proposal that RJ is a paradigm shift away from retributive justice (e.g. Daly, 2016; Duff, 2002; Young & Hoyle, 2010; Zedner, 1994). Defining punishment as the imposition of something burdensome (Duff, 2002; Zedner, 1994), there is now some consensus that RJ processes can also be punitive, although the degree to which it is *always* punitive, or *should* be punitive remains contested. Such studies imply that the punitive nature of RJ processes could be one of the reasons that victims derive satisfaction from them, but to my knowledge this has not been proposed formally as a theory of how RJ benefits victims.

The limited existing studies on victims' attitudes towards punishment in RJ processes suggest that it is relevant to the choices victims make, but no clear pattern emerges as to its role. Some studies found that the value participants placed on punishment did not predict willingness to meet with the offender (Paul, 2015b) or that people only opt for RJ once punishment goals have been met elsewhere (Gromet & Darley, 2009a). However, other studies found that communication with offenders led victims to feel less vengeful and less angry (Sherman et al.,

2005; Strang, 2002; Strang et al., 2006), because they had the opportunity to express their anger (Van Camp & Wemmers, 2013) and felt the offender had been held ‘accountable’ (Poulson, 2003).

This thesis has identified evidence for the punishment mechanism that mirrors the pattern of evidence identified in previous studies – there was clearer evidence that perceptions of punishment *change* through communication with the offender, than that a desire for punishment *motivates* participation. If victims were motivated to communicate with the offender by their perceptions of the offender’s punishment, this seems to have occurred at the level of victims’ emotions rather than their conscious thoughts. It also seems to be primarily their emotions about punishment, rather than their conscious thoughts, that changed through communication with the offender. This is consistent with studies showing that judgements about punishment usually take the form of intuitions rather than reasoned judgements (Darley, 2009) and that one of the reasons people punish in interpersonal scenarios is that they expect it to improve their mood (Carlsmith, Wilson, & Gilbert, 2008).

Anger does not exclusively mean that the victim wants punishment, but the two responses are closely connected, as demonstrated in Chapter 6 where the extent of victims’ anger was strongly correlated with the importance they assigned to punishment. Anger is defined by some as a ‘retributive impulse’ (Darley & Pittman, 2003) and is part of a cluster of emotions (including disgust and contempt) termed ‘moral outrage’ which is a common response to injustice (Bastian, Denson, & Haslam, 2013). In Chapter 4, victims who had been angry were more likely to want to meet the offender. In Chapter 5, anger partially mediated the relationship between violence, impact, disability and willingness to meet the offender. In Chapter 6, anger also correlated with willingness to meet, although it was not a predictor when controlling for expectations of procedural justice and perceptions of the offender.

In Chapter 4, the somewhat crude measures of whether victims believed punishment had been administered predicted victim willingness to meet (i.e. police identification of the offender

and the police having taken action). In Chapter 6 the more robust measure of the extent to which victims felt the offender had been punished did not predict willingness to meet, although this may have been because very few people in the sample felt that punishment had been achieved at all. In Chapters 7 and 8, many of the participants mentioned at T1 that they were dissatisfied with the offender's punishment and were angry, but did not tend to ascribe communication with the ability to make them feel or think differently about the offender's punishment. Many people at T2 said they felt less angry about the crime as a result of meeting the offender, and a significant minority suggested that they were satisfied with the RJ process because it gave them the opportunity to witness or impose a degree of punishment upon the offender. Overall, then, the evidence for this mechanism was somewhat weaker than for the other mechanisms. However, from the role of anger and the experiences of victims who witnessed or imposed punishment, we can conclude that a change in victims' perceptions of the offender's punishment is a mechanism by which communication benefits victims.

Space does not allow for a full discussion of all the philosophical and theoretical implications of this conclusion, but one important issue is whether changes in victims' feelings are achieved only through victims *witnessing* punishment, or whether they can (or should) be achieved through victims themselves *imposing* punishment on the offender. Von Hirsch, Ashworth, and Shearing (2003) write that RJ is inevitably an 'imposition' on the offender because 'the offender is called to account for his conduct [and/or] faces possible deprivation of his rights or interests' (p. 26). In agreement with this view, the evidence in Chapters 7 and 8 suggests that victims who took part wanted to call the offender to account (e.g. through describing the impact of the crime, or having questions answered), and very many of them were explicitly aware that this would be burdensome to the offender. Several participants also thought that communication with the victim should be compulsory for the offender.

From the victim's point of view, therefore, communication with the offender changes victims' feelings about punishment not only by allowing them to witness punishment administered by the state, but also by allowing them to participate in its administration – ranging from simple participation in a meeting to actively trying to make it burdensome for the offender. Offenders may experience substantial benefits and current RJ practice requires that offenders participate voluntarily. Yet a process can be both beneficial and burdensome; and offenders can volunteer to take part without full appreciation of the burden that may be imposed during communication with the victim. For example, offenders often say that meeting the victim makes them feel anxious and ashamed (Hoyle et al., 2002; Shapland et al., 2007). Thus, a burden is imposed upon offenders simply through victim participation in the process. An important normative question, beyond the scope of the current study, is then *to what degree* victims should be allowed to impose burdens upon the offender *within* the process.

The findings in this thesis are unable to determine the extent to which participants had a just deserts view of punishment, rather than a utilitarian one. Many of the emotions and thoughts expressed in the studies presented in this thesis could reflect a desire primarily to prevent further crime (through punishment), rather than a desire for punishment for its own sake. This is discussed further in the next section, and in section 9.2. That changes in victims' perceptions of punishment seem to occur at the level of emotions rather than conscious thoughts suggests it is important to conduct further research on the role of punishment in RJ, using improved measures of retributive impulses. It is also important to determine the 'active components' of victim-offender communication which enable a change in victims' punitive emotions without causing unacceptable harm to the offender.

9.1.3 Perceptions of prevention

Previous literature has not explicitly characterised a change in victims' perceptions of prevention as a mechanism by which they benefit from RJ, yet there is a good deal of evidence for

it. The importance victims ascribe to offender rehabilitation predicts their willingness to participate in an RJ process (H. Huang et al., 2012; Paul, 2015b), and victims frequently state that their motivation for participating is to help the offender (Bolívar et al., 2009; Coates et al., 2003; Doak & O'Mahony, 2006; Umbreit et al., 1994, 2001). There is also evidence that participating in an RJ process makes victims believe the offender is less likely to offend again (Strang, 2002; Strang et al., 2006), and that this is linked to satisfaction (Armstrong, 2012; Umbreit et al., 1994). It may be that the preventative purpose of RJ is assumed in the literature, such that its importance to victims is taken as a given.

In Chapters 4 and 5, it was not possible to distinguish between punishment and prevention using the proxy measures available. Anger and police action predicted willingness to meet, but this could be because victims wanted the offender to be punished, thought they should be prevented from doing it again, or both. Victims' assessment of their own likelihood of becoming a victim again in the next year did not predict their willingness to meet. In Chapter 6, participants rated prevention as an important objective, but none of the three prevention measures predicted participants' willingness to meet (i.e. the extent to which participants thought that prevention was important, thought the offender had already been prevented from reoffending, or expected RJ to fulfil this objective). In Chapters 7 and 8, however, a number of victims stated that their primary motivation was to prevent the offender from reoffending.

How might we explain the conflict between the findings in Chapter 6 (that the importance victims assign to preventing future offending does not seem to predict their willingness), and the findings in Chapters 7 and 8 (that victims state that their motivation for participating is to prevent future offending)? One possibility is that victims' *stated* motivations do not accurately reflect the factors that guide their behaviour; parallel to the conflict identified by Carlsmith and Darley (2008) where people often said the primary goal of sentencing should be deterrence, but their behaviour indicated that they were guided by retributivism. The evidence in this thesis is a first indication

that a similar conflict may be occurring for victims when they choose to communicate with offenders, but points to the need for further research on the relationship between explicit and implicit dimensions of victim perceptions.

Another potential reason that victims' perceptions of prevention on *average* do not predict their willingness to meet the offender, is that only a small subset of victims' are motivated by prevention. While victims' expectations of prevention should still predict willingness to meet, the effect might have been too small to detect if the relationship were present for only a very small subset of the sample. Chapter 8 potentially corroborates this theory, because there seems to be a distinct, relatively small cluster of victims motivated primarily by preventing reoffending, who have a different set of motives to the other victims. This possibility also requires further investigation, perhaps in the form of cluster analysis to differentiate between groups of victims who may have very different types of motivation.

Despite featuring frequently in victims' stated motives for communication with the offender, few victims came away reassured that the offender was less likely to reoffend. Several victims were pleased because they thought the process had made it less likely the offender would revictimise them or their families directly. However, most people expressed doubt about whether it had reduced the likelihood of them reoffending more generally. Victims hoped that it had achieved something, or were pleased that they had at least tried, but there was not a very strong sense that they had definitely prevented reoffending. Some people who felt they had not succeeded in preventing the offender from reoffending nevertheless took comfort from having found out how likely the offender was to desist (linked to the perception of offender mechanism).

Johnstone (2017) writes there is an inherent tension between two views of the victim in RJ: whether they are seen primarily as tools for the reform of offenders, or primarily as beneficiaries of the process. In practical terms, this tension can sometimes manifest itself in pressure on victims to participate (Marshall & Merry, 1990). The finding that some victims took

part in the hope that it would prevent the offender from committing further crime suggests that victims themselves may not consider these two views to be at odds with one another. Indeed, in Chapters 7 and 8 there seemed to be a symbiotic relationship between victims' intentions to prevent reoffending and positive changes in their self-perception, even when the initial motivation for participation was a sense of duty. Victims may be motivated to participate in this particular 'prosocial' activity (Van Camp, 2017) for some of the same reasons that people are motivated to act in a prosocial manner more generally, for example, creating a positive image of oneself (Ariely, Bracha, & Meier, 2009) or the possibility of reciprocity (Simpson & Willer, 2008). Particularly in the context of victimisation, prosocial action may contribute to people's sense that they are no longer victims, by giving them a greater sense of agency and morality.

Overall, therefore, this thesis has confirmed that for at least some victims, a change in their perceptions of the extent to which the offender has been prevented from reoffending is a mechanism by which communication leads to improved satisfaction and wellbeing. However, the gap between victims' expectations and the level of perceived change suggests it may not play as great a role in victims' experiences as they hope it will. Victims may in fact be more likely to see it as a kind of procedural achievement (that they have played their part in an attempt to prevent offending), or an increase in certainty (that they can better predict the offender's future behaviour), than a tangible one (that they believe communication with the offender has prevented reoffending). Much of the previous research, which has found victims to be primarily motivated by preventing reoffending (e.g. Bolívar et al., 2009; Coates et al., 2003; Doak & O'Mahony, 2006; Umbreit et al., 1994, 2001), may be oversampling from a particular subset of victims, i.e. victims of offences that were more minor and/or committed by young people, and where the RJ was offender-initiated. The current findings demonstrate that while victims may also sometimes seek to prevent reoffending when the offender is an adult or the offence is serious, those victims are in fact more likely to prioritise more self-oriented objectives, and when they do seek prevention they may not be convinced that the process was effective.

9.1.4 Perception of offender/Uncertainty about offender

People often consider group categories to be fixed, take comfort in comparing themselves with others, and want the world to be simple and predictable (Festinger, 1954; Haslam, Rothschild, & Ernst, 2000; M. J. Lerner, 1980). It seems astonishing, therefore, that any victim would choose to communicate with the offender, thereby rejecting a simple ‘thug/criminal/monster’ perception of the offender, in favour of a more complicated perception. Yet many theories – and some existing evidence – suggest that this is precisely what happens when victims communicate with offenders: victims tend to develop more positive, empathetic perceptions of the offender, and see them as more human (Aertsen & Peters, 1998; Beven et al., 2005; Hoyle et al., 2002; Strang et al., 2006; Umbreit et al., 1994; Umbreit & Vos, 2000; Walters, 2015).

Perhaps this phenomenon is a result of victims wanting to meet offenders for other reasons, and the change in their perception of the offender is an unanticipated by-product? But previous studies suggest that this is unlikely too; victims make it clear that they want to find out what the offender is like, as well as why they committed the offence (Bolívar et al., 2009; Borton, 2009; Coates et al., 2003; Umbreit & Coates, 1992; Umbreit et al., 2001; Umbreit & Vos, 2000). The conundrum remains, therefore, as to why some people would want to involve themselves in an often protracted, sometimes quite intimate series of messages and meetings with the offender, when the option of dismissing the offender as ‘evil’ and moving on with their lives should be more psychologically appealing.

The findings in this thesis provide part of an answer to this question. Most victims who chose to communicate with the offender did not initially hold a simple view of the ‘evil’ offender which they voluntarily complicated by entering into communication. Instead, those who chose to communicate with the offender already had conflicting, uncertain views of the offender, which they sought to challenge or corroborate through the process of communication. Their multiple perceptions of the offender were often incompatible; victims saw the offender as bad enough to

have committed the crime, but also, in some ways, a good person (e.g. because they were a good father, had demonstrated remorse, or even because the victim believed that everyone has some good in them). Victims therefore seemed to be seeking to resolve an internal conflict – to move from uncertainty to certainty.

There is plenty of evidence that humans seek certainty about the world they live in, often through communication with others (Berger & Calabrese, 1975). Bos and Lind (2002) note that there are (at least) two different types of uncertainty: ‘an inability to predict the future or when a person confronts an incompatibility between different cognitions, between cognitions and experiences, or between cognitions and behavior’ (p. 4). The latter of these two types is also known as cognitive dissonance (Festinger, 1957). Both types of uncertainty may motivate victims to seek information about the offender - for their own safety they may want to be able to predict the offender’s future behaviour, and/or they may hold multiple incompatible views of the offender. The degree to which people seek certainty differs between individuals, referred to in psychology as the need for closure (e.g. Roets & Van Hiel, 2011). For some people who have a particularly strong need for ‘nonspecific’ closure, they may even prefer to be told a lie than to be left with uncertainty and confusion (Webster & Kruglanski, 1994).

What evidence has this thesis provided, then, that developing certainty about one’s view of the offender is a mechanism by which communication with the offender can benefit victims? More specifically, what evidence is there that the mechanism is uncertainty reduction rather than developing a specific view of the offender?

