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The heterogeneity of crime victims

Laxminarayan, M.S.

Publication date:
2012

Document Version
Publisher's PDF, also known as Version of record

[Link to publication in Tilburg University Research Portal](#)

Citation for published version (APA):
Laxminarayan, M. S. (2012). *The heterogeneity of crime victims: Variations in procedural and outcome preferences*. Wolf Legal Publishers (WLP).

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The Heterogeneity of Crime Victims:

Variations in Procedural and Outcome Preferences

Malini Laxminarayan



**The Heterogeneity of Crime Victims:
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Malini Laxminarayan

Production:
Benjamin den Hoedt (den graphics) voor Wolf Legal Publishers

Copyright:
Malini Laxminarayan

Wolf Legal Publishers (WLP)
P.O. Box 31051
6503 CB Nijmegen
The Netherlands
Tel: +31 24 355 19 04
Fax: + 31 24 355 48 27
E-Mail: info@wolfpublishers.nl
www.wolfpublishers.nl

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The Heterogeneity of Crime Victims:

Variations in Procedural and Outcome Preferences

PROEFSCHRIFT

ter verkrijging van de graad van doctor aan Tilburg University
op gezag van de rector magnificus, prof. dr. Ph. Eijlander,
in het openbaar te verdedigen ten overstaan van
een door het college voor promoties aangewezen commissie
in de aula van de Universiteit op

maandag 19 november 2012 om 16.15 uur

door Malini Seetha Laxminarayan,

geboren op 13 mei 1984 te Belleville, Verenigde Staten

Promotores: prof. mr. M.S. Groenhuijsen
prof. mr. J.M. Barendrecht

Copromotor: dr. A. Pemberton

Acknowledgements

This book could not have been completed without the dedication and help of three leading scholars in their respective fields. First, I would like to thank Professor Marc Groenhuijsen for his positive feedback and consistently kind words. I am incredibly lucky to have been able to work under the guidance of Marc, an expert in the field of victim rights. Each meeting we had was filled with encouraging comments and helpful insights on the topic. Getting to know what is probably only a fraction of Marc's achievements within the field of victimology has been an incredibly inspirational experience throughout the past years. Second, much of the confidence I gained was from my interactions with Professor Maurits Barendrecht. I am appreciative of his critical thoughts that have helped to improve my work. I furthermore look back fondly on the years I worked together with Maurits in the Measuring Access to Justice group. Third, I'm not sure how this book would have looked without the guidance of Dr. Antony Pemberton. From around the time of the conference in Lisbon, I knew it was going to be an interesting four years. And interesting it was (all-time highlight was 'The Bird'). Though, also since the time in Lisbon, I knew it would not be all fun and games when I was sent to bed early the night before my own presentation. The professional side kicked in every Monday from 3-4 pm, and provided the opportunity for (a lot of) feedback and the (occasional) critical thinking. Through these meetings, Antony taught me a lot, not only with regard to victimology, but also about becoming a successful researcher in general, for which I will always be thankful.

I am also very grateful to the reading committee: Jo-Anne Wemmers, Jan van Dijk, Marijke Malsch and Renée Kool. I have myself read and learned from publications of these experts in the past four years. It is an honor to have each member take the time to read and comment on my own work.

A PhD is often associated with 'independent research' (am I allowed Wikipedia citations now that it's over?), but the work put into these articles was by no means independent. The co-authors, who also have been, or will be, mentioned in more detail, genuinely assisted me in work that I could not have done alone. Jens, definitely never ever a distraction, was an unofficial supervisor for the months that I was lucky enough to have him as an office neighbor. He was always willing to help with any statistical problem and his positive feedback constantly gave me some much needed motivation.

My paranymphs, Laura and Lorena have also been vital in the completion of this dissertation. More than just amazing people and great friends, both were always willing to assist with questions I had and problems I faced. Laura's (continued) support and ever-rational thinking have been very encouraging. Lorena, the best officemate possible, was always ready for a discussion about victims (and any of about 10,000 other topics). (I'm still undecided if you're a feminist).

