

## **How Crime Severity Predicts Victim Willingness to Meet the Offender**

### **Abstract**

Policy and practice are often based on the assumption that victims of serious crimes are less willing to take part in restorative justice schemes than victims of minor crimes, despite a mix of contradictory existing evidence. The current studies use data from the Crime Survey for England and Wales (CSEW) to investigate predictors of victim willingness to meet the offender, using logistic regression models and path analysis. Study 1a was exploratory (CSEW years 2015-17), Study 1b was a preregistered replication of Study 1a (CSEW years 2017-2020). No support was identified for a negative or curved relationship between overall severity of the crime and willingness to meet the offender. Other dimensions of severity had varied independent effects; victims were more willing to meet when the crime had more impact on them, but less willing to meet when the offence had been violent. The relationship between violence and willingness to meet was partially mediated by the response of the criminal justice system, i.e., police were more likely to have taken action when the crime was violent, and victims were less willing to meet the offender when the police had taken action. Overall, the findings suggest that victims of serious offences should not be excluded from offers of meeting with the offender. The counter-intuitive nature of the identified relationships indicate that exclusion criteria should be based on robust evidence not on intuition, and third parties should not make decisions on behalf of victims.

*Keywords:* Restorative justice, victims, crime severity, justice objectives, victim-offender communication

In a range of studies, public support for victim-offender communication is stronger for minor crimes than for serious ones (summarized by Roberts and Stalans, 2004). This conditional support is also reflected in practice and policy; restorative justice schemes around the world tend to offer communication with the offender to victims of minor crimes more often than serious ones (Griffiths & Bazemore, 1999; Richards, 2009; Shapland et al., 2017). Even some victims of serious crime who themselves want to meet the offender do not believe that other victims of serious crimes would want to do so (Van Camp & Wemmers, 2016). The common assumption that victims of minor crimes are more likely to want to participate raises several important questions. What is the true nature of the relationship between severity of the crime and victim willingness to communicate with the offender? Why might outsiders assume a negative relationship? How might the nature of the relationship be explained?

Some studies seem to substantiate the assumption that there is a negative relationship between the severity of the crime and victim willingness to meet the offender, while others identify no relationship or even a negative one. Gehm and Bolívar both suggest that victims are less likely to participate when they experience serious crimes, meaning felonies (Gehm, 1990) or crimes that cause the most 'damage' (Bolívar, 2013: 201). Gromet and Darley (2006) also found a negative relationship between severity and willingness to meet, but only when a meeting was offered as an *alternative* to other criminal justice processes. Großkopf (2015), Mattinson and Mirrlees-Black (2000), and Okimoto et al. (2012) found no relationship between severity and willingness to meet. Coates et al. (2003) and Zebel et al. (2017) seem to demonstrate that victims are *more* willing to communicate with the offender when the offence is serious. Some victims explain their choice not to meet the offender by the triviality of the crime, implying that they would have been more likely to take part if the crime had been serious (Hoyle, 2002; Kirkwood, 2010).

As various studies have identified positive, negative or no relationship between severity and willingness to meet, it is possible that the *nature* of the relationship itself changes at different levels of severity, i.e., that the relationship is nonlinear. Perhaps, for example, victims of mid-level crimes are more willing to meet the offender than victims of both very minor and very serious crimes. The possibility of a peak in willingness at the mid-level of severity would align with qualitative studies in which some victims were unwilling to participate because the offence was not serious enough, while others were unwilling because the offence was too serious (Gustafson, 2005; Umbreit et al., 2002; Wemmers & van Hecke, 1992<sup>1</sup>), implying that there is a mid-level of severity at which they would be most likely to participate. No studies have explicitly tested the hypothesis that the relationship between severity and victim willingness to communicate is curved, although findings from my prior research are indicative of a non-linear relationship (XXX, 2017).

To further understand the relationship between severity and willingness to meet the offender, we can consider the component dimensions of severity that have been the subject of much research (summarised by Stylianou, 2003). Indeed, there is evidence that some dimensions of severity may have a negative relationship with victim willingness to meet the offender, while others have a positive relationship. For example, if crimes are categorized into offences against property and against the person, victims of crimes against the person appear least willing to communicate with the offender (Kirkwood, 2010; Niemeyer & Shichor, 1996; Wyrick & Costanzo, 1999). By contrast, Zebel et al (2017) found that victims of crimes classified as more 'harmful' were most likely to participate in victim-offender mediation. These nuanced findings suggest that to understand the complex relationship between severity and willingness to meet, it is necessary to disaggregate the potential dimensions of severity.

Few attempts have been made to explain the relationship between severity and willingness to communicate with the offender, perhaps unsurprisingly given how little we know about its

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<sup>1</sup> A study reported in Dutch, cited by Wemmers & Canuto (2002)

nature. However, existing theories do indicate three candidate factors that differ according to the severity of the crime, and may in turn influence victim willingness to meet the offender: fear, anger and the extent to which the criminal justice system has taken action against the offender. For all three factors there is reason to suppose they could play either a positive or negative role in the relationship between severity and willingness to meet, as I now explain.

Some victims say that they wish to meet the offender in order to overcome their fears (Hallam, 2015), and we know that people tend to try and reduce negative emotions (Gross, 2015). Therefore, if people experienced fear after a serious crime, they may be more willing to communicate with the offender to try to reduce any persisting feelings of fear. On the other hand, Gehm (1998) proposed that in the victim's internal cost-benefit analysis, anxiety and fear weigh more heavily in the 'costs' category when the offence is serious, a theory subsequently supported by others such as Kirkwood (2010) and Zebel et al. (2017). In that case, if people experienced more fear after a serious crime, any persisting fear may prevent them from wanting to meet the offender.