In Chapter 4, no particular view of the cause of the crime predicted willingness to meet the offender. Victims were equally willing to meet the offender when they thought that the cause of the crime was the offender’s temper, the offender’s mental illness, or if they thought they had been targeted because their location simply made it easy for the offender. Similarly, in Chapter 6, none of the initial (unreliable) measures of attribution locus, stability, and controllability, nor the

improved measures of offender ‘competence’ and ‘morality’ predicted victims’ willingness to meet. Chapters 7 and 8 provide some evidence as to why this might be the case – most victims said they wanted to meet the offender not because they had a particular view of them, or even because they were seeking to have a particular view of them, but precisely because they did not know what the offender was like and they wanted to find out.

In Chapters 7 and 8, most victims’ views of the offender did not change substantially from T1 to T2, but the certainty with which they held the view did change. In line with previous research, some people found out that the offender was ‘not a monster’ (e.g. Walters, 2015). However, as mentioned above, this did not tend to represent a change from firmly believing the offender was a monster to firmly believing he or she was not a monster. Instead, victims’ views changed from abstract, unconfirmed thoughts that the offender *might* not be a monster, to firm beliefs that he or she was indeed not a monster. In addition, communication with the offender confirmed some victims’ negative views of the offender, yet this also seemed to result in psychological benefits.

What implications does this uncertainty theory have for the more aspirational theories that victims’ views of the offender change for the better? Certainly, it does not invalidate these theories, as there is evidence that victim-offender communication can at least sometimes lead to victims having more positive views of the offender. However, I argue that positive change in the *content* of victims’ views of offenders is better represented by two other mechanisms: prevention and self-perception. Seeing the offender as high in morality and low in agency (less of a ‘monster’) suggests they are less likely to commit further offences, and this change somewhat explains increased satisfaction and wellbeing. Seeing the offender as low in agency can also increase victims’ relative sense of personal agency, and this change (in self-perception) can somewhat explain increased satisfaction and wellbeing.

If the content of the discovery about the offender is not what leads to benefits for victims, can we conclude that any discovery will be beneficial, and no type of discovery leads to negative

outcomes? Unfortunately, the current research is unable to shed much light on these possible effects, because – like many studies on victim interventions – it included few victims who were dissatisfied with the process.⁸⁸ The best indication that finding out negative information about the offender can be negative for victims, is the experience of Nita. Nita said she wanted to find out whether the offender was lying, and during the meeting she concluded that he was. She therefore developed some sense of ‘certainty’ about his character, and if both negative and positive conclusions were equally satisfying, we might expect Nita to have been satisfied with this experience. As described in Chapter 8, however, Nita was very dissatisfied. It is hard to tell whether this was entirely because of the negative content of her discovery, or whether it was at least in part because of her remaining uncertainty – having concluded he was lying she was then unable to derive certainty from his answers to her other questions. At a minimum, we can conclude that although some victims seemed to derive satisfaction from finding out that the offender was a ‘liar’ (e.g. Karen), this would not be true for all victims.

In summary then, no particular view of the offender predicted participation, victims’ final views of the offender tended to be somewhat similar to their initial views, and their final view was not always positive. Yet, victims consistently wanted to communicate in order to find out about the offender, and they talked about having been able to do so as one of the reasons they were satisfied with the process and felt better. It seems, therefore, that victims primarily seek and experience changes in their uncertainty about the offender, rather than in the content or the nature of their perception. As will be clear to the reader, there are some overlaps between this mechanism and the ‘informational justice’ elements of procedural justice (see, for example, Colquitt, 2001). After all, it is usually through receiving information that victims’ certainty about the offender

⁸⁸ While this may occur because victims are consistently satisfied with RJ processes, it is more likely that it is a result of biases in recruitment.

increases. However, it is possible to have information without certainty and vice versa, so I believe they should be considered separately.

Perhaps due to the relatively rare ‘miracle’ cases of RJ in which victims’ views of the offender are dramatically transformed, the change in content of victims’ perceptions has been the focus of many RJ theories to date. The importance of the certainty and confidence with which victims hold these perceptions has not been recognised, and I suggest it is worthy of further research. It may also shed light on the choices of victims who do not want to communicate with the offender; for example, some victims may manage their uncertainty by avoiding information (Afifi & Weiner, 2004), or may not want to participate because they do not feel uncertainty.

9.1.5 Self-perception

This mechanism is perhaps the broadest of the five, as it encompasses many different types of change in how victims see themselves. Most often, victims say that they do not want to feel like a victim any longer, and many say that communicating with the offender helped them achieve this. Perhaps in future there will be benefit in breaking this mechanism down further into multiple sub-mechanisms, but for now I have identified that ‘no longer feeling like a victim’ consists mainly of increases in agency and morality. Victims sometimes describe their desire to increase their sense of agency in terms of overcoming fear (e.g. Hallam, 2015), and their sense of morality in terms of reducing self-blame (Bolívar, 2013). Previous studies have also identified that changes related to agency and morality occur when victims find out they were not targeted (Armstrong, 2012; Hoyle et al., 2002), and this reduces their fear (Beven et al., 2005; Rugge & Scott, 2009; Strang, 2002; Wemmers & Cyr, 2005) or their shame and/or guilt about the offence (Rugge & Scott, 2009).

If victims seek to increase their sense of agency and morality through communicating with the offender, their pre-existing levels might predict participation. In the current research, however, there was little evidence that a particular self-image predicted a victim’s desire to communicate

with the offender. Victims' levels of anxiety, guilt, and self-blame did not predict willingness to meet the offender (Chapters 4 and 6). There was some indication that feeling high in morality and low in agency (i.e. like a more 'ideal' victim, Christie, 1986) predicted willingness to meet, but the proxy variables were hard to interpret. In Chapter 4, if victims had been drinking prior to the offence and if they had previously had any kind of relationship with the offender (potentially seen as increasing their responsibility for the offence, or decreasing their sense of morality) then they were less likely to want to meet the offender. Having been a repeat victim (and thus lower in agency) increased their willingness to meet. In Chapter 6, victims' sense of their own moral-image correlated with willingness to meet, although it did not predict willingness to meet controlling for other variables.

Despite the mixed evidence from Chapters 4-6, there was a great deal of evidence from Chapters 7 and 8 to suggest that reducing self-blame was a frequent and compelling source of motivation for communication with the offender, as was a desire to overcome fear. There were many different ways in which victims in Chapters 7 and 8 thought these things might occur, and many different ways in which they then described achieving them through the RJ process. Shnabel and Nadler's (2008) needs-based model of reconciliation states that, after a crime, victims primarily seek a restored sense of agency, and offenders primarily seek a restored sense of moral goodness. In accordance with this, the victims I interviewed were generally more concerned with their sense of agency than their moral image. Victims who had communicated with the offender tended to feel that they had overcome their fear, felt power in relation to the offender, and noted frequently that this had contributed to their overall sense of wellbeing. As a challenge to Shnabel and Nadler's model, however, several victims also sought a change in their moral image. For example, some people felt guilt about the offence or the offender's punishment, and saw communicating with them as a way to reassure themselves that they were not to blame. This supports Pemberton, Aarten, and Mulder's reading of the literature (2017) that victims' 'sense of communion' is damaged by crime as well as their 'sense of competence' (p.4).

There is increasing agreement that the human desire for a sense of agency and connection to others are fundamental human needs that motivate much of our behaviour (Abele & Wojciszke, 2007; Deci & Ryan, 2000). Even before the recent surge of interest in these needs in social and personality psychology, it was known that ‘the core experiences of psychological trauma are disempowerment and disconnection from others’ (Herman, 1992). It is for this reason that I have subdivided the changes in self-perception sought and experienced by victims, into changes in perceptions of agency and morality. Pemberton, Aarten, and Mulder (2017) argue based on a literature review that the ‘Big Two’, as they are sometimes called, are important components in the ‘building blocks of a theory of victim perspectives on justice’ (p. 2). This thesis provides supporting evidence that victims seek and experience changes in their sense of agency and communion through communicating with the offender.

I have avoided describing the changes described in this thesis as fulfilment of ‘needs’, however, because in my view this is begging the question. To answer the question of how restorative justice works for victims, it was important to allow for the possibility that multiple changes in victim perception might occur. Victims might not only seek to recover their ‘impaired psychological resources’ (‘need’ as defined by Shnabel and Nadler, 2008), for example, but might also seek other changes. I also avoided the use of the term ‘need’ as it is sometimes applied to include any physical or emotional gains that victims make by communicating with the offender (e.g. receiving reparation, information, an apology, etc). Certainly, some would consider ‘fulfilment of a need for reparation’ to be one answer to the question of how restorative justice works for victims. However, my rigorous conceptual distinction between active components and mechanisms (described in Chapter 2, section 2.2) enabled me to target the internal psychological changes expected and experienced by victims who communicate with offenders, and thereby to develop a more focused contribution to our understanding of victims’ perceptions of justice.

Victims' common desire to separate themselves and their identity from the offence and its effects has strong parallels to a value central to the treatment of offenders in RJ: separating the behaviour from the person, or the 'deed from the doer' (Wachtel, 1999). This is, of course, not a concept unique to RJ – it is common in many other philosophies, from ancient religions to modern parenting techniques. Maruna (2001, p. 93) claims that this separation is a key ingredient in desistance, for example – offenders who had desisted from crime were most likely to have a sense of their 'real self' as a good person, distinct from their offending behaviour. While victims do not need to separate themselves from having *committed* the offence in the same way as offenders, the victims in this study frequently expressed the idea that they wanted to separate themselves from any blame for provoking or allowing the offence, and from the *effects* of the offence. RJ may be known for its attempts to separate 'the deed from the doer', but it appears to also play a significant role in separating the deed from the 'done-to'.

The self-perception mechanism undoubtedly overlaps with the outcome measures of wellbeing and satisfaction to some extent. If someone feels less anxious, is that not the same thing as feeling better? The important question, however, is whether the overlap is too great to consider them conceptually distinct. I argue that it is most useful to consider them separately as a mechanism and an outcome, for two reasons. First, changes in self-perception and overall wellbeing do not always occur together. The specific sense of having agency or morality can change without a corresponding change in overall wellbeing, and wellbeing can increase via one of the other mechanisms without a change in self-perception. For example, Oliver (#34) experienced significant changes in his wellbeing (e.g. reducing drinking, going back to work) because of finding out that the offender was not intending to retaliate (prevention), rather than through a change in self-perception. Secondly, if changes in self-perception were considered an outcome (and not a mechanism), then they should be achieved only via one of the other four mechanisms. However, many of the interviewees gave ways in which communicating with the offender had increased their sense of agency independently of the other four mechanisms (e.g. Bridget, who said it made her

feel brave). Thus, although it is the mechanism most directly associated with wellbeing, it is nevertheless a distinct and useful concept in its own right.

9.2 Are (all) the mechanisms necessary?

There is noticeable conceptual and empirical overlap between the five mechanisms. In this section, I consider whether the overlaps degrade the individual mechanisms sufficiently that they should instead be seen as composites: perhaps there should be only four, three or even two mechanism theories? The most striking conceptual and empirical overlaps are between procedural justice and self-perception; between punishment and prevention; between prevention and self-perception; and between perception of offender and all four of the other mechanisms. I consider each of these overlaps in turn, and their implications for the mechanism theories. I also consider whether the data provides an account of the mechanisms' relationships to one another.

In Chapter 6, a strong correlation between procedural justice and self-perception was present when victims were asked about which objectives they thought were most important, had already been fulfilled, and expected from a meeting. In Chapters 7 and 8, victims said that voice and respect were closely linked with an increase in their own sense of agency. This relationship is also specifically predicted by theories of procedural justice, which state that people value fair treatment precisely because it gives them a sense of control, by increasing their sense of certainty about the world and their position in it (Bos & Lind, 2002). Given the clear theoretical and empirical overlaps, might these changes not be better described by a single mechanism then? This turns on whether changes in self-perception ever occur independently of procedural justice, and vice versa. In Chapters 7 and 8, victims sometimes came to see themselves as higher in agency independently of their experience of procedural justice; for example, some victims felt stronger and braver simply through facing the offender. More frequently, increases in a sense of morality

occurred in the (perceived) absence of procedural justice. When the offender declined to participate, for example, victims sometimes concluded that the offender must be responsible for the offence and stopped blaming themselves. There were also many examples of people who were satisfied with the process because it was fair and gave them a voice, but for whom this was independent from a change in their perception of themselves. Thus, with so many examples of independent occurrence, it is likely that both of these mechanisms independently contribute explanatory power to the model despite the overlaps.

In Chapters 4 and 5, it was not possible to distinguish between punishment and prevention with the crude measures available in the CSEW. In Chapter 6 these two objectives were strongly correlated in all three arrays of questions. In Chapters 7 and 8, however, there were very few links between the two. Many people said that their motivation was at least partially to prevent the offender from committing further crime, and yet nobody (at T1) said that their motivation included punishment of the offender. People also seemed to believe that communicating with the offender would prevent reoffending through means other than punishment, for example, through the offender learning about the impact of the crime. Those who said at T2 that they had witnessed the offender's punishment tended to link it to a sense of personal satisfaction rather than to prevention. Once again, although these mechanisms are closely linked, victims desire and achieve them independently of one another, and thus it is logical to retain both in the theoretical framework.

In Chapter 6, the importance victims assigned to prevention and to self-perception were correlated, as well as the degrees to which victims expected them from a meeting with the offender. However, the extent to which victims thought that prevention and self-perception had been achieved were not correlated with one another - most participants had developed a strong sense of agency and morality despite believing that nothing had been done to prevent the offender from reoffending. This pattern was also common in Chapters 7 and 8, where many victims achieved an

increased sense of agency through the RJ process, even though they did not believe the process had reduced the offender's likelihood of reoffending. Even where victims were reassured that they would not be targeted again by the offender (e.g. when the offender made a promise not to do so), this was often distinct from their overall sense of agency.

Finally, there is a considerable amount of overlap between victims' uncertainty about the offender and all four of the other mechanism variables. In Chapter 6, wanting to find out about the offender correlated consistently with punishment and prevention, and to a lesser extent with self-perception and procedural justice. The importance victims assigned to finding out about the offender also correlated with expectations of all five of the objectives; i.e. if victims thought finding out about the offender was important they were more likely to believe that a meeting with the offender could lead to punishment, prevention, procedural justice and a change in self-perception (as well as fulfil their desire to find out about the offender).