INTERVICT has been an amazing institute to conduct this research. I have had the pleasure of working with great colleagues, many of whom were always willing to help with any questions I may have had, and in particular Suzan, Mark (plus his dedication to the systematic review), Karlijn and Leontien. Furthermore, I would not have been able to handle the stress of the peer-review publication process without Kim and Esmah. Support was also always given with a very approachable attitude from Anneke, Marianne, Rianne, Barbara and Kathelijin. Jannemieke and Pauline, though on the "wrong" side, were always willing to help with my understanding of the legal process (in addition to providing a pleasant break from work). Robert has read and commented on almost all of the articles included in this dissertation. More importantly we've shared about 1 million laughs and this truly would have been a different experience without him. And (super) thanks for checking my English; when your improving Dutch starts messing with yours, I'll be happy to return the favor.

Thinking back to 2008 to when I still had even more knowledge and confidence to gain, I know that my transition to a researcher would not have been possible without the Measuring Access to Justice group. I am extremely appreciative of the more than warm welcome I received from Laura, Corry, Maurits, Jin Ho and Martin. In addition to the 800 (low by PhD student standards) email distractions with Jin Ho, there must have been at least 25 that answered questions I had (only half of which were about his use of legal terms). Martin also always made time to help and particularly in the first two years, I am not sure what I would have done without him. The door to Martin and Jin Ho's office was always open and I am thankful for the opportunity we had to work together.

Each of the studies conducted for this research were carried out with the help of several people. In the Netherlands, I am very grateful to Annelize van Dijk and Schadefonds Geweldsmisdrijven for their support. In New South Wales, the work was assisted by Professor Rita Shackel and various victim support agencies, for which I am very appreciative. In Nepal, the research would not have been possible without Ilse Griek (which now we can call a successful collaboration) and the amazing research assistants who were willing to help.

And as it is a more than valid assertion that the criminal justice system needs the support of victims, the same is true of our research as victimologists. Not enough credit goes to those who make this work possible, even when it means, at least for some, having to re-open old wounds. So thank you to each and every individual who filled out a questionnaire.

As victimological research tells us, social support is undeniably useful in dealing with stress and trauma. While I would not go as far as to say this was a traumatic experience, I cannot leave out the people closest to me (many who definitely had a positive effect on my stress levels): Menno, Vinod, friends who have not been named already, my amazing extended Zwakman and Laxminarayan families and Star (animal-assisted interventions for victims!).

And of course, the most encouraging parents anyone could ask for: My mom, whose strength is extremely inspiring and who has been so supportive throughout my academic career and my dad, the kindest and smartest person I have ever known. Any moment of defeat or feeling of accomplishment I know you're still here.

Utrecht, September 2012

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Chapter 1: Introduction

The past 30 years have witnessed an influx of research in the area of victims' procedural and outcome preferences when they encounter the criminal justice system. These preferences refer to the aspects that are important to victims with regard to their case, whether this includes, for example, having a voice, being treated with respect or receiving compensation. To a large extent, criminal justice is hypothetically capable of meeting the needs of victims of sexual assault, domestic violence, robbery and other serious crimes. This may be attained through a means of providing victims with the possibility to complete a victim impact statement, requiring sensitivity training for police officers or implementing compensation schemes addressing the harm caused to the victim.

Research has found, however, that legal authorities and the criminal justice system are often responsible for secondary victimization (Campbell & Raja, 1999; Orth, 2002; Symonds, 1980; Williams, 1984), the re-traumatization by society in response to the primary victimization (Montada, 1994). Working with crime victims, Symonds (1980) referred to secondary victimization as the victim's perception that support is not being provided by the police or medical personnel. A "second injury" may result when rejection is perceived by the victim as a result of a detached demeanor by the police and/or society. As a result, victims may suffer from a sense of helplessness. Furthermore, the often agonizing experience through the legal system is largely due to the victim's limited role (Levine, 2010), sometimes only as a witness. The "second injury" may also include the lack of being able to tell one's story, resulting in the failure to restore a sense of control over one's life.

At the same time, improvements resulting from victim reforms suggest that the experience with the criminal justice process may also be beneficial to the well-being and satisfaction of victims of crime. Victims may report more positive experiences when they are provided opportunities for participation, which results in a sense of inclusion, and when they are treated with respect (Erez, 1999; Kilpatrick, Beatty, & Howley, 1998; Wemmers, Van der Leeden, & Steensma, 1995).