Similarly, anger tends to make people approach rather than avoid the cause of their anger (Carver & Harmon-Jones, 2009) so if people are more angry after a serious crime, this may make them more willing to meet the offender. On the other hand, anger may make victims less willing to meet the offender because it is a 'retributive' emotion that is perhaps less compatible with a 'restorative' response (Gromet & Darley, 2009; Zebel et al., 2017). In this case, if people are angrier after a serious crime, this may prevent them from wanting to meet the offender.

Lastly, victims who want to meet with the offender often wish to do so in order to achieve one or more aspects of justice, such as procedural justice (Van Camp & Wemmers, 2013), preventing recidivism (Van Camp, 2017) or getting feedback about the offender's punishment (XXX, 2021). The police are more likely to take a full report and to make arrests when the offence is serious (research summarized by Sherman, 1980, see also Ishoy, 2016). If these justice objectives are more likely to have already been fulfilled when the crime is serious, this may make victims less willing to meet the

offender. On the other hand, when the criminal justice system has taken action, victims may perceive it to be more effective and legitimate, and therefore they may be more likely to cooperate with the system (by meeting the offender). Victims might also be more willing to meet with the offender when the criminal justice system has taken action because the practical possibilities of doing so are greater when the offender has been identified, arrested, sentenced, or imprisoned.

### *Hypotheses*

The aim of these studies is to investigate whether and how severity predicts victim willingness to meet the offender. Based on the previous literature as described, the studies will test seven hypotheses, relating to the overall relationship between severity and willingness (H1), the relationship between dimensions of severity and willingness (H2-4), and some potential tentative explanations for these relationships if they exist (H5-7).

***Hypothesis 1:*** *There is a curved relationship between severity of the crime and willingness to meet the offender. More specifically, when severity is low, increasing severity increases willingness to meet the offender. When severity is high, increasing severity has a negative or no effect on willingness to meet.*

***Hypothesis 2:*** *There is a negative relationship between whether the victim classes the offence as violent, and their willingness to meet the offender.*

***Hypothesis 3:*** *There is a positive relationship between impact of the crime on the victim and willingness to meet the offender.*

***Hypothesis 4:*** *There is an interaction between the impact of the offence and the violence of the offence, on predicting victim willingness to meet the offender, such that the positive effect of impact on willingness is reduced when the offence was violent.*

**Hypothesis 5**

- H5a *The negative relationship between whether the crime was violent and victim willingness to meet the offender is mediated by whether the victim experienced a loss of confidence or feelings of vulnerability after the incident<sup>2</sup>, i.e., severity positively predicts loss of confidence, which negatively predicts willingness to meet the offender (+, -).*
- H5b *The positive relationship between the impact of the crime and victim willingness to meet the offender is mediated by whether the victim experienced a loss of confidence or feelings of vulnerability after the incident, i.e., severity positively predicts loss of confidence, which positively predicts willingness to meet the offender (+, +).*

**Hypothesis 6**

- H6a *The negative relationship between whether the crime was violent and victim willingness to meet the offender is mediated by whether the victim experienced anger, i.e., severity positively predicts an experience of anger, which negatively predicts willingness to meet the offender (+, -).*
- H6b *The positive relationship between the impact of the crime and victim willingness to meet the offender is mediated by whether the victim experienced anger, i.e., severity positively predicts an experience of anger, which positively predicts willingness to meet the offender (+, +).*

**Hypothesis 7**

- H7a *The negative relationship between whether the crime was violent and victim willingness to meet the offender is mediated by the extent of the criminal justice response*

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<sup>2</sup> In these studies I use 'Loss of Confidence' as a proxy for fear, a decision I explain in footnote #6 and in the *Supplemental information about the crime survey and study variables*.

*since the crime, i.e., severity positively predicts the criminal justice response, which negatively predicts willingness to meet the offender (+, -).*

- H7b *The positive relationship between the impact of the crime and victim willingness to meet the offender is mediated by the extent of the criminal justice response since the crime, i.e., severity positively predicts the criminal justice response, which positively predicts willingness to meet the offender (+, +).*

## Method

### Overview

Data from the Crime Survey for England and Wales (CSEW) were used to investigate the hypotheses. Respondents who had been victimized in the previous 12 months were presented with a description as follows:

“Victims are sometimes offered the chance, by the police or other criminal justice agencies, to meet the offender(s) in the presence of someone else to ask the offender(s) why they committed the offence and to say how it made them feel.”

They were then asked whether they were offered a meeting with the offender at the time of the crime.<sup>3</sup> If they had not been offered such a meeting, they were asked the hypothetical question ‘If you had been offered the chance for such a meeting, would you have accepted?’. There are some disadvantages to requiring victims to imagine in retrospect whether they would have accepted such an offer, with only minimal information about the purpose of a meeting, and no information at all

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<sup>3</sup> If they had been offered such a meeting (restor1), they were asked whether they accepted the meeting (restor2), and how satisfied they were with it (restsat). However, this data is not useful for the purposes of the current study, because so few victims could remember being offered such a meeting and even fewer accepted the offer. Of the many thousands of victims included in years 2015-2017 of the survey, for example, a total of 79 people said they had been offered a meeting with the offender, and 24 people accepted the offer.

about how it would work in practice. However, the form of this hypothetical offer also presents multiple important advantages.