Is change in uncertainty about the offender an independent mechanism, or perhaps just a function of the other four? If it is independent, there should be examples of it changing without a change in the other four mechanisms, and vice versa. However, none of the victims interviewed in Chapters 7 and 8 experienced a change in uncertainty about the offender, without a change in at least one of the other four mechanisms. Only a few victims did not experience a change in uncertainty about the offender, and for two of the three (Lisa and Nita) the absence of a change in uncertainty corresponded to an almost total absence of change in the other mechanisms and potential outcomes as well. Brenda is the only person who seemed to experience a change (perception of procedural justice) and a corresponding benefit, which occurred without a change in her uncertainty about the offender.⁸⁹ Thus, there is little evidence that the other four mechanisms can function independently of a change in uncertainty about the offender. Moreover,

⁸⁹ Uncertainty reduction may have been less important to her because she was the indirect victim attending on behalf of her son.

as described above, reducing uncertainty is known to be closely connected to procedural justice and people's view of their own agency (Bos & Lind, 2002).

As it does not seem to be completely independent of the other four mechanisms, one could argue that this mechanism should be removed from the model. However, because victims describe reducing uncertainty about the offender as a distinct motivation and an important outcome, removing this mechanism would weaken our understanding of how communication with offenders benefits victims, rather than improve it. There are also indications that victims consider a reduction in uncertainty to be a 'default' or minimum objective, when other types of change are unattainable. For example, when victims seek prevention but are unable to achieve it, they may at least take comfort from finding out how likely the offender is to reoffend. Similarly, when victims seek to impose punishment but are unable to do so, they may at least take comfort from finding out about the offender's sentence.

Therefore, it seems preferable to consider a change in uncertainty to be an intermediate mechanism, one that links to the other four. Figure 9.1 is a reminder of the model I proposed in Chapter 2 describing the role of the mechanisms, and Figure 9.2 is an updated model reflecting the intermediate role of 'Uncertainty about the offender' in the process, and the fact that many (but not all) of the outcomes seemed to occur via a change in 'Self-perception'.

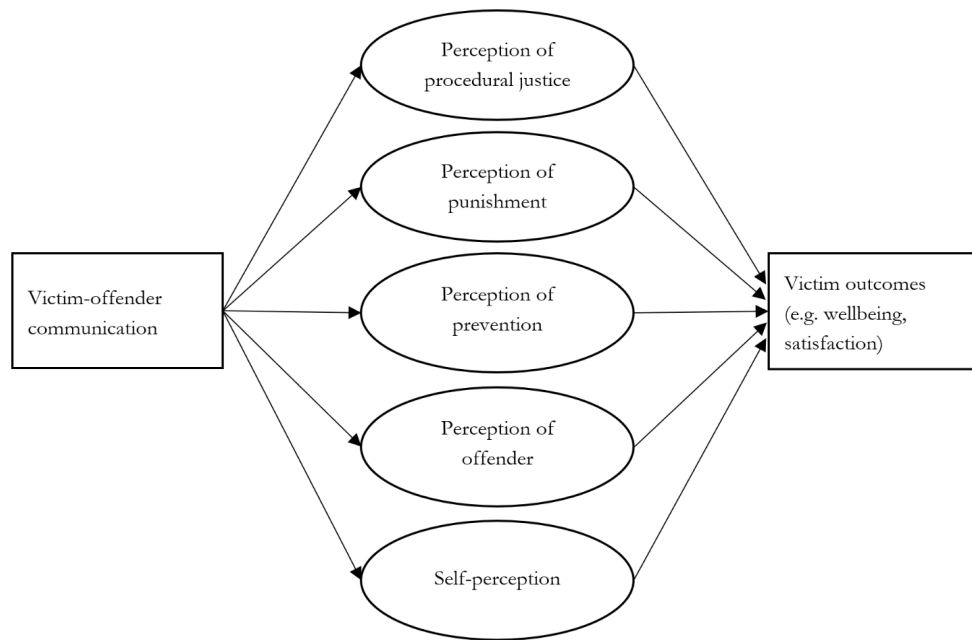


Figure 9.1 Mechanism model as proposed in Chapter 2

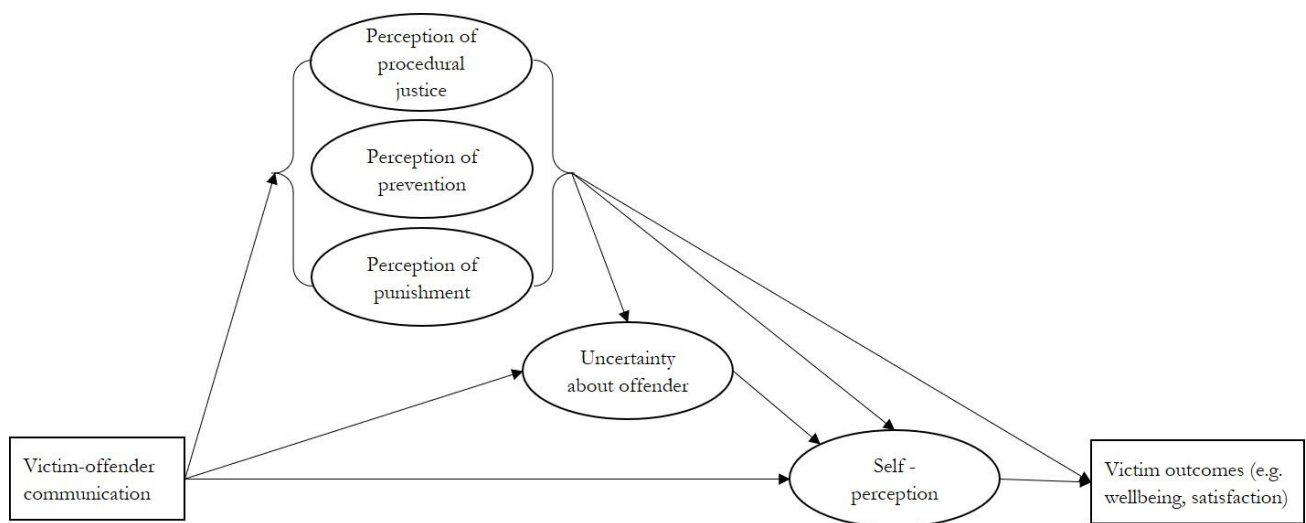


Figure 9.2 Mechanism model revised to reflect potential intermediate roles of 'Uncertainty about offender' and 'Self-perception'

9.3 Are the mechanisms sufficient?

I do not claim in this thesis to explain every change that could occur when victims communicate with offenders. I do not attempt, for example, to explain the changes an offender might experience during the process. Nor do I attempt to explain what supporters and other

attendees of such meetings might experience. I do not attempt, as described in Chapter 2, to document every component of such meetings that might lead to change for victims. However, I have attempted here to collate and categorise existing theories about the mechanisms by which communication with the offender benefits victims. Whether these five mechanism theories are sufficient, therefore, is a question of whether they comprehensively describe the changes in victims' psychological states (thoughts, emotions and perceptions) which in turn lead to wider victim benefits such as satisfaction and wellbeing. In Chapters 7 and 8, victims described or implied few changes that did not correspond to one of the five mechanisms. Victims mentioned three things, however, that are worth further interrogation either because they were mentioned frequently and/or because they align with existing theories that I have not discussed thus far.

9.3.1 Care for the offender

Some theories of RJ suggest that it involves approaching an incident with an 'ethic of care' for those involved, in contrast to the conventional 'ethic of justice' approach taken in the criminal justice system (Masters & Smith, 1998). Although this distinction has been called into question (Daly, 2002), empirical evidence suggests that at least some victims seem to be motivated not just by preventing the offenders from reoffending but also by a broader sense of care for them (Coates et al., 2003; Umbreit et al., 1994, 2001).

In Chapters 7 and 8, victims often used language that suggested a desire to prevent the offender from reoffending, but which could also be interpreted as care for the offender more generally. Some, for example, talked about the possibility that the RJ process would 'help' the offender. In most of these cases victims clearly meant help the offender to desist. In one case I specifically asked what the victim meant by 'help' and her answer was 'So he doesn't do the same thing again.' In a few cases, however, victims used the term 'help' more ambiguously: Rose (#10)

said she wanted to help with the offender's 'recovery', and Faye (#29) said she thought it might help her brother with 'the effects' of what happened. Kathy (#24) is possibly the clearest example of someone who expressed a great deal of concern for the offender's wellbeing rather than just his future offending. Three participants mentioned that their concern for the offender (over their own interests) might actually have been an unhealthy response to the crime (Michelle #35, Dorothy #46, Beatrice #48). Similarly Lisa (#13) had seemed motivated to communicate with her ex-boyfriend to some extent by her care for him (as well as other objectives), but at T2 in the absence of what she perceived as any genuine communication between them, her ongoing care for the offender seemed to have a negative impact on her rather than a positive one.

Given the ambiguity here, I do not rule out the possibility that the mechanism I have labelled prevention should also incorporate victims' broader prosocial motivation to contribute to the offender's wellbeing, or even that there should be a separate sixth mechanism. From the data in this thesis, however, examples of this were rare and inconclusive, so I do not currently have the evidence upon which to conclude that it is an important mechanism that should be incorporated into the theoretical framework.

9.3.2 Perceived social support

Previous studies have suggested that victims want recognition and support from friends, family and the wider community (Herman, 2005), and that sometimes RJ processes are the means by which this need is fulfilled (Van Camp & Wemmers, 2013). However, most of the participants in Chapters 7 and 8 did not say they were motivated to communicate with the offender by a desire for recognition or support, nor did they suggest it was an outcome of the RJ process. In contrast, many victims said that they had not told friends and family about the RJ process, did not want to take anyone with them, and if they had told anyone they rarely met with enthusiasm or support for the process.

Victims frequently failed to receive the acknowledgement and support they sought, and sometimes the RJ process had the opposite effect. Michelle, whose mother did not approve of her meeting with her father (the offender), said that the RJ process had destroyed her (already turbulent) relationship with her mother. Faye hoped that taking part in an RJ process would prompt her family to recognise her as the victim and include her in family gatherings (and prevent her brother from attending); instead, the opposite occurred. Those who had positive stories to tell about receiving support from their families (e.g. Terri) did not credit the RJ process with providing this support, they said instead that having the support made participating in the RJ process less painful and more beneficial. Several victims spoke of how pleased they were to be able to talk to the RJ facilitators. In at least some cases, this seemed to be more than just an opportunity to have their say, and was instead an indication that they felt the facilitator had provided emotional support. In fact, several participants talked about the facilitator as being ‘on their side’, which contravenes a commonly cited principle of RJ: neutrality.

From this data, it seems that social support is sometimes a component that makes RJ successful, and support from the facilitator may be equivalent to a key ingredient in therapy – the therapeutic alliance (Gustafson, 2005). It is also possible that for victims of other types of crime or in different circumstances from the interviewees in Chapters 7 and 8, a change in victims’ *perceptions* of social support could be an important change that contributes to wellbeing and satisfaction. From the data collected here, however, there was no evidence that a change in victims’ perception of social support was a psychological mechanism by which they benefited from communication with the offender.

9.3.3 Forgiveness

There is considerable debate over the role of forgiveness in RJ. Much empirical work assumes a connection between forgiveness and RJ (Strang, 2002; Witvliet et al., 2008), and there have been many theoretical attempts to clarify the relationship between them (Armour & Umbreit,

2006; Blyth, 2016; Shapland, 2016). At first glance, forgiveness has the features of a potential mechanism by which communication with the offender may benefit victims. Certainly, a number of victims mentioned the word in Chapters 7 and 8, both in the context of their motivation for participation and their description of the outcomes. However, I argue here that it is not useful to conceive of forgiveness as a mechanism, for two main reasons.

First, there is very little consensus as to the meaning of the word forgiveness. Neither among scholars (S.-T. T. Huang & Enright, 2000; McCullough, Kurzban, & Tabak, 2013; Worthington & Scherer, 2004) nor among the victims in this study. Seven people interviewed at T1 said they wanted to participate because they wanted to forgive the offender. Four of the seven said that this meant expressing to the offender that they were not angry (Lisa #13, Kathy #24, Rose #10, Dorothy #31). Michelle said that forgiveness meant she wanted to ‘turn the volume down, from him being this monster’, Sam implied that she wanted to forgive the offender because it would cause him distress, and Faye said she meant to extend to her brother mercy by holding a meeting with him instead of reporting the crime to the police. The 11 victims who used the word forgiveness at T2 seemed to have a similar range of definitions. Beatrice, for example, said that she had forgiven the offender, but when she described how she first came to use the word it became apparent that it had not been her choice to do so:

I just said, “Well to be honest with you I'm not really interested in his sentence, I'm more interested in what he goes on to do with his life.” And next thing you know, the next day, the media went crazy. They said “mother forgives drug dealer” I got invited, they were having a real bun fight for the exclusive of my story.

Interviewer: Was that a word that you would have used yourself at the time - forgiveness?

No, it didn't feature.

This illustrates that when people use the word forgiveness, sometimes they mean that there has been a change in their retributive emotions or their perception of the punishment, sometimes that their perception of the offender has changed, and sometimes that they care more about

prevention than punishment. Individuals' varied experiences and definitions of forgiveness are therefore already accounted for by the five existing mechanisms.

Secondly, even if we were to use the closest thing to an agreed-upon, minimal definition of forgiveness, this thesis does not suggest it plays any role beyond the existing five mechanisms. Defining forgiveness as letting go of negative thoughts and feelings, such as anger (e.g. Rye et al.'s 'absence of negative' scale, 2000), forgiveness could explain the finding that some victims felt less angry after they had communicated with the offender (Chapters 7 and 8). However, this seemed to only rarely be because the victim decided to 'let go of their anger, and more often because the victim witnessed that the offender had been punished (or became less angry for some other reason). Similarly, if anger negatively predicted willingness to meet we could conclude that 'forgiveness' motivates victims to communicate with the offender. In fact, however, in Chapters 4, 5 and 6, anger consistently and *positively* predicted willingness to meet the offender. On the basis of the evidence in this thesis, therefore, I propose that the psychological changes that occur for victims which people describe as forgiveness are adequately represented by the five existing mechanism theories (particularly changes in perceptions of punishment), and that considering forgiveness to be an additional mechanism would be entirely unhelpful.

9.4 Moderators of victims' experiences

One of the purposes of this thesis was to investigate *when* communication with the offender benefits victims, as well as *how*. Unfortunately, there were too few participants (40) in the final study to conduct an investigation into the moderators of the relationship between victim-offender communication and victim benefits. Chapters 4 – 6 offer some insight into the factors that moderate victim *choice* to communicate with the offender, and the influence such factors have on

which objectives victims hoped to achieve. This section is therefore brief as it cannot fulfil its original purpose, but it introduces some learning points from the relevant findings.