Victims' procedural and outcome preferences (voice, information, respect, compensation, retribution and deterrence) may be conceptualized more systematically using existing theoretical notions of justice (Bies & Moag, 1986; Carlsmith, Darley, & Robinson, 2002; Lind & Tyler, 1988;

Strang, 2002; Wemmers, 2010). More specifically, largely derived from social justice, these theories distinguish between the quality of the procedure (i.e., procedural justice and interactional justice) and the quality of the outcome (i.e., retributive justice, behavior control and restorative justice), as will be elaborated upon shortly.

While research on procedural and outcome preferences often examines victims in a very broad sense (i.e., in referring to all types of individuals), some studies (both within and beyond the scope of criminal justice) have examined more specific characteristics. These characteristics may refer to individual level differences (for instance gender or age, Zevitz & Gurnack, 1991), the nature of the criminal offense, (for instance property crimes versus personal crimes, Brandl & Horvath, 1991), identification with the offender (Wenzel, Okimoto, Feather, & Platow, 2008), macro-level variables (for instance culture, Brockner et al., 2001) or the interplay between different aspects of the legal procedure (Brockner & Wiesenfeld, 1996). Reviewing the results of these studies begs the question, *under what conditions* do victims desire a given justice preference? Unfortunately, the majority of victimological studies examining experiences with criminal justice – whether the topic is what victims *want* or what victims *get* – does not distinguish between victims on the basis of particular characteristics. This type of research must therefore take caution in generalizing to all victims.

Important terms

Throughout the text, several concepts are recurring. While these are by no means an exhaustive list of the notions under study, the terms are not always clearly defined nor often used in other literature and therefore the reader may benefit from distinct definitions. First, *procedural preferences* refer to what victims want during the procedure when they come into contact with the criminal justice system. Second, *outcome preferences* refer to what victims want the legal outcome to achieve. As noted above, these preferences are diverse and vary among victims. The upcoming sections will elaborate upon procedural and outcome preferences in a more theoretical manner, borrowing largely from existing work in the area of social justice. While procedural and outcome preferences are related to theories such as procedural justice and retributive justice, respectively, they are not interchangeable. Third, *outcome favorability* is often used as a control variable throughout the chapters and refers to the victim's benefit in terms of the outcome of the procedure. Victims are directly asked to evaluate the level of favorability of their case outcome. This phrasing allows for a more general perception of the outcome and captures the subjective perspective of the victim. Fourth, the term *psychological effects* is derived from previous research which exami-

nes the victim's psychological harm that may have been caused by criminal proceedings. Psychological effects of trials can take various forms. While effects are often measured in terms of stress, another scale has been used in the past that incorporates psychological consequences into the study of justice. This scale includes the following variables: belief in a just world, self-esteem, ability to cope, trust in the legal system and optimism in the future (Orth, 2002). These possible psychological effects of proceedings are also reflected in previous research that illustrates the consequences of victimization (Follingstad, Neckerman & Vormbrock, 1988; Janoff-Bulman, 1989; Mills, 1984).

Core of the research

This book is a collection of essays that may be considered new or contributing to victimology in 5 ways. First, satisfaction with criminal justice is a common theme in the victimological literature (Chapter 2). As will be seen, however, satisfaction is an unclear term. Similar analyses examining factors leading to satisfaction with criminal justice could instead examine other outcome variables (e.g., the psychological well-being of victims). Therefore, chapters will examine psychological effects, as explained above, of criminal proceedings. Second, the book will evaluate the experiences of victims with regard to the criminal justice procedure, namely through their procedural preferences. More specifically, procedural preferences will be evaluated using comparisons of different types of victims (Chapter 3) and different legal systems (Chapter 4). Third, one examination will look at concrete legal outcomes and their associations with psychological effects of criminal proceedings (Chapter 5). The majority of the existing research on sentencing preferences examines the general public, yet this article will use the victim's perspective. Fourth, procedural and outcome preferences may vary among victims. Therefore, investigations will examine two examples of how victims may differ, namely the type of crime and culture, and how these differences affect procedural preferences. The first example looks at victims of sexual assault (Chapter 6), while the second example examines a collectivist refugee population residing in Nepal (Chapter 7). The examples support the idea of 'differential victimology,' namely the understanding that responses to victimization are dependent on individual characteristics. Finally, the importance of procedural preferences may be dependent on the outcome of the procedure. Therefore, the interaction between procedural preferences and perceptions regarding the legal outcome will be analyzed (Chapter 8).