First, the hypothetical offer of a meeting with the offender follows survey questions which stimulate participants to remember in detail a real crime that they have experienced. Second, the offer is made to all participants who met a transparent set of criteria, including victims of serious and sexual offences. Third, the offer in the CSEW outlines some possible benefits of such a meeting but does not include excessive influence or persuasion to participate. Fourth, the wording of the offer is the same for all participants. Overall, therefore, use of this question in the CSEW improves on entirely hypothetical studies (where both the crime and the offer of a meeting are only imagined), while simultaneously providing insight into victims' immediate, uninfluenced reactions to a consistent, minimal description of meeting with the offender; a feat that would be impossible to achieve with real-world offers of restorative justice interventions.

### ***Transparency and Openness***

The study was conducted in two parts. Study 1a was based on two years of data from the CSEW (2015-2017). Study 1a was to some degree exploratory and was not pre-registered, so the findings must be interpreted only tentatively. I report the statistical significance of tests of the hypotheses as contextual background information for comparison to Study 1b, and the full models can be found in *Supplemental Figures and Tables*, but I do not draw inferences about the hypotheses from this study. Study 1b was a preregistered replication of Study 1a, and it is based on a further three years of data from the CSEW (2017-2020). A replication based on different years of the same dataset of course cannot eliminate bias caused by survey features (e.g. the question wording and order), however, preregistration of the second study does eliminate the possibility of bias caused by researcher 'degrees of freedom' during analysis (Simmons et al., 2011). Only Study 1b will therefore be used to infer support or lack of support for the hypotheses. It was pre-registered on the Open Science Framework (OSF): [https://osf.io/hr6cm/?view\\_only=792252547a82488789f30d59a803c3ee](https://osf.io/hr6cm/?view_only=792252547a82488789f30d59a803c3ee)



(anonymized view-only link for the purposes of blinded peer review). The OSF page contains the analysis script<sup>4</sup>, and the raw data is publicly available through the British Office for National Statistics (ONS). Details of how to access the data, as well as the questionnaires and full details of data collection, can be found in *Supplemental information about the crime survey and study variables*.

### **Participants**

All CSEW respondents who had been victims in the preceding 12 months, and who were asked whether they would have been willing to meet the offender, were included in the study. The final response, inclusion rates, and strategy for dealing with missing data for both studies can be found in *Supplemental Information about the crime survey and study variables*.

**Study 1a.** The two years of data used in Study 1a were 2015 –2016 (Office for National Statistics, 2017) and 2016 –2017 (Office for National Statistics, 2018). Of 11,861 people who were asked whether they would have been willing to meet the offender 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 (n=8,229), or that they did not know (n=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). Those who identified as women were slightly overrepresented, comprising 54.5% of the sample.<sup>5</sup>

**Study 1b.** The three years of data used for Study 1b were 2017-18 (Office for National Statistics, 2021a), 2018-19 (Office for National Statistics, 2021b) and 2019-20 (Office for National Statistics, 2021c). Before downloading the data and running the analysis, I assessed whether the

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<sup>4</sup> The exact script contained in the pre-registration was used with only 4 minor corrections: two typing errors, one correction necessary because the formatting of the CSEW data (impact measure) had been changed (explained in more depth in *Supplemental Information about the crime survey and study variables*), and the insertion of code to standardise variables for the linear regression model predicting severity, and the path models.

<sup>5</sup> Respondents were only given two options, 'male' and 'female' in the survey.

study would be sufficiently well powered to detect the expected effects. I first calculated the expected minimum sample size using public documentation: 15,113. G\*Power was used to calculate the power to detect effects. Assuming two-tailed tests, a baseline probability for  $Y = 1$  (willingness to meet) of 0.24,  $\alpha = 0.05$ ,  $R^2$  explained by the model with control variables of 0.03, and a sample size of 15,113, the power to detect effects of a similar size to Study 1a was 1, and was therefore sufficient. The final total sample size was larger than the estimated sample size: 16,728.

Of 16,728 people who were asked whether they would have met with the offender if they had been offered the opportunity, 4,170 (24.9%) said they would have chosen to meet with the offender; the rest said that they would not have ( $n=11,580$ ), or that they did not know ( $n=121$ ). In the final sample, 87% identified as White, 6% as Asian or Asian British, 3% as Black or Black British, and 3% said they were from another ethnic group. The mean age of the participants was 46.5 years old ( $SD = 16.6$ ). As in Study 1a, those who identified as women were overrepresented, comprising 54.7% of the sample.

### **Survey Items**

In this section each variable is described in brief. For a full description of the original CSEW variable and an explanation of recoding decisions made for these studies, see *Supplemental Information about the crime survey and study variables*.

**Dependent Variable.** *Willingness to meet the offender:* Whether victims would have accepted a meeting with the offender if it had been offered. 0 = No or Don't know / 1 = Yes .

**Independent Variables.** *Severity:* Victim's self-assessment of the severity of the crime. 1 - 20; *Violence:* Whether the respondent said that force was used or threatened. Yes/No; *Impact:* The number of types of impact participants said they experienced as a result of the crime (capped at 3). 0-3; *Anger:* Whether the respondent said they experienced anger after the incident. Yes/No; *Loss of*

*confidence*: Whether the respondent said they experienced ‘loss of confidence’ or felt ‘vulnerable’ after the incident.<sup>6</sup> Yes/No; *CJS Response*: The extent of the action taken by police. 0 = The police were informed but did not identify the offender/ 1 = The police identified the offender but did not take any action/ 2 = The police identified the offender and took some form of action.