9.4.1 Nature of the crime

9.4.1.a Impact and violence

Chapters 4 and 6 demonstrated that the greater the practical impact of the offence on victims, the more willing they were to meet the offender; and the more violent the offence, the less willing they were to meet the offender. As the practical impact on the victim and the violence of an offence usually increase together (with increasing seriousness of the crime), these opposing effects perhaps explain why previous investigations into the effect of seriousness on willingness to meet have produced inconsistent findings. In Chapter 5, victims of high impact offences were more likely to want to meet the offender because they were more likely to be angry, less likely to feel they were treated fairly by the police, and the police were less likely to have identified the offender. In Chapter 6, victims of high impact offences seemed to be more willing to meet the offender because they were more likely to want to find out about the offender. In contrast, when the offence was violent the police were more likely to have already identified the offender, and those victims who felt that some kind of ‘justice’ had already been administered were less likely to want to meet (mediation effect in Chapter 5).

If both impact and violence reduced willingness to meet the offender, we could conclude that victims use the seriousness of the crime to make a simple calculation as to how culpable or ‘evil’ the offender must be. The finding that impact *increases* willingness suggests that the calculation is far from simple, however. While there might be a negative effect of overall seriousness on willingness to meet (because of the level of violence), there is also a counter effect when the crime has had a significant personal impact on the victim. For victims of low-impact crimes, their lives

may be relatively comfortable, and meeting the offender would make it less comfortable. Victims of high-impact crimes are likely to be experiencing discomfort and trauma, and therefore have more to gain and less to lose by communicating with the offender. In other words, when the impact of the offence is high, the potential benefits of fulfilling their objectives through meeting the offender may start to outweigh the risks of experiencing a setback. This is in line with how some of the participants described their decision to participate in Chapters 7 and 8. For example, Willow's mother, who had witnessed her daughter experience severe depression, was hesitant about allowing her daughter to take part in an RJ process for fear that it would set back her recovery. However, she said she concluded in the end that it was worth a try because:

I can't think it could make anything any worse than what it has been the last two years.

9.4.1.b Sexual offences

In Chapter 4, although many fewer victims of sexual offences were willing to meet with the offender, this effect was not significant compared to other features of the crime, in particular the impact and violence of the crime. In Chapter 6, victims of sexual offences also seemed to be less likely to want to meet the offender than victims of other offences, but as only 17% of the relatively small sample had been victims of sexual offences, it was not possible to confirm that this difference was statistically different from zero (especially when controlling for violence and impact). While these results do not allow for firm conclusions, they do suggest that there is unlikely to be something specific to sexual offences that would make victims consistently unwilling to communicate with the offender. Perhaps victims of sexual offences are less likely to want to take part overall because sexual offences are more likely to be (or to be perceived as) violent. In Chapters 7 and 8, many victims of violent sexual offences wanted to meet with the offender, demonstrating that while it may be less common, it is far from non-existent.

9.4.2 Victim and offender identity groups

In Chapter 4, victims who were from BME groups were more willing to meet the offender. Mediation analysis suggested one reason for this was that they were less likely to feel they had been treated fairly by the police and it was less likely the police had identified the offender, so victims from BME groups may have been more likely to want to fulfil a 'justice deficit' through meeting with the offender. This is of course a gross generalisation, because different subgroups of BME and White participants may have felt very differently from one another. Unfortunately, however, due to sample size it was not possible to analyse smaller subgroups separately in the CSEW data. The study was also not sufficiently comprehensive to allow analysis of whether different ethnic groups had different objectives for meeting the offender, nor was this something I could explore further in Chapters 6, 7 or 8 because the sample sizes were too small.⁹⁰

Age and disability predicted victim willingness to meet the offender. In Chapter 4, older victims were more willing to meet offenders, and victims were in general more willing to meet younger offenders. It was unfortunately not possible to explore whether different age groups prioritised different justice objectives. Victims with disabilities were more willing to meet the offender. One reason for this is that victims with disabilities were more likely to say the police had not treated them fairly, and they were more likely to have been angry and lost confidence after the offence. This suggests that victims with disabilities might be more likely to see meeting the offender as a way to regain confidence (agency) and fulfil a justice deficit (including procedural justice), although of course this is again a generalisation based on insufficiently nuanced groupings of participants.

⁹⁰ In Chapter 6 the online study achieved a nationally representative proportion of participants from BME groups (11%) but this was still insufficient for analysis of the effect of ethnicity. In Chapters 7 and 8, 10% of the participants were from BME groups (compared to 15.4% in the Thames Valley area).

Victim gender was not a predictor of willingness to meet in Chapter 4, with similar numbers of men and women willing to meet the offender. However, 85% of the sample in Chapters 7 and 8 were female, and as discussed in Chapter 7 (section 7.1.2) this is likely to be a result of greater willingness to participate in research among women. This is important to bear in mind in studies such as this one, because men's views of RJ are likely to be underrepresented across the field as a whole.

The above analysis about victim characteristics and willingness to meet the offender is superficial, based on limited data. From these studies, it is not possible to draw robust conclusions about why some groups are more willing to meet the offender than others groups, nor is possible to know whether victim-offender communication is able to fulfil the objectives of particular groups. The five mechanism theories provide a way forward for further analysis and understanding of these effects.

9.4.3 Features of the RJ process

There are many variations in how RJ is offered and delivered, which may make a great deal of difference to victims' experiences of communication with the offender. The scope of this study means I did not investigate the presence and absence of the various 'components' of RJ and their link to the five mechanisms. Future studies should assess the role of different components in the production of the intermediate (mechanism-based) outcomes and ultimate outcomes for victims. In this section, however, I briefly turn to several important features of the RJ process that seemed to make a difference to victims' experiences of communication with the offender, emerging from the analysis of Chapters 7 and 8.

9.4.3.a Initiated by whom?

One of the biggest differences in the sample of interviewees in Chapters 7 and 8 was between those victims who initiated the RJ process (the majority) and the few victims who responded to a process initiated by the offender. This variable is conflated with others – the offender-initiated cases were all burglaries, were less serious, did not include a sexual element, and had a higher proportion of male victims. It is of course impossible to tell, therefore, which of these factors caused the difference. Regardless of the reason, it is worth noting that the victim-initiated and offender-initiated cases in this research appeared to be substantially different from one another. The victims responding to an offender-initiated RJ process were almost exclusively motivated by preventing the offender from committing further crimes (although some of them also experienced outcomes related to other mechanisms), whereas the other victims tended to have a wider variety of objectives.

In this thesis, victims were less consistently motivated by prevention than in previous studies. This may be because much of the previous research that has identified prevention as victims' main objective has been conducted in the context of RJ processes that were primarily offender-initiated, or at least triggered by criminal justice processes rather than having been entirely initiated by victims (e.g. Coates et al., 2003; Umbreit, Coates, & Vos, 2002). Van Camp's (2017) study, for example, found that many victims had prosocial motivation for participating but that 'the few respondents who initiated RJ themselves did so mainly or exclusively for therapeutic reasons' (Van Camp, 2017, p. 685).

9.4.3.b With or without the criminal justice system?

In Chapter 4, victims were more likely to want to meet the offender when the police had been informed about the incident, and less likely to want to meet the offender when action had been taken. Victims who report the offence but in whose cases no action is taken are most likely

to want to meet the offender but they are least likely to be able to do so, especially where the offender has not been identified. This raises the question of whether RJ processes have the capacity to meet the objectives of victims who experience the biggest ‘justice deficit’, and therefore whether it is ethical to suggest that RJ can be made available to ‘all’ victims or at ‘all’ stages of the criminal justice system (e.g. RJ Action Plan, Ministry of Justice, 2012).

All but one of the victims interviewed in Chapters 7 and 8 had reported the crime to the police, and most of the offenders had received a custodial sentence. The single victim who opted for a meeting with the offender as an alternative to reporting the abuse to the police, said after the meeting that she wished she had in fact reported him. This suggests that victims may experience an RJ process quite differently where it is not conducted alongside a criminal justice process, but there is insufficient data in this study to comment further.

9.4.3.c With or without RJ facilitation

Several people mentioned that they had direct or indirect contact with the offender outside of the facilitated RJ process (before, after or during). There were insufficient instances of this to draw conclusions about its effects, but these types of communication ranged from dissatisfying (e.g. Michelle’s meeting with her father, which prompted the RJ process) to satisfying (e.g. Sadie’s meeting with her father’s girlfriend, which helped a great deal with reducing her uncertainty about her father’s character). There is potential for future studies to learn much about communication between victims and offenders through analysing instances of communication that occur outside of formal RJ processes. There is also the potential to learn about the role of facilitators by comparing instances of communication that occur with and without formal facilitation. A novel approach to evaluating the contribution of RJ services could even be to adopt as a ‘control group’ victims and offenders who have communicated outside of an RJ process.

9.5 Conclusion

The studies in this thesis have provided evidence that the five mechanism theories are a good representation of how victims benefit from communication with the offender. There is evidence that each of the five is in fact a mechanism, although further research is required to better understand each one and its role relative to the others. There is evidence that all five mechanisms are distinct from one another such that they constitute separate mechanisms, although there seems to be a significant overlap between the change in victims' uncertainty about the offender and the other four types of change. This mechanism nevertheless retains some explanatory power, and is therefore best described as an intermediate mechanism.

There is also evidence that the five mechanism theories are sufficient to describe the main psychological changes that victims sought and experienced through communicating with the offender. However, given that the study was conducted with a relatively small number of victims, it is possible that victims of other types of crime or in other circumstances might be motivated by and benefit from other changes not described here. In this chapter, I also discussed briefly the findings related to the moderators of victims' wishes and experiences. It is clear only that the victims' identities and the circumstances of the crime do affect victim willingness to meet with offenders. These studies were only able to offer an incomplete initial attempt to understand why this is so, in relation to the five mechanisms. This is an important area for future research.

In the concluding chapter I turn to the implications of these findings for RJ policy and practice, reflect on the design and execution of the studies in this thesis, and suggest directions for future research.

Chapter 10: Conclusion

Strang and Sherman (2015) argued that evidence regarding the efficacy of RJ practices has been used ‘immorally’ when translated into policy and practice. Often, they said, there is evidence that a particular type of RJ practice ‘works’ for one type of crime with a particular group of people, and then that evidence is used to justify the use of a different practice, for different types of crime and different groups of people. This may not only be ineffective, it may also cause harm – both directly and indirectly through redirecting resources away from other proven practices. Strang and Sherman proposed that the way to counter this problem is for research to focus not on *whether* restorative processes work or do not work, but to ask instead, ‘*what works for whom?*’ (p. 8).

It is certainly important, as Strang and Sherman recommend, to establish *what* works, i.e. which active ingredients produce which outcomes, and *for whom*, i.e. for which victims under which conditions. Yet Strang and Sherman’s critique can also be addressed by establishing *how* it works, as I have attempted to do in this thesis. If the change process is known, then it can be used to design new programmes or adapt old ones, rather than having only two options: to apply or not to apply a tested programme. If the pathways to good outcomes for victims, offenders and the community are known, then they can be used to define intermediate goals, and therefore to conduct early, iterative evaluation processes.

In this chapter, I apply the findings from this study to policy and practice, bearing in mind Strang and Sherman’s warning (2015). I then look back to consider the design and execution of the studies in this thesis, and finally how such studies could be improved upon for future research.

10.1 Applying the research findings

Naomi (#15), who I interviewed in November 2016, was hoping to meet her ex-boyfriend through an RJ process. He was in prison for distributing indecent images of her. She wanted to know why he had done it, and to establish how someone she thought she loved and trusted could commit such an offence – she wanted to manage her uncertainty about who he was as a person. They had exchanged letters, and at the time of the interview she was waiting to hear whether he agreed to meet her. He was at first hesitant, but in May 2017 he agreed, and so arrangements were made for a meeting to take place. Between May 2017 and August 2018, the facilitator kept me up to date with progress; someone at the prison had approved the meeting, someone else said it could not go ahead, someone else had approved it, and so on. The facilitator told me that she had successfully challenged a negative decision by one of the prison psychologists, only to then have the decision upheld by the prison governor. In the end, the meeting did not take place. The facilitator told Naomi, who had been waiting almost two years, that the psychologist at the prison had assessed the risk of revictimisation to be too high to warrant the meeting.

Over the years I spent conducting this research, this type of story was not uncommon – the RJ service worked with victims who believed meeting with the offender would help them, but a professional deemed the process to be ‘too risky’ or ‘inappropriate’. Sometimes this decision was taken by an offender organisation on the basis that it might cause harm to the offender. Sometimes, however, the assessment was based on the risk to the victim, as in Naomi’s case, despite the fact that the prison psychologist in question had never had any direct contact with Naomi. Even if the psychologist had met her, on what basis would he or she have assessed the risk that Naomi would be revictimised? Indeed, the same question can be asked of the facilitator who made the assessment that Naomi was *not* likely to be revictimised by meeting the offender. The facilitator had more information to draw on – she had met Naomi several times, they had discussed Naomi’s reasons for wanting to meet, her expectations, her support networks, and ways of coping if the process

did not proceed as expected. The facilitator's 'risk assessment' was based on years of experience, but not on any formal or structured framework within which to assess the psychological risks. Therefore, although the facilitator had insight into the victim's objectives and likely outcomes of communication with the offender, she and the psychologist had no common language with which to communicate about the potential risks and benefits in this case.

I do not claim that the theoretical framework proposed in this thesis solves all of these problems. First, the theory needs a good deal of refinement and further testing. Second, in its current form, it could only have helped the facilitator and the forensic psychologist communicate about the potential *benefits* of the process for Naomi. The tests of the framework in the current thesis have not been applied to the *risks* for the victim – mainly because I was unable to interview many victims who were dissatisfied with the RJ process. However, the framework would have given the facilitator and the psychologist a common language with which to discuss Naomi's case. It is also reasonable to suppose that if victim satisfaction and wellbeing derive from the five changes described by the theory, then dissatisfaction and revictimisation may occur when such changes do not take place, or when there is a change in the 'wrong' direction. For example, if the victim thinks the offender was punished but finds out they were not, or if the victim's sense of agency reduces rather than increases. In Naomi's case - as perhaps in many other cases - these were potential outcomes from being denied the opportunity to communicate with the offender, just as they were potential outcomes from communicating with the offender. In assessing suitability, therefore, professionals have a duty to weigh up the risks of both participation and non-participation.