Past research and theoretical conceptualizations

Each of the chapters will introduce the necessary framework for the proceeding analyses, looking at theories and models of justice that have been established in past research. This section will provide the reader with a general overview of the theory used. Victimological research into the procedural and outcome preferences of victims has explored various aspects of criminal justice, including incorporating the victim in the proceedings through a greater participatory role (Edwards, 2004; Erez, 1990; Konradi, 2010; Regehr, Alaggia, Lambert & Saini, 2008; Wemmers, Van der Leeden, Steensma, 1995) and fairness more generally (Wemmers, 1995; 1998), affording victims enhanced treatment through better information provisions and respectful attitudes (Brathwaite & Yeboah, 2004; Robinson & Stroschine, 2005; Zevitz & Gurnack, 1991), and restoring the harm caused to the victim, for example through compensation (Davis, Smith & Hillenbrand, 1991; Kunst, 2011). Furthermore, research has examined topics such as retribution (Felson & Pare, 2008; Orth, 2003) and deterrence (Labriola, Rempel & Davis, 2008), and if and how these factors contribute to the well-being and satisfaction of victims of crime.

The process-outcome division of the criminal justice system is not a new one (Landls & Goodstein, 1986, Pemberton, 2009). In this conceptualization, not only the outcome of legal proceedings, but also the treatment of victims and their participatory role is important. With regard to the outcome, distributive justice had been the main focus of social justice research prior to the 1970s. For victims of crime, distributive justice may translate into three key aspects: retributive punishment, behavior control and restoration of harm. Carlsmith et al. (2002) outlines the former two as main reasons for punishment. First, the just deserts perspective (punishment) argues that sanctioning is needed against an individual who harms society by violating rules or norms and therefore causes an imbalance in the scales of justice. Punishment should be meted out in proportion to the harm that was caused. Second, the deterrence perspective emphasizes a need for preventing harm as a means of ensuring social harmony. Here punishment should aim to minimize future criminal behavior. In more recent years, the emergence of restorative justice has brought attention to the need to repair the harm suffered by the victim (Strang, 2002). Such a view supports the use of compensation and apologies as a means of responding to the victim's pain and suffering.

While these aspects indeed remain important indicators of justice for victims of crime (Orth, 2002; Orth, 2003), the chapters in this book primarily focus on the first part of the division, the quality of the procedure (with the exception of Chapter 5 and part of Chapter 7). Since the 1970s, there have been several conceptualizations of procedural quality, mostly

centering around procedural justice theory. First, Thibaut & Walker (1975) distinguished process-control from decision-control, where the former was concerned with the development and selection of information while the latter referred to the extent that a participant may “unilaterally determine the outcome of the dispute” (Thibaut & Walker, 1978, p. 546). Not long after, Leventhal (1980) evaluated the fairness of a procedure in terms of representation, the opportunity to present one’s case to the authorities and have his or her opinions considered. In addition to representation, Leventhal asserted that procedures and decisions must be based on accurate information, they should be consistent, authorities should suppress biases, there should be opportunity to correct for mistakes and authorities must act ethically by treating people with respect and dignity. Bies & Moag (1986) later argued that the propriety of authorities’ behaviors also should be taken into account as they also influence justice judgments. More specifically, this element of interactional justice was further broken down into interpersonal and informational justice. While the former refers to, “the degree to which people are treated with politeness, dignity, and respect by authorities and third parties involved in executing procedures or determining outcomes” (Colquitt et. al., 2001, pg. 427), the latter refers to, “explanations provided to people that convey information about why procedures were used in a certain way or why outcomes were distributed in a certain fashion” (Colquitt et. al, 2001, pg. 427).