**Control Variables.** The following variables were included in the models as controls because they had the potential to be associated with both the predictor variables of interest and victim willingness to meet the offender:

1) *Police informed*. Whether the police were informed about the incident. Yes/No; 2) *Relationship*: How well the victim knew the offender. Strangers/Casual/Knew well; 3) *Sexual element*. Whether the respondent thought the crime included a ‘sexual element’. Yes/No; 4) *Racial motivation*. Whether the respondent classified the crime as being racially motivated or said that something suggested a racial motive. Yes/No; 5) *Contact with the offender*: Whether the respondent said they had contact with the offender during the crime. Yes/No (v78); 6) *Victim gender*: Male/Female; 7) *Victim Ethnicity*: White/ Asian or Asian British/ Black or Black British/ Mixed or Other; 8) *Victim age*: Age in years; 9) *Repeat victim*: Whether the respondent had been a victim (of any type of crime) more than once in the previous 12 months. Yes/No.

#### **A note about dimensions of severity.**

The decision regarding which dimensions of severity to investigate in these studies was shaped both by theory and by practical consideration of the variables available in the CSEW.

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<sup>6</sup> This variable was used to measure fear in the current study. See *Supplemental Information about the crime survey and study variables* for full justification of the decision. In brief, the theoretical basis for the decision was that this variable would cast the widest net (it would include people who felt fear but were reluctant to use the word or only experienced it in a ‘mild’ sense). Respondents were asked to select whether they felt any of ‘Fear’, ‘Anxiety/panic’ and ‘Loss of confidence/feeling vulnerable’ (among other emotions). Empirically there was little to distinguish between the measures as they were all correlated, and ‘Loss of confidence’ was marginally more strongly correlated with the other two than they were with one another. Due to the format of the question, it did not make sense to combine them into a scalar measure, so overall a positive response to ‘Loss of confidence/feeling vulnerable’ was deemed to be most representative of having experienced some kind of fear after the crime.

Stylianou (2003) reviewed attempts to identify dimensions of severity and suggested that the two most common are 1) consequences and 2) wrongfulness. Stylianou's '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), and is investigated in the current studies using the variable described above as 'Impact'.

The 'wrongfulness' dimension is inconsistently described and measured, however, and Stylianou (2003) notes that it is further disaggregated in multiple different ways by different authors, resulting in a total number of dimensions ranging from two (Connell & Whelan, 1992; Fishman et al., 1986; Warr, 1989) to 20 (Rossi et al., 1985). In the middle-ground, (Forgas, 1980) identified four dimensions of severity, with three that potentially indicate 'wrongfulness': violence, commonness, and intentionality. I investigate violence as a dimension of severity in the current studies not simply because it is present in the CSEW, but because it is an imperfect, partial proxy for wrongfulness and because previous studies imply it could be associated with willingness to meet.<sup>7</sup>

To explore whether violence and impact of the crime can be considered dimensions of severity empirically as well as theoretically, in Study 1a I entered these two variables into a linear regression model predicting severity ( $R^2 = .12$ ,  $F(9, 11,667) = 169.7$ ,  $p < .001$ ), see *Supplemental Figures and Tables*. Violence was positively associated with severity ( $\beta = 0.26$ ), as were impact scores of 1 ( $\beta = 0.33$ ), 2 ( $\beta = 0.77$ ), and 3 ( $\beta = 1.16$ ).<sup>8,9</sup>

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<sup>7</sup> Indicative – but of course not synonymous with – violence, victims of property crimes tend to be more willing to communicate with the offender than victims of crimes against the person (Kirkwood, 2010; Niemeyer & Shichor, 1996; Wyrick & Costanzo, 1999).

<sup>8</sup> Standardised regression coefficients are given, and no statistical significance is reported as this aspect of the study is entirely exploratory.

<sup>9</sup> While racial and sexual motivation for the offence were most closely associated with overall severity, these were not useful dimensions to consider in the current analysis because so few participants said they had experienced crimes that were racially motivated ( $n = 176$ , i.e., 1.5 % of the total number of victims) or crimes that included a sexual element ( $n = 233$ , i.e., 2% of the number of victims).

***Analysis***

As Study 1b was a preregistered replication of Study 1a, the analysis for both studies were identical. Using the MGCV package in the open-source statistical software R, I used a General Additive Model (GAM) to investigate the relationship between severity and willingness to meet the offender. I regressed a smooth of severity (`scorcrm2`) on the logit of the probability of willingness to meet the offender as a binary variable (`restor3`). I allowed the software to determine the smoothing function ( $\lambda$ ) and the number of knots ( $K$ ), based on leave-one-out cross-validation (LOOCV). The default smooth class in MGCV was used, i.e., thin plate regression splines.

Simonsohn (2018) notes that testing for a quadratic relationship can lead to erroneously inferring a change in the nature of the relationship. As the purpose of identifying a curve is often to inform policy and practice, a more useful approach is to investigate whether there are in effect two straight lines underlying the nonlinear relationship. Therefore, I conducted piecewise logistic regression analysis using the R package 'segmented', including severity and the control variables as predictors of willingness to meet the offender. This package estimates a regression model with a broken-line relationship between the continuous predictor variable (severity) and the dependent variable. I specified one breakpoint, and the package used the median of the segmented variable as the starting point to estimate its value ( $\psi$ ). A difference-in-slopes test (Davies test, from the package segmented) was applied to the relationship between the variables before and after the breakpoint.