The theoretical framework brings into focus mechanisms that have been undertheorised and/or unexamined empirically. As described in Chapter 3, previous studies have established that victims want to be treated in a procedurally fair manner, and that they want to prevent offenders from reoffending. These two types of change constitute two of the five mechanisms, but the

addition of the other three mechanisms contributes a much fuller explanation for victims' experiences. The role of punishment in RJ, for example, has been a matter of contention to date, but this thesis has contributed evidence that it is at least sometimes a mechanism by which communication with offenders benefits victims. That victims' views of the offender change through RJ processes is not a new observation, but this thesis has demonstrated that the most important change in victims' perceptions of the offender is in reduction of uncertainty. Previous theories hint at changes in victims' self-perception, but this thesis has highlighted two specific types of change that victims hope for and frequently experience: changes in agency and morality.

Willow (#04a) said she thought that communication with the victim should be compulsory for offenders. Of course, there are good reasons not to force an offender to communicate with the victim, for the benefit of both. However, this research has shown that even receiving minimal information about the offender benefited some victims, mainly because it reduced their sense of uncertainty. Some victims described hearing that the offender had declined to participate almost as if it had constituted 'communication' with the offender, albeit that the offender had communicated only that they were not remorseful. Perhaps, therefore, facilitators' initial meetings with the offender should be compulsory, because they are a substitute for indirect communication and an important source of information for victims. At a minimum, professionals should recognise the importance of such meetings for victims' recovery, and do everything in their power to arrange them. In Willow's case, the facilitator was unable to meet the offender, and the message that the offender declined to participate was transmitted through a prison officer. The facilitator therefore could not assure Willow that the offender understood what Willow wanted from him, or ask the offender any follow up questions. If the facilitator had been able to meet with the offender, she may have been able to pass on more information (with the offender's consent) to further help reduce Willow's sense of uncertainty.

Facilitators and criminal justice professionals currently tend to rule out an RJ process when the offender is unremorseful or lacking in victim empathy, on the basis that it could revictimise the victim. However, this seems to assume that RJ works for the victim because remorse changes the victim's perception of the offender. This thesis has shown that victims have a range of objectives that can be met without a remorseful, empathetic offender. Victims may be able to achieve a sense of procedural justice, punishment, and increased agency, without any cooperation from the offender at all. If they are looking for certainty about the offender, this can be achieved when they find out the offender is 'bad' just as much as when the offender is 'good'. In cases of domestic violence, for example, communication may help victims feel more certain that the offender is not a good partner, and this may be the best possible outcome. Victims may benefit from feeling that they *tried* to prevent reoffending, even if they see it as having been unsuccessful. As with all these implications, the benefits to the victim must be weighed with potential harm to the offender. Moreover, communication with an unremorseful offender may revictimize the victim, and I am not recommending that the offender's level of remorse is entirely ignored. However, the findings here show that communication with the offender should not be automatically *ruled out* simply because the offender is unwilling to follow the script expected of them, especially on the basis of harm to the victim.

More radically, perhaps professionals should not be making the decision about which cases are appropriate at all. Many victims in this study appreciated being given the choice to participate even when they chose not to do so, and even when the offender was uncooperative or their choice was limited (e.g. they wanted to meet the offender but were only able to write letters). The difference in two cases illustrates the importance of being given a choice, even when it is limited. The offenders in both Terri (#02) and Kaitlyn's (#07) cases were denying the offence. In Terri's case, the facilitator presented her with the option to proceed, and she chose not to. In Kaitlyn's case, the facilitator presented the offender's denial as the end of the RJ process, and Kaitlyn was left with no further choice. Terri was delighted with the process whereas Kaitlyn was more

ambivalent. Perhaps if the decision not to meet the offender had been Kaitlyn's rather than the offender's, she would have felt she had experienced procedural justice and an increased sense of personal agency.

Risk-taking played an important role for victims in this research, yet criminal justice systems are increasingly risk-averse and have as one of their primary goals to manage risks (Hudson, 2003). RJ practitioners often promise to assess and manage risks, attempting to reassure victims, offenders, and professionals that the process is safe. However, several participants in Chapters 7 and 8 suggested that communication with the offender was risky, and that the risk was precisely the reason it could be effective. It was by overcoming their fear and taking control in an unpredictable situation that they could begin to feel brave and strong. If facilitators claim to eliminate (or even partially eliminate) risk, this is irresponsible not only because it is impossible, it may also undermine victims' own sense of achievement. Perhaps it is right to acknowledge that the process is risky and maybe even celebrate it. This might make RJ seem even less compatible with the wider criminal justice system and jeopardise its future. Yet it is also possible that if RJ services were to better acknowledge the inherent risks, highlight the benefits of taking risks, and conduct honest, structured risk assessments with the participation of all parties, RJ processes might become more palatable to victims, offenders and professionals in an otherwise risk-averse system.

This thesis has demonstrated the role of punishment in the minds of at least some victims, and this has implications for how RJ is (and should be) described and delivered. For example, if the victim's motivation is punitive, how should the process be described to the offender? What protections should be in place for offenders (Cunneen & Hoyle, 2010)? Presently, there does not even seem to be consensus among RJ facilitators about whether a punitive motivation for participation is an acceptable one. I witnessed a minor dispute between two facilitators whose views on this topic were at opposite ends of the spectrum – one said that she would not proceed with an RJ process if the victim was too angry or wanted to be verbally aggressive towards the

offender, another said that those were the perfect conditions for a transformative RJ meeting. This is important for RJ policy makers and practitioners to consider. If punitive motivations are considered acceptable, might this encourage victims to be punitive? I suggest that it would instead make the process fairer. At present, if a victim is able to hide their anger, facilitators deem them appropriate for participation, whereas if the same victim were to voice their anger (especially in an aggressive manner) facilitators may not allow them to proceed. Making punitive feelings an acceptable part of the RJ process would give both victims and offenders a more consistent experience. It would enable victims to discuss their feelings openly, and thereby participate more fairly in the decision about whether the process would benefit or cause harm to any of the parties involved.

If facilitators know what victims are hoping to achieve through communicating with the offender, they can discuss with them the best way to reach their objectives, they can manage victims' expectations, and they can explore alternative ways of meeting the objectives. Currently, when victims are asked why they want to communicate with the offender, both in research and in preparation for an RJ process, victims' answers often refer to the 'what' rather than the 'why': they want to ask questions, talk about the impact of the crime, and look the offender in the eye, etc. While this is useful to know - and facilitators must certainly aim for a process that includes these components - it may in fact not be possible to achieve the hoped-for components, or the components may not fulfil the objectives that the victim hopes they will. Facilitators could use the theoretical framework in this thesis to explore victims' underlying objectives, meaning they could prepare them more fully. If, for example, the facilitator knows that the reason someone wants to talk about the impact of the crime is to stop feeling like a victim, then the facilitator can encourage them also to talk about ways in which they have recovered and coped. If the facilitator knows that the victim wants to talk about the impact of the crime because they want to find out about the offender's character (by seeing how they react), then the facilitator can encourage them also to ask questions.

If victims articulate the objectives they are hoping to fulfil, this will also help facilitators better manage their expectations. Some victims mentioned that facilitators told them that the RJ process would make them 'feel better'. This is reminiscent of the high expectations of compensation created in the early days of RJ, that have since been found to make victims feel worse (Marshall & Merry, 1990). It is a dangerous guarantee to make, and one that several victims explicitly questioned when they did not feel better after the process. If, however, victims can articulate specific intermediate objectives that they hope to fulfil (e.g. having their say) then the facilitator can give them a more accurate assessment of whether they think those particular objectives are attainable.

When facilitators know what victims hope to achieve through communicating with the offender, they can also explore whether their objectives can be fulfilled outside of the RJ process. This is especially pertinent considering the number of victims who will never be offered RJ, and the number of victims who may seek communication with the offender but be denied the opportunity (either by professionals, or if the offender declines to take part, etc.). If victims do not understand how the offender has been punished, for example, they could find another way to learn about the sentence the offender received, what the offender will have to do as part of the sentence, or what it will mean for their criminal record, etc. Currently, the amount of help facilitators offer victims outside of the RJ process is entirely at their own discretion: some believe it is not part of their role at all, some signpost to other organisations, and others go out of their way to help victims fulfil their objectives even if the work technically falls outside the definition of 'RJ'. This thesis cannot determine whose responsibility it should be to do this work. However, it is clear from the findings here that if RJ services are to deliver on their promise of making victims 'feel better', they must *either* be willing to perform tasks that currently fall outside of the 'RJ' remit, or they must be embedded within victim support agencies who will do this work alongside the RJ process.

This research suggests that some victims choose to communicate with the offender to fulfil a perceived deficit in the justice they experienced through the criminal justice system. One implication, therefore, is that the criminal justice system should do better at meeting the needs of victims. As Wemmers (2009) has argued, unless victims are formally included in the existing criminal justice system, victims who want to be ‘recognized and participate in the handling of their case’ may have no option but to agree to communication with the offender (p. 409). Although victims in this study did not appear to be revictimised by the RJ process, several victims suggested that they would not have chosen to communicate with the offender if there had been an alternative way to fulfil their objectives, or if the criminal justice system had been fair, transparent, and inclusive throughout. Thus, while the primary implications of these studies are for RJ policy and practice, there are also lessons for the criminal justice system on how to better meet victims’ needs.

The recommendations for victims made in this section must be weighed with the potential for harm and the goal of also benefitting the offender, but that is beyond the scope of the current study. To maximise the benefits to victims, policies on ‘allowing’ victims to communicate with offenders should follow the path set by policies on allowing families of murder victims to view the body. In the case of murder, some police forces have in the past attempted to protect family members by advising them against or even forbidding them from seeing the body (Mowll, Lobb, & Wearing, 2016). This began to change based on findings that victims appreciate having the choice even if they do not proceed, and that even though viewing the body can be distressing, it can be beneficial in the long-term (Chapple & Ziebland, 2010). Currently, therefore, it is common practice to inform the family about the state of the body, and let them make their own decision about whether to proceed with a viewing (e.g. Metropolitan Police, 2018). Similarly, the offer of communication with the offender should be proactive not protective (Van Camp & Wemmers, 2016). Victims should be informed about what they can realistically expect from the process, not given a sales pitch. They should be involved in a transparent assessment of the potential risks and

benefits. As far as possible, victims should make their own decisions; even when circumstances, the offender, or professionals determine that the choice will be limited.

10.2 Reflections on design and execution of the current studies

The wide scope of this thesis was necessary for the development of the theoretical framework and its testing. I drew on three very different types of data (the CSEW, the online studies and the interviews with victims), which enabled triangulation across three very different contexts, drawing upon the experience of a large number of people in total. However, the large scope of the research is also its primary limitation. The different types of data used in this study are so different from one another that there are effectively gaps in between. The Crime Survey data is large scale, quantitative, and asks a hypothetical question about whether the victim would meet the offender. The major limitation of this study is the pre-set questions, meaning that I had to use proxies for the variables of interest – with mixed success. The study described in Chapters 7 and 8 is small scale, qualitative and conducted with victims who self-selected for the research. Although the online study in Chapter 6 bridges the gap between these two studies to some extent, it closely resembles the Crime Survey in many respects. It improves upon the CSEW by the creation of more nuanced, accurate measures of the concepts of interest, but the offer of meeting the offender remains entirely hypothetical. In an ideal world, I would have also conducted larger scale studies with victims who were really offered the opportunity to communicate with the offender.

The main limitation of the study described in Chapters 7 and 8 is that there were two levels of pre-selection that could have had a significant effect on the make-up of the final sample: 1) the facilitator and 2) the victim. The service manager instructed the facilitators to ask *all* the victims they worked with whether they would be willing to participate in the research. However, the

instructions included the caveat that facilitators could decide not to ask about the research in cases where they thought it would be inappropriate. Therefore, the facilitators were filtering cases, and it is likely that they each had different definitions of when it would be appropriate to ask about the research, especially given the difference in the number of referrals from each facilitator. Secondly, not all the victims who were asked to participate agreed to do so, and it is likely that this self-selection effect has influenced the findings. In particular, there was only one participant who was completely dissatisfied with the RJ process, suggesting that those who were dissatisfied may have deselected themselves from the research. This means that I was unable to investigate the risks and harm associated with RJ.

The biggest limitation on my attempts at triangulation is that I only have one type of data on what *changes* for victims during communication with the offender. In investigating why victims *want* to communicate with the offender, I have both quantitative and qualitative data and can therefore triangulate and draw conclusions that may be somewhat generalizable. The data I have on what *changes* for victims through meeting the offender is qualitative, and without corresponding quantitative data, conclusions about generalisability must be drawn tentatively. If it were possible to collect quantitative data about the experiences of victims who communicated with the offender, this could be used to assess whether the proposed mechanisms also function statistically as mediators of the relationship between communication and other victim outcomes (wellbeing and satisfaction).

10.3 Future directions for mechanism theory research

Throughout this thesis I have highlighted areas that require further research. In this brief section I make some broader suggestions as to how this line of enquiry could proceed. Firstly, the mechanisms need further testing, especially with regard to whether the associated perceptions

change throughout an RJ process. The first important step, therefore, is to create a robust, reliable measure of these perceptions. The scale used in Chapter 6 is a good start, as I demonstrated that the five mechanisms were distinct from one other. It is not sufficient, however, so there needs to be further development of a good scale.

As well as the development of a scale, there are many other potentially good ways to test the relative roles of the five mechanisms. Further qualitative studies might attempt to elicit a sample of victims who were dissatisfied with an RJ process, and those who participated in a wider range of victim-offender communication (e.g. including more offender-initiated cases, diversionary RJ processes, and communication outside of the RJ process). It would also be informative to explore the role of the mechanisms in more diverse samples (by ethnicity and gender, for example), as well as with victims of crime outside of the UK.

The role of the mechanisms could also be investigated using more experimental approaches. The online study in Chapter 6 could be further developed by giving scenarios about the RJ process before victims are asked whether they would want to meet the offender. For example, the expected outcomes could be manipulated; the participants could be told, for example, either that ‘victim-offender meetings usually result in the victim feeling stronger’ or ‘victim-offender meetings usually stop the offender from reoffending’, etc. Similarly, the scenarios could include descriptions of RJ that emphasise different components, to determine how this affects victims’ expectations of the objectives they could fulfil (e.g. apology/no apology, offender/victim-initiated, different stages of the criminal justice system, different levels of voluntariness for the offender, etc.).