While these models were not specifically developed with victims of crime in mind, Wemmers et. al. (1995) conducted research on procedural justice for victims in the criminal justice system. Their research examined the procedural justice issues examined above and also integrated the group-value model (Lind & Tyler, 1988). A main premise of the group-value model is that belongingness to groups is psychologically rewarding. There were initially three factors proposed that may communicate attitudes of acceptance and belongingness by the third party: (a) standing within one’s social group (i.e., respectful treatment), (b) trust in the third party, and (c) neutrality of the decision maker. A main finding of Wemmers’ (1995) research using this model for crime victims was that there was a two factor model resulting from the data: respect (interest and friendliness from legal authorities, opportunities to make wishes known and consideration of views) and neutrality (bias suppression and objectivity), which included elements from earlier procedural and interactional justice models.

Though there is variation in these models, the underlying themes are drastically similar. These models furthermore confirmed the findings of previous research that was not conducted specifically in terms of procedural justice (noted above). For victims of crime, the quality of the procedure may be especially important because of the severity of the conflict. Unfavorable

outcomes (e.g., when one's offender is acquitted or a case is dismissed) may be psychologically damaging (Orth, 2002), and improving the procedure may be one means of countering such negative effects. As the group-value model states, perceptions of belonging as a result of procedural justice lead to feelings of acceptance. Furthermore, procedural justice may impact one's perceptions of legitimacy and confidence in the legal system (Tyler, 1990). Secondary victimization may also be prevented through respectful treatment and perceptions of procedural justice (Campbell & Raja, 1999; Orth, 2002; Symonds, 1980).

The study

This research emerged from a larger research project, Measuring Access to Justice (MA2J) (Gramatikov, et al., 2010). The MA2J project examines how people experience justice in all types of conflict resolution settings. The goal of the project is to provide answers and suggest solutions to the problems that may arise, from the perception of the individual going through the legal procedure. This book, however, focuses specifically on victims of crime, adapting the larger methodology to victims who have had some type of experience with the criminal justice system. These individuals include those whose offenders have been apprehended and sentenced, but also may include victims who had contact with the police but whose cases were dismissed. The core criteria for inclusion were (1) that there was some type of personal contact with the police and (2) that the respondents had suffered a serious victimization.

Data collection consisted of a structured questionnaire with closed-ended questions. Three main dimensions made up the questionnaire: the costs of the legal procedure, the quality of the procedure and the quality of the outcome. The first dimension, costs, includes both material (time and money) and immaterial costs (emotional costs). The findings of the former, however are not presented in the upcoming chapters. These findings indicated that many of the respondents exaggerated their experiences, in terms of both time and money. With regard to immaterial costs, respondents were asked about the negative emotions that resulted from the procedure, in addition to perceptions of effects of criminal proceedings, a measure previously devised by Orth (2002) to represent psychological changes resulting from the encounter with the criminal justice system. Though emotional costs

such as fear and anger will not be analyzed in the chapters,¹ measuring psychological effects as the dependent variable is useful in examining the effects of criminal justice proceedings.

As noted earlier, victimological research has often utilized the procedure-outcome division (Landls & Goodstein, 1986, Pemberton, 2009) when evaluating proceedings, and therefore the evaluative nature of this book also focuses on these two dimensions. The second dimension of the questionnaire, the quality of the procedure, examines the procedural and interactional justice indicators discussed above, investigating both perceptions of the actual process (e.g., having a voice and accuracy) and perceptions of their treatment by the police, the prosecutor, and the judge and (to a lesser extent) the defense counsel. The questions surrounding the legal authorities focus on receiving information and respectful treatment. The third dimension of the questionnaire, the quality of the outcome, examines the actual verdict of the case (if prosecuted) and how victims perceived their outcome to be, whether it was a verdict or a dismissed case (e.g., the extent to which it restored their harm or is likely to keep the offender from re-offending).

As noted, the three legal systems under study are the Netherlands, New South Wales, Australia and Nepal. The method of data collection differed somewhat between the legal systems². First, in the Netherlands, victims were approached via the Compensation Fund for Victims of Violent Crime. The Fund assists individuals who experienced threat with bodily injury, assault, stalking, sexual violence, kidnapping and/or (armed) robbery. To qualify for compensation from this fund, the damage may not have been compensated elsewhere (e.g., the offender did not pay the compensation or was not found or prosecuted). The crime must have occurred in the Netherlands and in most cases, within the past three years. Names and addresses were obtained from the Fund. Questionnaires were mailed to participants' homes and they were able to either return completed surveys via mail or use an online link. Of the 700 questionnaires that were distributed, 151 victims completed the survey, resulting in a response rate of 21.6%. Second, in Australia, victims were approached via victim support agencies, either in person or through a link they found on the website. Throughout the entire country, 25 victim support agencies were willing to assist the researchers in obtaining respondents for the questionnaire (primarily by posting a link to their website or newsletter). All these organizations offered victim support and some were