Using the `glm()` function in R, I built two binary logistic regression models to understand the relationships between victim willingness to meet and the two dimensions of severity: the impact of the offence, and whether violence was used. The first included violence, impact, and all the control variables; the second included all the same variables, with the addition of the interaction between violence and impact.

Finally, I turned to potential indirect relationships between impact, violence, and severity via victims' emotional response to the crime (Anger and Loss of Confidence), and via the extent to which

the crime had been dealt with by the police (CJS Response). These three measures were added into a path model as mediators between impact and willingness, and between violence and willingness, see Figure 1.

## Results

### *Non-linear Relationship (H1)*

**Study 1a.** A significant non-linear relationship was identified between severity and the probability of the victim's willingness to meet the offender.<sup>10</sup> The estimated degrees of freedom for the smoothed term of severity regressed onto willingness was 5.22, which was significantly different from zero ( $\chi^2 = 22.26$ ,  $p = .002$ ). With the LOOCV-estimated  $K = 9$  (nine 'knots' or basis functions) and smoothing parameter of 0.51, the adjusted  $R^2$  for the model was = .011.

The iterative piecewise regression process estimated a single break point at severity = 2.37. Prior to the breakpoint, severity increased willingness to meet with the offender ( $b = 0.22$ , 95% CI [.068, 0.381]). Above the breakpoint, the relationship between severity and willingness was slightly negative ( $b = -.003$ , 95% CI [-0.016, 0.001]). A two-sided difference-in-slopes test suggested rejection of the possibility that the slope is the same before and after the estimated breakpoint (Davies test for change in slope,  $p < 0.001$ ), but this finding is provided just for comparison to Study 1b and should not be used to draw inferences about the relationship for reasons explained above.

**Study 1b.** As in Study 1a, a non-linear relationship was identified between severity and the probability of the victim's willingness to meet the offender, shown in Figure 2. The estimated degrees of freedom for the smoothed term of severity regressed onto willingness were 1.86, which was significantly different from zero ( $\chi^2 = 17.43$ ,  $p < .001$ ). With the LOOCV-estimated  $K = 9$  (nine

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<sup>10</sup> The results section does not contain the tables and figures for Study 1a, they can all be found in *Supplemental Figures and Tables*, along with the correlation matrices for both studies.

'knots' or basis functions) and smoothing parameter of 0.51, the adjusted  $R^2$  for the model was = .010.

Unlike in Study 1a, however, the data did not seem to be described well by a piecewise regression model. The process estimated a single break point (at severity = 17.32) prior to which severity increased willingness to meet with the offender ( $b = 0.03$ , 95% CI [.012, 0.032]). Beyond the break point the relationship was slightly but not significantly negative ( $b = -0.116$ , 95% CI [-3.372, 0.139]), see Table 1. However, a two-sided difference-in-slopes test did not suggest that the two slopes were significantly different to one another (i.e., we cannot reject with any certainty the proposition that the slope is the same before and after the estimated breakpoint, Davies test for change in slope:  $p = 0.11$ ), see Table 2.

These findings support the suggestion that the relationship is nonlinear, but contrary to H1, they do not support the suggestion that the relationship is significantly different at low severity compared to high severity. Visual observation of Figure 2 suggests that the relationship certainly does not dissipate or become negative as predicted by H1.

### ***Dimensions of Severity: Violence and impact (H2 – 4)***

**Study 1a.** The logistic regression model suggests that violence predicts a decrease in willingness to meet the offender (OR = 0.71, CI [0.62,0.83]) and impact increases willingness (Impact = 1: OR = 1.45, CI [1.32,1.59]; Impact = 2: OR = 2.05, CI [1.70,2.46]; Impact = 3: OR = 2.06, CI [1.52,3.16]). When the violence by impact interaction term was introduced into the logistic regression model, it was not a significant predictor of willingness to meet, nor was the model a significant improvement on the previous model. The AUC was imperceptibly larger (.5996 compared to .5990), and a comparison of chi-square statistics for the two models was not significant ( $\chi^2(3) = 268.90 - 264.97 = 3.93$ , n.s.).

**Study 1b.** Supporting H2 and H3, the model suggests that violence predicts a decrease in willingness to meet the offender (OR = 0.75, CI [0.67,0.85]) and impact predicts an increase in willingness (Impact = 1: OR = 1.44, CI [1.33,1.56]; Impact = 2: OR = 2.09, CI [1.82,2.39]; Impact = 3: OR = 1.69, CI [1.30,2.18]), see Table 3. Consistent with Study 1a, when the violence by impact interaction term was introduced into the logistic regression model, it was not a significant predictor of willingness to meet, nor was the model a significant improvement on the previous model, see Table 4. The AUC was barely larger (.602 compared to .601), and a comparison of chi-square statistics for the two models was not significant ( $\chi^2(3) 395.93 - 389.00 = 6.93$ , n.s.), therefore we can reject H4.