To enhance the potential for relationship analysis in online studies (such as those in Chapter 6), the single measure of whether the victim ‘would have been willing to meet the offender if given the opportunity’ could be transformed into a scale utilising a range of items, representing willingness to meet the offender under different circumstances. For example, victims could be

asked whether they would have wanted to meet the offender at the time of the offence, currently, or at some point in the future, and a behavioural measure added (e.g. ‘click here to contact your local RJ organisation to discuss this possibility’). Future research could also consider using implicit measures of victim identity and victim self-stereotyping (Sachs, Veysey, & Rivera, 2017). As with development of the qualitative studies, any repeat or improvement of these online studies should include more diverse samples (especially by gender and ethnicity) and international samples to compare across cultures.

One of the more interesting experimental approaches to understanding what people mean by justice is that used by Carlsmith (2006). He asked people to choose a sentence for a particular crime, and then gave participants a choice of types of information to help them decide (e.g. frequency of the offence, offender’s history, severity of offence). I unintentionally replicated this method with a sample of one, in the course of the interviews. Rose (#10) began the interview by asking me a question, and she implied that my answer would affect her decision about whether to proceed with the RJ process. Her question was ‘is this the sort of guy who would benefit from RJ?’ which is very informative about her reasons for participating.⁹¹ An interesting test of the mechanisms could therefore be a study in which people were told about the possibility of meeting the offender, and then asked what kind of information they would want in order to make the decision. The information offered could be about the crime or the offender, as in Carlsmith’s study, or it could be about victim-offender communication itself (e.g. whether it prevents reoffending, whether victims tend to feel stronger afterwards, etc.).

In this thesis I have only superficially examined the moderators of victims’ motivation to participate and of the outcomes they experience. Future studies should take a more serious look at the role of gender, ethnicity and disability. There is also important further work to be done on whether there might be different mechanisms engaged in certain types of crime, particularly sexual

⁹¹ Philip (#28) also said that ‘being a scientist’ he would like to ‘see some data’ on whether it prevents reoffending.

offences and domestic violence. I have not looked in this thesis at the role personality types play in victims' choices, because I did not consider it instructive for policy and practice. However, for improving knowledge of human nature and more fully understanding the meaning of justice to victims, this would be an interesting route for future research. In this thesis I have not considered the role of class/socio-economic status on victims' engagement with RJ processes, although there is evidence that it may be a significant moderator of victims' experiences of RJ processes (Willis, 2018).

A productive next step could be a careful study of the links between the components of RJ and the mechanisms engaged. If the victim receives reparation from the offender, for example, which of the five mechanisms does that engage? What about when the victim asks questions? I have referred to these potential relationships throughout the thesis based on logical assumptions – for example that asking questions of the offender is linked primarily to reducing uncertainty about the offender. However, each of the components of an RJ process could be linked to several of the mechanisms, and conclusions about these relationships would be better drawn from further data analysis, rather than assumptions.

10.4 Final thoughts

Finally, then, the evidence presented in this thesis has advanced our knowledge of how restorative justice 'works' for victims. The thesis is not sufficient to explain comprehensively the psychological changes that victims expect and experience through communication with the offender. However, it has contributed valuable data, as well as a framework through which future studies can build upon one another. The evidence has shown that there is no single path through which communication with offenders leads to change for victims. Opening the 'black box' we do not see a single, simple mechanism that applies to all victims. It is perhaps more like opening a

complex electrical junction box – with multiple wires and multiple connections, hard to map even if we were able to observe it directly. Importantly, however, the number of wires and connections are finite. The psychological changes that take place for victims who communicate with the offender are numerous, but they follow some patterns, and can be categorised. The evidence in this thesis demonstrates that it is possible to establish relationships between the mechanisms, even though it has been somewhat limited in its ability to do so. The connections should therefore be mapped, even though it may take time and resources beyond those I was able to muster in the course of a DPhil. In this chapter I have also demonstrated the reasons that such research is necessary, and how it can be of use. I contend that it is therefore important to continue this line of research in order to improve policy and practice, as well as to understand what justice means to victims of crime.

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Appendix A Technical supplement to Chapter Three

A.1 CSEW: Stage One, exploratory analysis

A.1.1 Exploratory Analysis Method

There is little agreement as to essential steps, criteria or parameters for Exploratory Data Analysis (EDA). Tukey's early book on the topic (Tukey, 1977) proposes primarily visualisation and transformation of the data. Gelman (blog, 2016) proposes that the main considerations when conducting EDA should be 1) Ensuring that the measures are valid and reliable, 2) Open-endedness, 3) Drawing on both quantitative and qualitative data and 4) Using continuous measurements where possible (to enable graphical representation).

Most argue that standard inferential statistics are not meaningful when the data have been 'mined', as with an endless source of potential relationships, the probability of finding a false-positive tends towards 1 (i.e. inevitable). In order to most usefully explore the current data set, the exploratory study was in fact 'quasi-exploratory'. The thousands of variables in the data set were not all tested for a relationship with willingness to meet. Instead, the candidates for predictors of willingness to meet were drawn from a long - but finite - list derived loosely from relevant theory. For this reason the inferential statistics (e.g. p values) are included in the results below. None of the findings of this study were used to 'conclude' that relationships are present, rather they were used to derive hypotheses for the confirmatory study (Chapters 4 and 5). Nevertheless, even in this dataset and with this method, we may be relatively confident that if $p < .001$ the relationship was highly unlikely to have occurred by chance (as the number of variables tested is below 50, so we could conservatively divide our .05 threshold by 50, reaching .001).

First, the majority (36) of the variables were then entered together into logistic regression model, and using a backward stepwise method (likelihood ratio) in SPSS, the variables that contributed least to the prediction of willingness to meet were removed. Stepwise regression is not considered appropriate for theory testing (Field, 2013), but in order to reduce a set of variables for which there is little theory upon which to base hypotheses, Menard (2002) argues that it can be of use.

The remaining eleven variables were not included in the initial analysis, because there was so much missing data, and including them in the analysis decreased the sample size in a non-random way. For example, there is only data on the offenders in approximately one third of the total number of cases. Often, victims do not have any information about the offender, if they were not seen at the time of the crime and were also not subsequently arrested. Excluding the cases where this data was missing would therefore non-randomly exclude certain types of crime (e.g. more property crimes and fewer violent crimes), therefore it did not make sense to include these variables in the main model.

Instead, after the initial analysis, they were added to the model individually, and their contribution to the model assessed through inspection of the Wald, log-likelihood and model fit statistics. The four offender-related variables were added in one block, then the three CJS variables, and three miscellaneous variables were added singly to the model.

A.1.1.a Sample

Across the four years of data (CSEW, 2011-15), 29,016 people answered the question about whether they would have met the offender had they had the opportunity. 7,719 people (26.6%) of them said they would have done. For more details about data collection and the CSEW, see Chapter 4: Method.

A.1.1.b Measures

The following question wording is drawn from the 2014-15 survey.

Independent: Crime Features

1. Victim's self-assessment of the severity of the crime: *"How would you rate this crime on the scale from 1 to 20?"* (scorcrim2)⁹²
2. Property (Prop) (If (v71 = 1 or v75 = 1 or v77 = 1) prop = 1)
3. Sexual element (v712)
4. Violence threatened or used during crime - y/n (throrfor)
5. Contact with offender during crime - y/n (v78)
6. Financial impact. Grouped total replacement value of what was stolen (totval2).
7. Practical Impact (pracimp5) Scale created from question: *"Looking at this [list of potential types of impact] what, if any, of these things happen to you as a result of this incident?"*
8. Health Impact – *"Did you experience any long-term physical health problems as a result of the incident?"* ("No" = ltepmpe)
9. Emotional reaction. *"Looking at this [list of emotions] did you personally have any of these reactions after the incident?"* (emotreac), then if Y to emotreac *"Overall, how much were you affected?"* - 0-3 (totaff recoded into emoimp3 because in a strange order).
10. Could have been racially motivated. Racemay, derived from (racemot = 1) OR (racemot = 9 and raceposs = 1)
11. Time since crime. Derived from difference between month of crime (mthrecin) or month of most recent crime in series (mthinc2) and interview date (intmon), all having been converted to date format in SPSS

Independent: Victim and offender demographics

12. Number of offenders (numoff2)
13. Offender Ethnicity, 4 groups (ofethn1)
14. Offender Gender (ofsex)
15. Offender Age (offage1)
16. Victim Ethnicity, 4 groups (ethgrp4a)
17. Victim Gender (sex)

⁹² This question is preceded by the introduction: "I would now like to ask you how serious a crime you personally think this was. On a scale of 1 to 20 with 1 being a very minor crime like theft of milk bottles from a doorstep, to 20 being the most serious crime of murder"

18. Victim Age (age)
19. Victim SES - 3 level is only one that can be seen as ordinal (rnssec3)
20. Type of area – rural/urban (rural3)
21. Victim Newspaper readership (papcho4)
22. Victim Country of Birth (rnscri6)
23. Victim Religion (relig3a)
24. Victim Disability (illharmONS)

Independent: Experience of Justice

25. *“Did the police come to know about the matter?”* (copsknow)
26. *“Did the police find out or know who did it?”* (Findoff)
27. Police – action or no action. (Chrgtyp4, derived from chrgtyp2)
28. Police Satisfaction. *“Were you satisfied with the way the police handled the matter?”* (Satpol)
29. *“Did the police treat you fairly?”* (vpledg5)

Independent: Emotions

30. If emotreac = Y, *“Which of these reactions did you personally have?”*⁹³
 - Anger – y/n
 - Shock
 - Fear
 - Depression
 - Anxiety/panic attacks
 - Loss of confidence/feeling vulnerable

Independent: Victim-offender identities

31. Previous relationship between victim and offender - y/n (relate)
32. Victim is repeat victim in last 12 months. Determined by whether victim filled in two or more victim forms (created var: repeat)
33. Victim behaviour: Negligence (whyhap3a)
34. Victim targeted: Targeted (whyhap3d) OR targeted for race (whyhap3j) OR being different (whyhap3k)

Victim perception of self as Christie’s ‘ideal’ victim, possible variables:

35. Victim not been drinking (vicdrnk, recoded)
36. Day time (time3: 1= day, 2= evening or night),
37. What the victim was doing at the time (whatdo2, collapsed)
38. Did not provoke offender or use force themselves (prokfr) (from whyres3a or forceu)
39. Crime did not happen because of previous relationship (whyhap3b)

⁹³ Did not include any of the following, as they are ambiguous or not really emotions (Difficulty sleeping, Crying/tears, or Annoyance)

40. Perceived likelihood of self being victim in next year (pervict)

Perception of offender and causes of crime

- 41. Opportunist (whyhap3e)
- 42. Wanted money (whyhap3c)
- 43. Temper (whyhap3l)
- 44. Mental illness (whyhap3m)
- 45. Drink/drugs (whyhap3g)
- 46. Location(whyhap3i)
- 47. Transport (whyhap3p)
- 48. Don't know (whyhap3r)

A.1.2 Exploratory Analysis Results

Table A.1 below shows the model statistics for the full model (with all 36 variables), as well as during various stages of stepwise regression. The final model was created using extremely stringent criteria for inclusion ($p < .001$) in order to be most conservative and include only the variables where a predictive relationship is most likely.

Table A.1 Model change statistics during stepwise regression				
N = 26,067	<u>Model 1: All 36 variables</u>	<u>Model 2: 26 variables (Step 10 of 20)</u>	<u>Model 3: 17 variables criteria for inclusion, $p < .01$ (Step 20 of 20)</u>	<u>Model 4: 14 variables, criteria for inclusion $p < .001$ (Step 23 of 23)</u>
Model Chi-square (df)	1306.48 (59)	1301.84 (47)	1255.83 (30)	1230.88 (23)
Sig of model	.000	.000	.000	.000
Change of chi- square from previous model	-	5 (12)	46 (17)	25 (7)
Sig. of change	-	n.s	$P < .001$	$P < .001$

Table A.2 below shows the variable statistics for the final 14 variables in the model.

Table A.2						
Logistic Regression model with effect sizes for 14 variables remaining in the model after stepwise regression						
	<u>B</u>	<u>S.E.</u>	<u>Wald</u>	<u>df</u>	<u>Sig.</u>	<u>Exp(B)</u>
CRIME FEATURES						
Violence (y/n)	-.460	.046	100.737	1	.000	.631
Practical Impact (0-3)	.217	.024	82.915	1	.000	1.242
Health Impact (y/n)	.180	.034	28.719	1	.000	1.198
Emotional Impact (0-3)	.173	.020	74.775	1	.000	1.189
VICTIM GROUP						
Ethnicity - White			73.656	3	.000	
Asian or Asian British	.313	.065	23.445	1	.000	1.367
Black or Black British	.517	.084	37.761	1	.000	1.677
Other	.411	.094	19.058	1	.000	1.508
Age	.005	.001	21.454	1	.000	1.005
Newspaper of choice – Tabloid			181.228	6	.000	
Midmarket tabloid	.062	.039	2.459	1	.117	1.064
Right wing broadsheet	.140	.045	9.651	1	.002	1.150
Left & independent broadsheet	.298	.047	40.295	1	.000	1.347
Other	-.635	.187	11.485	1	.001	.530
No particular paper	.195	.112	3.030	1	.082	1.215
Don't read newspaper	-.406	.048	72.348	1	.000	.666
Disability (y/n)	.128	.034	14.562	1	.000	1.137
CJS EXPERIENCE						
Police informed or not	.200	.030	43.756	1	.000	1.222
EMOTION						
Anger	.255	.032	64.605	1	.000	1.290
Shock	.156	.037	17.613	1	.000	1.169
Loss of confidence/vulnerability	.241	.045	28.858	1	.000	1.273
VICTIM-OFFENDER IDENTITY						
Knew the offender - Strangers			34.298	3	.000	
Not sure	-.104	.196	.285	1	.593	.901
Knew casually	-.134	.057	5.572	1	.018	.875
Knew well	-.376	.065	33.376	1	.000	.687
Repeat victim (y/n)	.144	.034	17.505	1	.000	1.155
Constant	-1.939	.064	914.872	1	.000	.144

To test each of the remaining ten variables without diminishing the sample size beyond recognition, they were each added to the model independently and then removed. At each stage, I repeated a test of the basic model using only the sub-section of the sample for which an answer to the variable in question was not missing. The statistics for the model applied to this sub-sample can be found in the column: 'Model without var'. The variable was then added to the model to test its contribution to predicting Willingness to meet. For example, only 9,903 cases have information about the number of offenders. Using only these cases, the model was tested with and without the variable 'Number of offenders', and the significance of the difference between these two models is given in the final column.