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- 1 This was due to the choice to focus on the procedure and outcome and the difficulty in analyzing the findings. Initial screening, however, would support the notion that the criminal justice system still is harmful to many victims of crime, with emotions such as fear, disgust, embarrassment, shame and anger being reported.
 - 2 The author recognizes the limitation this causes for cross-national research, and addresses these concerns in the relevant articles.

specialized in assisting particular groups of victims such as sexual assault. The majority of victims were from New South Wales; therefore comparative research with the Netherlands was conducted using only this jurisdiction. Third, in Nepal, the respondents consisted of Bhutanese refugees residing in a refugee camp in Nepal. After translation of the questionnaire, the researchers examined the questionnaire to account for construct and item bias as a result of cultural differences. The questionnaire was then pre-tested to understand difficulties and confusion for respondents. Eight research assistants were hired to conduct face-to-face interviews at all the huts within the camp under study. For this study, the victims may have had experiences with the formal Nepali legal system, but the majority of victims reported on their experiences with the informal system implemented within the refugee camp.

Outline of the book

(2) Victim satisfaction with criminal justice: A systematic review

The second chapter presents a systematic review of victim satisfaction with criminal justice in order to understand which procedural and outcome preferences have been shown in the past to be associated with satisfaction. Victim satisfaction has been a focus of study in victimology for more than 30 years. Conducting a systematic review on this topic allows one to make sense of the vast amount of information on victim justice evaluations that is often rather unsystematic in nature. Subsequently, it also becomes possible to evaluate the criminal justice system more methodically from the perspective of the victim. The review utilizes the framework discussed earlier, with regard to the procedure and the outcome, to provide a more comprehensive overview of previous research examining satisfaction. A total of 25 studies are reviewed, examining all types of victims (e.g., personal crimes, property crimes, domestic violence, elderly victims), and generally producing mixed findings.

(3) Interactional justice, coping and the legal system: Needs of vulnerable victims

Chapter 3 examines differences between three groups of victims in the Netherlands (victims of sexual assault, victims of domestic violence and victims of other serious crimes) with regard to the treatment received by these victims and their ability to cope as a result of contact with the process. The need to provide these victims with special attention is reflected in national legislation that involves victims of domestic violence and victims of sexual

crimes. The special attention afforded to these victims recognizes that they often face more traumatizing experiences and therefore are particularly vulnerable, also during criminal proceedings. Past research has shown, however, that these victims still suffer largely from contact with criminal justice. Therefore, this research investigates the extent to which protections provided to these victims may be lacking in practice.

(4) Procedural and Interactional Justice: A Comparative Study of Victims in the Netherlands and New South Wales

Chapter 4 provides a comparative analysis of two legal systems, New South Wales, Australia and the Netherlands, and the position of the victim in criminal proceedings. This examination is conducted in terms of procedural and interactional justice, analyzing how the quality of the procedure may differ between legal systems. More specifically, analyses are conducted to investigate the differences between legal systems for process-control, decision-control, treatment by the police, the prosecutor, the judge and the defense counsel, and accuracy. New South Wales is an example of a legal system that has witnessed the introduction of many victim rights mechanisms in the last years, though as a result of the structure of the system, still fails to provide victims with positive experiences when accessing justice. The Netherlands, where victim rights mechanisms have also been implemented, may be argued to be more victim-friendly with regard to structural characteristics, such as a lack of harsh cross-examination. Yet the existing procedural justice literature comparing adversarial versus inquisitorial systems (that has not often been applied to victim perceptions of justice) suggests that the adversarial system is superior in providing individuals with more control and resulting in more accurate proceedings. This analysis uses victim data to test these notions by measuring the experiences of victims of serious crimes in terms of procedural and interactional justice.