The models do not yield very good predictions, as can be seen from the two classification tables in *Supplemental Figures and Tables*. The area under the Receiver Operator Characteristics Curve (AUROC) for the models without the interaction term are 0.599 and 0.601, which Rice and Harris (2005) suggest corresponds to Cohen's 'small' effect size. The models are nevertheless of use as their purpose is not to predict victim willingness to meet the offender, but rather to interrogate the nature of the relationship between impact, violence, and willingness to meet the offender.

### ***Indirect Relationships via Emotion and CJS Response***

**Study 1a.** There was no evidence of an indirect effect between violence and willingness to meet through anger (-0.001 CI [-0.01,0.01]). There was an extremely small effect through loss of confidence (0.02, CI [0.00, 0.04]) but as well as being a small effect, it could not even provisionally explain the relationship between violence and willingness as it was in the opposite direction, i.e., when the offence was violent victims were more likely to have experienced a loss of confidence, but this was associated with being more willing to meet the offender (rather than less). Between violence and willingness to meet, the model suggested that there was an indirect effect via the CJS



response, i.e., for violent offences the police were more likely to have identified the offender and taken action, and such victims were less willing to meet the offender (-0.09, CI [-0.12, -0.05]).

There were small indirect effects between impact and willingness to meet via anger (0.04, CI [.03, 0.05]) and loss of confidence (0.02, CI [0.00, 0.04]). The indirect relationship through CJS response was even smaller and in the opposite direction to the overall relationship (-0.003, CI [-0.01, 0.00]).

**Study 1b.** The relationships identified by the model can be seen in Figure 3 (Sample size = 6,402 because only cases reported to the police were included). In the model, the same pattern of relationships was identified as in Study 1a. The indirect effect between violence and willingness through anger was extremely small (-0.003, CI [-0.01, 0.00]), and the indirect effect between violence and willingness to meet was both small and in the opposite direction to the overall effect (0.03, CI [0.02, 0.05]). Therefore, neither of these emotions could even tentatively contribute to an explanation for the relationship between violence and willingness to meet, which was negative, so we can reject H5a and H6a. Between violence and willingness to meet there was an indirect effect via the CJS response, i.e., for violent offences the police were more likely to have identified the offender and taken action, and those victims were less willing to meet the offender (-0.07, CI [-0.10, -0.04]), supporting H7a.

While there were small indirect effects between impact and willingness to meet via anger (0.02, CI [0.01, 0.03]), and loss of confidence (0.04, CI [0.02, 0.05]), the effect sizes were too small to be of interest (0.05 cutoff determined prior to the study, see preregistration) therefore I do not consider this evidence to support H5b or H6b. The indirect relationship through CJS Response was even smaller (-0.004, CI [-0.01, -0.00]), suggesting we can also reject H7b.

## Discussion

No support was identified for a negative or curved relationship between severity and willingness to meet the offender. Victims were less willing to meet the offender when the offence was violent, but more willing to meet when the crime had more impact on them. The relationship between violence and willingness to meet was partially mediated by the response of the criminal justice system. In brief, Study 1b did not support Hypotheses 1, 4, 5(ab), 6(ab) and 7b, but did provide support for Hypotheses 2, 3, and 7a.

### ***Severity and willingness to meet***

Study 1b provided evidence that the relationship between severity and willingness to meet the offender may be nonlinear, but no evidence that it is an n-shaped curve (reject H1). In both Study 1a and 1b, at the low end of the severity scale there was a positive relationship between severity and willingness to meet the offender. This is consistent with studies in which some victims say they chose not to take part because the offence was too minor (Hoyle, 2002; Kirkwood, 2010; Gustafson, 2005; Umbreit et al., 2002). It is also consistent with Coates et al. (2003) finding that more victims of gross misdemeanors or felonies went on to meet the offender compared to victims of misdemeanors. Taking this evidence together, victims may be more willing to meet the offender when the crime is more serious *at the very low end of the severity scale*. However, evidence from Study 1b suggested this positive relationship at low levels of severity was only very weak, and that there was no overall relationship between severity and willingness to meet (in accordance with Großkopf, 2015; Mattinson & Mirrlees-Black, 2000; and Okimoto et al., 2012).

Contrary to assumptions described in the introduction, these studies have provided no evidence for a negative relationship between severity and willingness to meet the offender, even at the upper end of the severity scale. Absence of a negative relationship may appear incompatible with the notion that some victims decline to meet the offender when they deem the offence too serious (Bolívar, 2013; Gustafson, 2005; Umbreit et al., 2002; Wemmers & van Hecke, 1992), but individuals

are not privy to a counterfactual scenario in which they are offered the same choice after a less serious crime. Only Gehm (1990) provides robust evidence of a negative relationship in opposition to the current studies, and this contrast may be explained by the respective contexts. In Gehm's study a meeting with the offender was offered to victims as a partial or complete *replacement* for a criminal sentence.<sup>11</sup> In the current studies, a meeting with the offender was offered *in addition* to any action taken by the police,<sup>12</sup> and a meeting may have constituted the victim's only option for action when the criminal justice system had not taken any. Thus, consistent with Gromet and Darley's study (2006), it is likely that there is a negative relationship only when restorative justice schemes are offered as a diversion from the criminal justice system, and no such relationship when they are offered in parallel. Future research on victim choices and public support for restorative justice should always include an explanation of the legal and social context in which people would be offered meetings with the offender.