Table A.3 Model fit change with the addition of final ten variables					
Variable added to model	N	Model without variable Chi-sq (df) [-2LL]	Model with variable Chi-sq (df) [-2LL]	Difference between models Chi-sq (df)	b (SE)
No. of offenders	10,563	491.96(23) [10997.81]	499.91(24) [10989.86]	7.95(1)**	.065 (.023)**
Offender Ethnicity: White	10,106	475.84(23) [10423.10]	480.70(26) [10418.24]	4.86(3)	
Asian					.166(.121)
Black					.170(.100)
Other					.095(.097)
Offender Sex: Male	10,580	502.70(23) [11003.25]	508.68(25) [10997.27]	5.98(2)	
Female					.001(.073)
Both sexes (group)					.200(.082)*
Offender Age <16	10,271	481.64 (23) [10650.68]	519.68(27) [10612.64]	38.04(4)**	
16-24					-.376(.086)***
25-39					-.509(.087)***
40+					-.525(.096)***
> 1 Age group					-.500(.127)***
Police identify offender:	10,193	449.54(22) ⁹⁴ [12129.80]	497.63 (24) [12081.72]	48.09(2)**	
No					-.464(.068)***
Yes					-.109(.087)
Not yet					
Police took action	3070	110.52(22) [3156.29]	122.49(23) [3144.32]	11.97(1)***	-.311(.090)**
Satisfaction with police	10,894	476.20(22) [13010.94]	503.63(23) [12983.51]	27.44(1)***	.108(.021)***
Financial impact: £0	12,170	641.41(23) 13678.98	646.06(30) 13674.33	4.65(7)	
£1-19					.146(.180)
£20-49					.159(.179)
£50-99					.219(.180)
£100-199					.150(.180)
£200-499					.231(.179)
£500-999					.114(.190)
£1000+					.223(.189)
Victim had alcohol	6,600	305.01(22) 6412.40	313.51(23) 6403.90	8.50(1)**	-.260(.091)**
Provoked or used force	6,203				-.180(.091)*
Fairness of police	10,794				-.185(.110)***

*p<0.05; **p<0.01; ***p<0.001

⁹⁴ Excludes all cases where the police were not informed. ‘Copsknow’ therefore not included in the model and degrees of freedom reduces to 22.

A.1.2.a Interaction effects

The severity x time, and the impact x violence interaction effects were added in turn to the model. Neither significantly predicted willingness to meet or significantly improved the model:

Table A.4 Interaction terms added to the original logistic regression model					
<u>Interaction term</u>	<u>N</u>	<u>Model without interaction Chi-sq (df) [-2LL]</u>	<u>Model with interaction Chi-sq (df) [-2LL]</u>	<u>Difference between models Chi-sq (df)</u>	<u>b (SE)</u>
Severity x time elapsed	27,787	1353.39(23) [30911.44]	1355.99(24) [30908.83]	2.5(1)	.001(.000)
Impact x violence	28,183	1366.40(23) [31332.288]	1368.29(24) [31330.40]	1.9(1)	-.067(.049)

I also tested the possibility that a shared identity predicts willingness to meet, as proposed by value-restoration theory. There three identity groups for which data was present for both the victim and (some) offenders (ethnicity, age and gender) were added in turn to the model:

Table A.5 Shared identity interaction terms added to model					
<u>Interaction term</u>	<u>N</u>	<u>Model without interaction Chi-sq (df) [-2LL]</u>	<u>Model with interaction Chi- sq (df) [-2LL]</u>	<u>Difference between models</u>	<u>b (SE)</u>
Vic Eth x Off Ethnicity	10,106	475.84(23) [10423.10]	479.07(32) 10419.868	3.22(9)	
White x White					.014(.259)
Asian x Asian					-.031(.336)
Asian x Black					.069(.312)
Asian x Other					.607(.684)
Black x Asian					.025(.282)
Black x Black					-.144(.400)
Black x Other					-.052(.633)
Other x Asian					.382(.410)
Other x Black					.476(.380)
Other x Other					
Vic Age x Off Age	10,271	481.64 (23) [10650.68]	511.65(31) [10620.67]	30.01(8)***	
16-24 x 16-24					-.107(.096)
16-24 x 25-39					-.158(.085)
16-24 x 40+					-.100(.121)
40+ x 16-24					-.240(.092)**
40+ x 25-39					-.436(.092)***
40+ x 40+					-.450(.100)***
Vic Gender x Off Gender	10,580	502.70(23) [11003.25]	503.08(25) [11002.87]	0.38(2)	
Male x Male					-.015(.051)
Male x Female					-.078(.137)

The significant interaction between age categories does not demonstrate that sharing an age category increases willingness to meet. On the contrary, it demonstrates that the older the victim, the more likely they are to be willing to meet the offender when the offender is young. Younger victims were less likely to want to meet a younger offender. Illustrated in Figure A.1

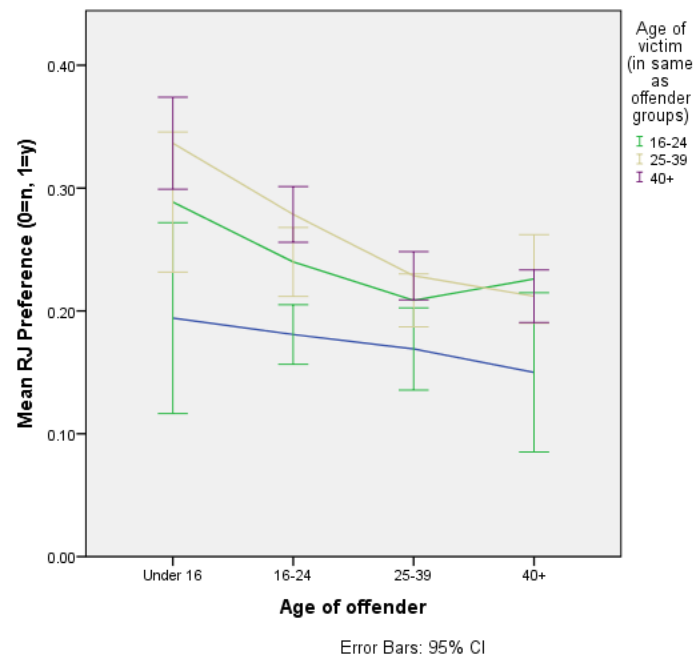


Figure A.1 Age of offender and age of victim influence on willingness to meet

A.1.3 Regression analysis of the quadratic relationship between severity and willingness to meet

Table A.6			
Logistic regression model, linear and quadratic effects of severity on victim willingness to meet offender			
	B (S.E)	Sig.	Exp(B)
Severity (1-20)	.072 (.010)***	.000	1.075
Severity Squared (1-400)	-.002 (.001)***	.000	.998
Constant	-1.280 (.032)	.000	.278

*p<.05; **p<.01; ***p<.001

$\chi^2(2) = 127.798^{***}$, -2LL = 33411.643, $R^2(\text{Cox\&Snell}) = .004$, $R^2(\text{Nagelkerke}) = .006$, n = 28,935

A.2 CSEW: Stage Two, additional information about the confirmatory analysis

A.2.1 Relationship between predictors for logistic regression analysis

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Anger – y/n (1)	1																
Repeat victim – y/n (2)	.03**	1															
Loss of confidence – y/n (3)	.15***	.09**	1														
Violence – y/n (4)	.04***	.22**	.25***	1													
Health impact – y/n (5)	.13***	.09**	.33***	.25***	1												
Disability – y/n (6)	.06***	.06***	.13***	.10***	.16***	1											
Police action – y/n (7)	-.02	-.03	-.00	-.04	.02	-.02	1										
Victim had alcohol – y/n (8)	-.00	-.02	.	.	-.08***	-.03*	-.05	1									
Police identify offender – y/n (9)	.01	.20**	.17***	.63***	.22***	.09**	.	-.06*	1								
Relationship – y/n (10)	.06***	.14***	.20***	.52***	.26***	.11**	-.06*	-.11**	.62**	1							
Ethnicity – White/BME (11)	-.03**	.01	.01	-.03***	.03**	-.08**	.03	-.06**	-.07**	-.05**	1						
Offender age – 0- 24/25+ (12)	-.01	.01	.11***	.21***	.08***	.05**	-.03	-.04*	.19**	.08**	-.00	1					
Age – yrs (13)	-.00	-.06**	-.01	-.11**	.00	.24**	.01	-.19**	-.09**	-.06**	-.13**	.09**	1				
Practical impact – 0-3 (14)	.21***	.00	.19***	-.09***	.24***	.03***	.01	-.01	-.04*	.05***	.05***	.04*	-.02*	1			
Emotional impact – 0-3 (15)	.45***	.08***	.39***	.20***	.38***	.14**	-.02	-.07***	.17***	.23***	.03**	.07***	.02	.30***	1		
Police satisfaction – 0-3 (16)	-.12***	-.06***	-.07***	-.03*	-.11***	-.04*	.34***	.00	.04**	-.04**	-.07***	.02	.07***	-.10***	-.14***	1	
Police fair – 0-2 (17)	-.08***	-.05**	-.08***	-.09***	-.11***	-.07***	.26***	.01	-.05**	-.08***	-.04**	.03	.02	-.06***	-.14***	.66***	1

A.2.2 Results: Tests of Assumptions (e.g. multicollinearity)

To check that the data met the assumptions required in order for the logistic regression analysis to be meaningful, the followings tests were carried out:

Multicollinearity: To check that there was not a high degree of collinearity between the variables, I first evaluated the Tolerance and VIF statistics. As recommended by Menard (2002), I checked for tolerance values below 0.1, of which there were none. I also checked for VIF values greater than 10 (Myers, 1990), and there were also none. Finally I assessed the variance proportions contributing to the dimensions identified by SPSS as a collinearity diagnostic, and found that there did not seem to be any problem with two or more variables explaining a great deal of the variance of the same dimension (as recommended by Field, 2013).

Table A.8

Testing multicollinearity

	Collinearity Statistics	
	<u>Tolerance</u>	<u>VIF</u>
Whether force or violence threatened/used	.636	1.573
L-term physical health problems	.755	1.324
Ethnic Group (4 categories)	.975	1.026
Disability/long-standing illness ONS	.898	1.113
Did the police come to know about the matter	.928	1.078
Which reactions did you have: Anger	.781	1.280
Loss of confidence/vulnerability	.775	1.290
How well victim knew offender(s)	.672	1.489
Repeat victim	.939	1.065
Practical impact (1-4)	.826	1.210
Victim Age	.910	1.099
Emotional impact (1-4)	.600	1.667

Linearity: The interaction terms for each of the three continuous variables (practical impact, emotional impact and age) and their own natural log were entered into the logistic regression model. The interaction terms for practical impact and age were non-significant, meaning we can assume a linear relationship with the log of willingness to meet. The interaction term for emotional impact was significant, meaning we cannot assume linearity.

Table A.9

Testing Linearity

	<u>B</u>	<u>S.E.</u>	<u>Wald</u>	<u>df</u>	<u>Sig.</u>	<u>Exp(B)</u>
Ln(Practical impact) by Practical impact	-.155	.153	1.026	1	.311	.856
Ln(Age) by Age	-.004	.007	.387	1	.534	.996
Ln(Emotional impact) by Emotional impact	-.913	.116	61.592	1	.000	.401
Constant	-4.770	.458	108.286	1	.000	.008

N.B All main effects included in model (not shown here)

Complete information: To check this, I cross-tabbed the categorical data (using binary versions of prior relationship and ethnicity). Expected frequencies in each cell were generally (but not entirely) >1 , and fewer than 20% of the cells were less than 5. Although the binary versions were not used in the research shown, it was repeated with these versions of the variables in a check of the model (also including extra controls), see section A.2.3 below.

Complete separation: None of the variables perfectly predict the outcome.

Overdispersion: Although there is an indication that there is overdispersion in the data (goodness of fit/df = 3.72), this may be a result of using many binary predictors and therefore cannot really be corrected.

A.2.3 Results: Model checks – condensed main variables and control variables

The main logistic regression analysis was repeated with the condensed versions of ethnicity and prior relationship variables (to check whether incomplete information is affecting the model), and without the emotional impact variable (as it could be collinear with anger and loss of confidence). The previously identified significant relationships all remained significant and in the same direction. The analysis was then repeated with the addition of gender and SES as control variables, and as before the relationships all remained significant and in the same direction. Finally, Police Force Area (PFA) was added as a control. This analysis could only be run using the 2016-17 data for which PFA is supplied by the ONS, meaning the sample size was 5,471. Even before the addition of the PFA variable, the effects of disability and prior relationship on willingness to meet were no longer significant, despite remaining of the same magnitude and direction. Addition of the PFA as a categorical control variable had no effect on the significance, magnitude or direction of the remaining relationships. The addition of a categorical variable with so many categories (42) is of course not recommended for such a model, but as a means of checking whether the geographic clustering of the data had any effect on the findings, it was deemed sufficient.

A.2.4 Justification for including only the first crime

In this study, I have taken the individual victim and the first crime described as the unit of analysis. The potential danger with this approach is that the effect of repeat victimisation could be lost. For this reason I included a new variable which records whether the person has been a victim more than once in the 12 months prior to the interview. Multi-level modelling was considered as an alternative method of analysis, but rejected because the small cluster size (1.32), the large ICC (0.57) and the resulting small design effect (1.18) suggests that multilevel modelling would add little of value to the analysis. The rule of thumb that multilevel analysis introduces bias if the design effect is less than 2 (Hox & Maas, 2002) can be countered by a large number of clusters. However, this is not the case if the design effect is as low as 1.1 (Lai & Kwok, 2015).

A.2.5 Results of four full models

Table A.10

Model 1: Main logistic regression model with addition of three variables: identification of offender; police satisfaction and police fairness.