(5) The effect of retributive and restorative sentencing on psychological effects of criminal proceedings

Chapter 5 examines the legal outcome and more specifically, the extent to which differing outcomes (i.e., incarceration, compensation from the offender, compensation from the State, community service and an acquittal) were associated with psychological effects of criminal proceedings. The theoretical framework guiding this analysis focused on the division between restorative and retributive justice. The former focuses on the harm caused to the victim, while the latter aims to equalize a moral imbalance resulting from a criminal act that requires proportional punishment in response to the suffering.

ring caused. A third perspective argues for restoration through retribution, which requires some punitive measure in order to address the harm that was caused. In this chapter therefore, it is recognized that the outcome is also important to the victim's experience, where some verdicts may be associated with psychological well-being (i.e., (Orth's (2002) scale measuring psychological changes resulting from the criminal justice system).

(6) Procedural justice and psychological effects of criminal proceedings: The moderating effect of offense type

Chapter 6 focuses on procedural justice and interpersonal justice and how procedural justice may play a more significant role for victims of sexual assault in predicting psychological effects of proceedings when compared to victims of non-sexual assault. Based on the notion that victims of sexual assault require more recognition for their plight, often possessing feelings of self-blame themselves, this chapter argues that these vulnerable victims will be especially interested in procedural and interpersonal justice, particularly with regard to the extent to which they feel they have encountered negative psychological effects. Using victims of sexual and non-sexual assault, the analysis in this chapter examines the predictive effect of procedural justice on psychological effects as moderated by type of crime (i.e., sexual versus non-sexual). Psychological effects may be more positive for victims of sexual assault through certain mechanisms, i.e. providing a victim with a voice, increasing perceptions of accuracy of the procedure or treating victims with respect. While this may also be the case for victims of non-sexual assault, certain legal needs by victims of sexual assault may exist to a heightened degree.

(7) Victims justice preferences in a collectivist, informal setting: the case of Bhutanese refugees in Nepal

Chapter 7 examines Bhutanese refugees residing in a refugee camp in Nepal, investigating their procedural and outcome preferences when accessing justice. This population differs from other groups in a number of ways (e.g., their refugee status, degree of religiosity). The chapter, however, focuses on two differences in particular, namely their level of collectivism and their preference for informal legal systems. Subsequently, using the framework outlined above that conceptualizes justice evaluations into the quality of the procedure and the quality of the outcome, the investigation examines how these characteristics (i.e., collectivism and use of an informal system) may cause this particular group to differ in terms of what they are looking for when accessing justice. Do they want voice, despite their high power

distance culture? Does the weight they place on maintaining interpersonal relationships reflect their desire for interactional justice? These are some examples of the questions guiding the chapter, which more generally provides an overview of the procedural and outcome preferences of Bhutanese victims of serious crimes.

(8) Does the procedure always matter? The interaction of procedural quality and outcome favorability on self-esteem and trust in the legal system

Chapter 8 examines two indicators, voice (procedural justice) and respectful treatment (interpersonal justice), and whether they are able to moderate the relationship between (1) outcome favorability and the process's impact on the victim's self-esteem, and (2) outcome favorability and the process's impact on the victim's trust in the legal system. As a result, the chapter investigates the interplay between different aspects of the criminal justice process, exploring an earlier assertion of Lind & Tyler (1988) that a positive evaluation of the procedure may serve to counter negative assessments of the legal outcome. Outcome favorability or outcome satisfaction is undeniably an important part of victim's justice judgments. As already noted, a positive evaluation of the procedure has been conceptualized in terms of procedural, interpersonal and informational justice. These different elements – the procedure and the outcome – cannot be understood in isolation from one another. Instead, the interaction between outcomes and procedures should be considered. The process's impact on the victim's self-esteem and the process's impact on the victims trust in the legal system are two possible psychological consequences (Orth, 2002). People may be less affected by legal outcomes when fair procedures are sufficient in fulfilling needs for self-esteem and self-identity. Self-esteem may increase when voice and respect are provided, as this communicates recognition towards the victims. Furthermore, feelings about the legal institution resulting from unfavorable outcomes may be moderated through fair procedures, namely procedural justice. Research has found that perceptions of fairness are an influential mechanism leading to positive views of the justice system and the law (Tyler, 1990).