### ***Dimensions of severity: Violence and impact***

If the offence was violent, participants were less willing to meet the offender (supporting H2). This relationship may partially explain why some victims say the severity of the crime would prevent them from meeting the offender (Gustafson, 2005; Umbreit et al., 2002; Van Camp & Wemmers, 2016), even though there does not appear to be any evidence for an overall relationship between severity and willingness to meet. If the effect of violence could be isolated, it may indeed make victims less willing to meet the offender, especially as they are likely to overestimate the intensity and duration of the resultant feelings (Wilson & Gilbert, 2005). However, the potentially

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<sup>11</sup> Gehm (1990) does not specify whether the schemes were diversionary or parallel, but he describes them in a later article as "both court-based and private, non-profit programs", and says of reparations that they are "always identified to the court". This implies that the schemes he evaluated were at least potentially diversionary or could result in a reduction of the court-imposed sentence (Gehm, 1998).

<sup>12</sup> The CSEW description does not specify whether a meeting with the offender would be diversionary or parallel to the criminal justice system, but as no mention of a diversionary scheme is made and as the description states that 'victims are sometimes offered the chance...', it is implied that a meeting would have been available *in addition* to any other action.

negative effect of violence on victims' decisions may be overridden by the positive effect of other dimensions of severity, such as the impact of the crime, resulting in no overall relationship.

The negative relationship between violence and willingness may also partially explain why outsiders assume that victims of more serious crimes would be less willing to meet the offender. People other than the direct victim may overestimate the importance of violence as an indicator of severity, and underestimate the effect of other dimensions, such as impact. Violence may be easier to assess externally than the impact on the victim, for which detailed knowledge of the victims' inner life and situation is required. If we consider violence an imperfect proxy for wrongfulness, the negative relationship between violence and willingness is somewhat contradicted by Zebel et al.'s (2017) study in which wrongfulness had no effect on willingness to meet. It is worth noting that in their study, however, 'wrongfulness' was coded by people who had never met the victim, perhaps suggesting that even on this potentially more objective dimension of severity, direct victims assess the severity of the offence differently to an outside observer. Future studies should explore the relationship between internal and external perceptions of severity by investigating the effect of other measures of wrongfulness and consequences on victim decisions and outsider perspectives (e.g., 'commonness' and 'intentionality', Forgas, 1980).

The greater the impact of the crime on the victim, the more willing they were to meet with the offender (supporting H3). Controlling for other predictors of willingness to meet, this association was clear and relatively strong. It is consistent with the only other robust quantitative study into the effects of different dimensions of severity, which also found that 'harmfulness' of the crime was positively related to willingness to meet (Zebel et al., 2017). In combination, the current studies and that of Zebel et al. provide robust support for a positive relationship between impact of crime on the victim and their willingness to meet the offender. This is also congruent with the many studies in which victims say they wish to participate precisely in order to tell the offender about the impact (Borton, 2009; Coates et al., 2003; Umbreit et al., 2001; Vanfraechem et al., 2009).

While I hypothesized that the positive relationship between impact and willingness to meet the offender might be moderated by the offence having been violent, this was not the case. There was no evidence for an interaction between the effects of violence and impact of the crime on willingness to meet (reject H4). This is consistent with the absence of evidence for an n-shaped curvilinear relationship between severity and willingness to meet, and suggests that the relationship between impact and willingness is no different for violent and non-violent offences. Instead, the negative relationship between violence and willingness to meet may simply be independent of the positive relationship between impact and willingness, even though violence and impact are of course usually related to one another.

#### ***Loss of confidence and anger***

Neither the negative relationship between violence and willingness to meet nor the positive relationship between impact and willingness appeared to be mediated by loss of confidence (reject H5a and H5b) or anger (reject H6a and H6b). While we are therefore left without even a provisional emotional explanation for these relationships, it is interesting to note that loss of confidence and anger both positively predicted willingness to meet, and worthy of a brief discussion.

The absence of a negative relationship between having experienced these emotions and willingness to meet, and the suggestion of a positive relationship - though not part of the original hypotheses - is noteworthy because it counters lay and expert intuitions. These relationships tentatively support motivational theories in which victims wish to meet the offender to reduce negative emotions, in line with Gross's emotion regulation theory (2015). They certainly counteract the prediction that having experienced any type of fear would discourage victims from meeting the offender (Gehm, 1998; Kirkwood, 2010; Zebel et al., 2017) or always incline them to avoid the source of their fear (Van Zomeren et al., 2007).

Similarly, it is interesting that anger, a so-called 'retributive impulse' (Darley & Pittman, 2003), appears to positively predict participation in a restorative justice scheme, because some have

argued that the two concepts of justice are entirely distinct (Braithwaite, 1989; Eglash, 1977; Zehr, 1990). Advocates of restorative justice have had to defend it from accusations of vigilantism and tend to emphasise how frequently victims forgive the offender (Armour & Umbreit, 2006; Blyth, 2016). Yet the abundance of anecdotal evidence that victims tend *not* to be angry, could be explained by practitioners' selection of victims and their own internal confirmation biases. Certainly victims who experienced anger were more willing to meet the offender in these studies; when presented with the 'minimal' restorative justice offer in the CSEW, independent of practitioner influence. This suggests that the general inclination to approach rather than avoid the object of ones' anger (Carver & Harmon-Jones, 2009) may motivate victims to meet offenders, rather than a lack of anger.