	<u>B (S.E)</u>	<u>Exp(B)</u>
Violence	-.20 (.11)	.82
Practical Impact	.18 (.05)***	1.19
Health impact	-.01 (.10)	.99
Emotional impact	.11(.05)*	1.12
Ethnicity – White (ref)		
Asian and Asian British	.33 (.15)*	1.39
Black and Black British	.42(.20)*	1.52
Other	.40 (.22)	1.49
Victim Age	-.00 (.00)	.99
Victim disability	.08 (.09)	1.08
Anger	.33 (.08)***	1.39
Loss of confidence	.14 (.10)	1.16
Relationship to offender - Stranger		
Casual	-.02 (.13)	.99
Knew well	-.33 (.15)*	.72
Repeat victim	.13 (.08)	1.13
Police identify offender - No		
Yes	-.35 (.11)***	.71
Not yet	-.32 (.16)*	.73
Satisfaction with police	.04 (.04)	1.04
Police fairness	-.25 (.08)***	.78
Constant	-.92 (.25)	.40

*p<.05; **p<.01; ***p<.001

$\chi^2(18) = 180.74^{***}$, $-2LL = 4589.05$, R^2 (Cox&Snell) = .044, R^2 (Nagelkerke) = .063, n = 4,058

Table A.11

Model 2: Main logistic regression model with addition of the variable: police action

	<u>B (S.E)</u>	<u>Exp(B)</u>
Violence	-.13 (.16)	.88
Practical Impact	.07 (.09)	1.08
Health impact	.05 (.17)	1.06
Emotional impact	.22 (.09)*	1.25
Ethnicity – White (ref)		
Asian and Asian British	.54 (.35)	1.72
Black and Black British	.62 (.34)	1.85
Other	.80 (.39)*	2.23
Victim Age	.00 (.00)	1.00
Victim disability	.04 (.15)	1.04
Anger	.31 (.15)*	1.36
Loss of confidence	.14 (.16)	1.15
Relationship to offender - Stranger		
Casual	-.11 (.17)	.90
Knew well	-.42 (.18)**	.66
Repeat victim	.10 (.14)	1.11
Police action	-.29 (.13)*	.75
Constant	-1.64 (.29)	.19

*p<.05; **p<.01; ***p<.001

 $\chi^2(15) = 52.23^{***}$, -2LL = 1406.67, R^2 (Cox&Snell) = .037, R^2 (Nagelkerke) = .057, n = 1,382.

Table A.12

Model 3: Main logistic regression model with addition of the variable: victim had alcohol

	<u>B (S.E)</u>	<u>Exp(B)</u>
Practical Impact	.13 (.07)	1.135
Health impact	-.06 (.12)	.938
Emotional impact	.29 (.06)***	1.336
Ethnicity – White (ref)		
Asian and Asian British	.35 (.22)	1.420
Black and Black British	.47 (.24)	1.595
Other	.40 (.24)	1.497
Victim Age	.00 (.00)	1.004
Victim disability	.00 (.10)	1.003
Police informed	.18(.09)	1.195
Anger	.31 (.10)***	1.363
Loss of confidence	.02(.11)	1.016
Relationship to offender - Stranger		
Casual	-.27(.12)*	.767
Knew well	-.42(.12)***	.654
Repeat victim	.10(.09)	1.106
Victim had alcohol	-.35(.15)*	.706
Constant	-2.173	.114

*p<.05; **p<.01; ***p<.001

 $\chi^2(15) = 113.72^{***}$, -2LL = 3095.53, R^2 (Cox&Snell) = .035, R^2 (Nagelkerke) = .055, n = 3,215.

Table A.13

Model 4: Main logistic regression model with addition of the variable: offender age

	B (S.E)	Exp(B)
Violence	-.27 (.08)**	.76
Practical Impact	.14 (.06)*	1.15
Health impact	-.03(.10)	.98
Emotional impact	.24(.05)***	1.27
Ethnicity – White (ref)		
Asian and Asian British	.36(.17)*	1.43
Black and Black British	.53(.19)**	1.70
Other	.39(.20)*	1.47
Victim Age	.00 (.00)	1.00
Victim disability	-.00 (.08)	1.00
Police informed	.16 (.07)*	1.18
Anger	.31 (.08)***	1.36
Loss of confidence	.09 (.09)	1.09
Relationship to offender - Stranger		
Casual	-.23 (.09)*	.80
Knew well	-.43 (.10)***	.69
Repeat victim	.15(.07)*	1.16
Offender Age <16 (ref)		
16-24	-.43 (.14)**	.65
25-39	-.59 (.14)***	.56
40+	-.55 (.15)***	.58
> 1 Age group	-.70 (.21)**	.50
Constant	-1.30 (.18)	.27

*p<.05; **p<.01; ***p<.001

 $\chi^2(15) = 113.72^{***}$, -2LL = 3095.53, R^2 (Cox&Snell) = .035, R^2 (Nagelkerke) = .055, n = 3,215.

Appendix B Technical supplement to Chapter Six

B.1 Exploratory factor analysis of justice objectives (Pilot study)

Table B.1

Exploratory factor analysis of justice objective importance, pilot study

	<u>Victim-oriented</u> <u>justice objectives</u>	<u>Offender-oriented</u> <u>justice objectives</u>	<u>Compensative</u>
Feeling in control.	.953	.125	-.057
Feeling better.	.809	-.034	-.043
Being respected.	.751	-.084	.010
Understanding why the crime happened.	.735	.162	.225
Feeling safe.	.708	-.153	-.236
Being listened to.	.650	-.259	.043
Being treated fairly.	.635	-.205	.038
Closure.	.494	-.259	.243
Other people recognising the wrong that was done to me.	.404	-.190	.372
Getting information about the crime.	.394	-.312	.222
The offender(s) being punished.	-.147	-.882	.203
The offender(s) recognising the wrong that was done.	.038	-.832	-.029
The offender(s) being prevented from doing it to someone else.	.233	-.707	-.143
Society sending the message that this kind of crime is unacceptable.	.284	-.646	-.135
Compensation	.031	-.010	.897

Rotation Method: Oblimin with Kaiser Normalization. Rotation converged in 11 iterations.

B.2 Offender-oriented and victim-oriented objectives as predictors of willingness to meet (Pilot study)

Table B.2

Ordinal regression model, testing offender-oriented and victim-oriented objectives as predictors of willingness

	<u>β</u>
Threshold	
Willingness = 1	-.363
Willingness = 2	.936
Willingness = 3	2.261
Willingness = 4	3.485
Importance – Victim-oriented objectives	-.067**
Importance: Offender-oriented objectives	.123*
Fulfilled: Victim-oriented objectives	-.009
Fulfilled: Offender-oriented objectives	-.207***
Expected: Victim-oriented objectives	.078*
Expected: Offender-oriented objectives	.047
χ^2 (d.f)	50.96(6)***
R ² (Cox & Snell)	.295
R ² (Nagelkerke)	.309
R ² (McFadden)	.114

* p<.05;**p<.01;***p<.001

B.3 Ordinal regression analyses – fulfilment, expectations and interaction terms

Table B.3 Ordinal regression model, testing objective fulfilment, expectations and interaction between them				
	Model 1	Model 2	Model 3	
	β	β	β	
Threshold				
Willingness = 1	-.699	-1.031	-.645	
Willingness = 2	.307	.352	.781	
Willingness = 3	1.009	1.335	1.781	
Willingness = 4	2.181	2.862	3.342	
Fulfilled – Procedural justice	.125	-.195	-.137	
Fulfilled - Punishment	-.375	-.150	-1.599*	
Fulfilled - Prevention	.153	.017	.953	
Fulfilled - Perception of offender	.149	.261	.639	
Fulfilled – Self-perception	-.170	.128	.231	
Expected - Procedural justice		.525	.596	
Expected - Punishment		-.335	-.231	
Expected - Prevention		.351	.284	
Expected - Perception of offender		.615**	.593**	
Expected - Perception of self		.130	.119	
Fulfilled x Expected interaction Procedural justice			.131	
Fulfilled x Expected interaction Punishment			.553*	
Fulfilled x Expected interaction Prevention			-.487	
Fulfilled x Expected interaction Perception of offender			-.060	
Fulfilled x Expected interaction Self-perception			.117	
* $p < .05$; ** $p < .01$; *** $p < .001$	$\chi^2(d.f)$	3.0(5)	88.6(10)***	96.8(15)***
	R ² (Cox & Snell)	.02	.37	.39
	R ² (Nagelkerke)	.02	.39	.41
	R ² (McFadden)	.005	.15	.16
	Pearson χ^2	711.8	739.0	762.5
	Deviance χ^2	554.3	505.0	496.9

- Model 1 does not fit the data well $\chi^2(5) = 3.0$, $p = n.s.$
- Model 2 fits the data well $\chi^2(10) = 88.6$, $p < .001$ and is a significant improvement on Model 1: $\Delta\chi^2(5) = 85.6$, $p < .001$.
- Model 3 fits the data well $\chi^2(15) = 96.8$, $p < .001$, but is not a significant improvement on Model 2: $\Delta\chi^2(5) = 8.2$, $p = n.s.$

B.4 Correlation matrix including objective importance, emotions, and perception of self and offender measures

Table B.4

Correlation matrix for additional scales (emotion and victim and offender morality and competence)

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Willingness to meet (1)	1														
Violence (2)	-.142*	1													
Impact (3)	.108	.454***	1												
<u>Importance</u>															
Procedural justice (4)	.058	.279***	.461***	1											
Punishment (5)	.134	.181*	.349***	.461***	1										
Prevention (6)	.216**	.171*	.320***	.543***	.782***	1									
Perception of offender (7)	.425***	.154*	.252***	.253***	.467***	.463***	1								
Self-perception (8)	.034	.319***	.472***	.917***	.406***	.406***	.337***	1							
Anger (9)	.292***	-.024	.340***	.205**	.299***	.255***	.184*	.184*	1						
Anxiety (10)	-.063	.557***	.620***	.459***	.300***	.289***	.201***	.495***	.165*	1					
Guilt (11)	-.051	.339***	.426***	.303***	.025	.012	.137	.391***	.082	.439***	1				
Offender competence (12)	-.091	.310***	.221**	.146*	-.068	-.058	.063	.146*	-.005	.275***	.307***	1			
Offender morality (13)	.027	-.014	-.026	-.011	-.309***	-.189**	-.046	-.018	-.075	-.032	.195**	.403***	1		
Victim competence (14)	.172*	-.151*	.032	.139	.170*	.125	.100	.099	.244**	-.062	-.096	-.026	.068	1	
Victim morality (15)	.225**	-.003	.205**	.222**	.259***	.267***	.166*	.135	.345***	.177*	.002	.077	-.082	.388***	1

B.5 Anger, victim-competence and victim-morality as predictors of willingness

Table B.5

Anger, victim-competence and victim-morality as predictors of willingness

	β
Threshold	
Willingness = 1	.375
Willingness = 2	1.759
Willingness = 3	2.731
Willingness = 4	4.234
Expected - Procedural justice	.707***
Expected - Perception of offender	.537***
Anger	.058
Victim competence	.000
Victim morality	.127
χ^2 (d.f)	87.163(5)***
R ² (Cox & Snell)	.362
R ² (Nagelkerke)	.380
R ² (McFadden)	.147
* p<.05;**p<.01;***p<.001	

B.6 Identity predictors of willingness to meet

Table B.6

Potential identity and crime-type predictors of willingness to meet

		<u>β</u>	<u>S.E</u>
Threshold	Willingness = 1	-.223	.897
	Willingness = 2	.856	.899
	Willingness = 3	1.607	.904
	Willingness = 4	2.844	.922
	Violence (0-10)	-.135*	.064
	Practical impact (5 item total)	.047**	.014
	Victim gender (Male, ref)	-	
	Female	-.087	.297
	Disability (Yes, ref)	-	
	No	-.057	.315
	Ethnicity (BME, ref)	-	
	White	.077	.434
	Victim age (>60, ref)	-	
	Age 18-29	-.048	.556
	Age 30-44	-.794	.505
	Age 45-59	-.945	.541
	Hate motivated crime (Yes, ref)	-	
	No	.269	.347
	Contact during crime (Yes, ref)	-	
	No	.216	.360
	Sexual element to crime (Yes, ref)	-	
	No	.704	.455
χ^2 (d.f)	23..16(11)*		
R ² (Cox & Snell)	.114		
R ² (Nagelkerke)	.120		
R ² (McFadden)	.039		
* <.05,**p<.01,***p<.001			

Appendix C Semi-structured interview schedules

C.1 T1 Interview schedule

Information sheet has been read and consent sheet signed ☐

SECTION 1: THE RJ PROCESS

- How did you find out about restorative justice? What was your initial reaction to the idea?
- At this point in time, what involvement do you want to have with the restorative justice process?
- Can you tell me about your reasons for wanting (or not wanting) to take part?
- How would you describe your expectations of the process? What do you hope will be different by taking part?
- How many of your family and friends have you told about the process? How have they responded to the idea? Have people encouraged or discouraged you from taking part?
- What has the process been like so far? (Including practicalities - how many meetings with the facilitator? Etc.)

SECTION 2: CRIME IMPACT AND WELLBEING

- In what ways has the crime affected you?
- How have you been since the crime took place? How have you been feeling?
- *Say again at this stage:* If you would rather not talk about any of this, please feel free to just say so.

SECTION 3: THE OFFENDER

- When you think now about the person who did it, what kind of thoughts do you have? What kind of feelings? How would you describe the person/people?
- If mentioned (e.g. I want to know why), then: Why do you think the crime happened?
- You mentioned that the offender was XXXXX [identity group], has the crime changed your view of XXXX group as a whole? OR (*if not mentioned*) Is there a way in which the offender represents a different group to you? For example, sometimes when a crime happens and the person is a different ethnicity, age or gender, it can affect your view of the group as a whole. *Then* Has the crime changed... etc.

CLOSING

- Do you have any recommendations for other people considering getting involved in restorative justice - e.g. advice on how to decide about taking part?
- Is there anything else you would like to say, or anything you think I should be looking into as part of the research?

C.2 T2 Semi-structured interview schedule

Information sheet has been read and consent sheet signed ☐

SECTION 1: THE RJ PROCESS

- At this point in time, what involvement have you had with the restorative justice process?
- Can you tell me about what it was like? (At each stage e.g. how did you feel when you heard it was going ahead/got the letter/arrived at the meeting etc).
- Did it meet your expectations? In what ways?
- What did you get out of participating/attending, if anything? How do you think this came about – what was it about the restorative justice process that made that happen?
- Was there anything you wish had been different? Anything unhelpful?
- Did you take a supporter? What was their reaction to what happened?

SECTION 2: CRIME IMPACT AND WELLBEING

- In what ways is the crime **currently** affecting you?
- How have you been since the [RJ process]? How have you been feeling recently?
- How has any of the above changed since beginning the restorative justice process (for good or bad)?
- *As before*: If you would rather not talk about any of this, please feel free to just say so.

SECTION 3: THE OFFENDER

- When you think **now** about the person who did it, what kind of thoughts do you have? What kind of feelings? How would you describe the person/people?
- You mentioned before that the offender was XXXXX [identity group], how do you feel **now** about XXXXX group?

CLOSING

- Do you have any recommendations for other people considering getting involved in restorative justice - e.g. advice on how to decide about taking part?
- Is there anything else you would like to say, or anything you think I should be looking into as part of the research?