### ***Criminal justice response***

There was no evidence that the positive relationship between impact and willingness was mediated by the CJS Response (reject H7a), but there was evidence that the negative relationship between violence and willingness was mediated by the CJS Response (supporting H7b). In other words, when the offence was violent, the police were more likely to identify the offender and take action, and victims were in turn less willing to meet the offender. This suggests that victims are not primarily influenced by the practical possibilities of meeting the offender (which are increased when the police have taken action), and that police action does not increase willingness to meet by increasing perceptions of police efficacy. Rather, victims appear to be more willing to meet when their justice objectives have not been fulfilled by the criminal justice system. Of course, in a cross-sectional study we cannot establish causality, but the idea that victims wish to meet in order to fulfil unmet justice objectives is consistent with studies demonstrating that victims are looking for procedural justice (Van Camp & Wemmers, 2013), to prevent recidivism (Van Camp, 2017) and to get feedback about the offender's punishment (XXX, 2021).

***Limitations***

Many of the limitations of these studies have already been discussed, as data from the CSEW are not ideal. There are binary answers instead of scales for some key measures (anger, loss of confidence, violence, and willingness to meet the offender). Due to the format of the impact scale ('select all that apply'), we cannot know the influence interviewers had on the scoring of the responses. Interviewer influence is minimized by capping the scale at 3, but the analysis would have been improved by a more discriminatory scale that included an impact rating. Severity is a better scalar measure, but the rationale for a 20-point scale is unclear. The difference between points on a 20-point scale may not be meaningful for respondents, which can be seen in clustering of the responses around 5-point intervals. Many more people experienced minor crimes than very serious ones, so relationships at the upper end of the severity scale are less likely to be accurately described by the models in these studies. In addition, domestic abuse and childhood sexual abuse are covered in different modules of the survey, so victims of those offences were not asked about their willingness to meet with the offender.

A further limitation of these studies is that only crimes committed in the 12 months prior to the survey are covered in the victimization module. Previous studies have found that time was a moderator of the relationship between severity and willingness to meet (XXX, 2017; Wyrick & Costanzo, 1999; Zebel et al., 2017), but in the exploratory analysis of the 2015-17 CSEW data there did not appear to be any effect of time passing on willingness to meet the offender. A 12-month period appears to be too short to explore the effects of this variable.

To control for researcher bias, I have included a full write-up of studies 1a and 1b. This has not resulted in the most straightforward narrative for the article, but it is fully transparent and therefore an instructive and robust set of evidence upon which to base future research, policy, and practice decisions.

***Implications***

At least some victims of crimes at every level of severity do choose to meet the offender, so with unlimited time and resources the offer should be made to all victims of crime. Realistically, however, resource constraints mean that this is not always possible. If we determine that the offer should be made only to people who are most likely to want to take part, these studies have demonstrated no evidence that victims of more serious crimes should be excluded. Instead, these studies suggest that victims of the most minor offences are least likely to take part: victims who scored their offence as 1 or 2 on a 20-point scale, or who say that the crime had no impact on them at all. While it might be tempting to exclude victims of *violent* crimes on the basis of the negative relationship with willingness to meet identified here, in fact we have seen that the impact of the crime is an important positive predictor of willingness, and of course the effect of violence cannot in reality be isolated from that of impact.

These studies have demonstrated that exclusion criteria should not be invented based on intuition, as this is often inaccurate. Nor should new policies be based on precedent, as existing policy and practice is likely to be influenced by similarly biased intuitions. In addition to some of the counter-intuitive findings described above, some of the control variables further demonstrate surprising predictions, for example that victims were *more* willing to meet the offender when they had contact with the offender during the crime, when they were victimized more than once, or when they were victims of crimes by strangers or victims of racially motivated crimes. Well-meaning family, friends and criminal justice professionals may make inaccurate assumptions about whether a particular victim would want to meet the offender, and thereby deny them the opportunity to make their own informed choice. Thus, only victims themselves can decide whether they want to meet the offender.

Studies of the benefits of restorative justice schemes for victims are often unable to eliminate the effects of self-selection (Latimer et al., 2005). The current findings shed some light on



this issue, suggesting that if a group of victims who met the offender are less angry or afraid than a control group, this is unlikely to be due to self-selection. Of course, practitioners may be selecting participants on the basis that they experienced low levels of anger and fear, but it is unlikely that victims themselves are self-selecting on this basis.

Victims who opt to meet the offender are more likely to have experienced anger and the police are less likely to have taken action, suggesting that they may see a meeting with the offender as a means of fulfilling the same justice objectives they had hoped would be fulfilled through the criminal justice system. There is therefore little evidence for a conceptual distinction between restorative and retributive justice from the victims' perspective, and this has three main practical implications. First, to improve practice and make the process safer for all participants, the retributive aspects of restorative processes should be acknowledged and openly discussed. Second, the criminal justice system should work harder to fulfil victims' justice objectives, so victims are not obliged to meet the offender as the only possible means of achieving justice. Third, access to restorative justice schemes should be enhanced for victims who are unable to fulfil justice objectives through the criminal justice system.

### ***Conclusion***

In keeping with social cognition research demonstrating that predictions about others' thoughts and behavior are often inaccurate (Fiske & Taylor, 2020), these studies have provided no evidence for the common intuition that victims of serious crimes are less willing to communicate with the offender. Instead, on some dimensions of severity the reverse is true: those who were most affected by the crime were more willing to meet the offender. The most important lesson from these studies, therefore, is that when predicting which victims might want to participate in restorative justice schemes, we should not simply follow intuitions. Instead, we should rely on

robust evidence about victims' choices and experiences. To that end, the current studies contribute to this complex and slowly growing evidence base.

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