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Chapter 2: Victim satisfaction with criminal justice: A systematic review

Malini Laxminarayan, Mark Bosmans, Robert Porter, Lorena Sosa
Under Review: *Victims & Offenders*

ABSTRACT

The authors conducted a systematic review on the topic of victim satisfaction with criminal justice to examine which aspects of the procedure and the legal outcome are associated with satisfaction. The systematic review resulted in 25 articles. Factors were conceptualized into (1) variables related to the procedure, (2) variables related to the outcome and (3) contextual variables. The study uncovered covariates of satisfaction in all categories. Findings, however, were ambiguous. The mixed findings suggest there is a need to understand the differences among victims, and when certain factors are more important in influencing satisfaction with the judicial process.

Keywords: systematic review, victim satisfaction, criminal justice, procedural quality, outcome quality

Introduction

Victim satisfaction is an important area of study. Satisfaction with justice processes, through fairness, respectful treatment and behaviors, and desired outcomes, is both ethically desirable and a necessity for effective justice (Hough, Ruuskanen, & Jokinen, 2011). The large majority of reported crimes comes to the attention of the police through victim reporting (Hawkins, 1973). The judicial prosecution of crimes is to a large extent dependent on the cooperation of victims (Kelly, 1983; McLeod, 1986). Positive experiences are especially important in cases of chronic victimization, most notably domestic violence, where victims may have recurring contact with police (Martin, 1997). Conversely, dissatisfaction may contribute to the undermining of public respect for the court system. Trust in justice and perceptions of legitimacy in a given institution will result when participants believe they have undergone satisfactory proceedings (Tyler, 1990).

Victim satisfaction with the criminal justice system may also be linked to victims' well-being and their ability to deal with the crime suffered (Ullman, 2010; Winick, 1997). Satisfaction with the outcome of legal proceedings has been found to be associated with psychological effects for the victim (Orth, 2002). Increasing satisfaction may therefore have implications for the recovery of victims. Moreover, victims may perceive more control over their lives (Bard and Sangrey 1986), and feelings of retribution may cease (Zehr & Umbreit, 1982).

From the mid-1970's onwards, the victims' rights movement was fueled by the public's attention to the poor treatment of victims in the criminal justice system (Joffe, 2009; Smith, 1985). The 1985 U.N Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power was a milestone for victim rights. This document acknowledged that until that point, victim rights had not been sufficiently recognized. Subsequently, stipulations surrounding fairness – through participation and respectful treatment, compensation and victim assistance – were laid down to support victims in criminal proceedings. In the same year, the well-known study, 'Victims in the Criminal Justice System' (Shapland, Willmore, & Duff, 1985), empirically established that victims were largely dissatisfied with the justice system. The study revealed a sharp contrast between victims' needs and what the justice system was actually providing.

These landmarks, in addition to the beginning of the victim rights movement which had preceded them, were followed by an influx of studies on the subject of victim satisfaction. These studies covered a wide range of topics, ranging from satisfaction with involvement in criminal justice procedures, satisfaction with the various legal authorities victims come into contact

with, and satisfaction with the sentence. In these studies, several underlying causes of victim (dis)satisfaction were investigated. The results of these studies regarding factors associated with satisfaction, however, are inconsistent and often contradictory. Furthermore, many results indicated that the situation is still very much the same as at the time of the study by Shapland and colleagues (1985); many victims remain dissatisfied.

Before we can examine the factors that contribute to, or impede victim satisfaction, we must clarify what we mean by victim satisfaction. As noted in the above paragraph, satisfaction is not limited to one particular notion; rather, it may refer to the procedure, the outcome, or legal authorities. Consequently, a clear and specific conceptualization of the term is lacking. As will be seen, this variability is illustrated in the studies that all claim to investigate victim satisfaction. While some focus on the procedure, others are specifically focused on the prosecutor or the police, or sentence severity. The overarching theme, however, is the obvious relation to criminal justice.

To more systematically examine victim experiences with justice, and decide upon the aspects that will be included when measuring satisfaction, we adopt a previously established framework that distinguishes between the procedure and outcome of the justice process (Laxminarayan, 2010). First, procedural quality includes the moment from which the offense first came to the attention of legal authorities until the case has been handled by a legal body. Second, outcome quality refers to the characteristics of the final decision by any of the legal authorities. Furthermore, the outcome may be unfavorable, including those outcomes that have not progressed through the system (e.g. if the police/prosecutor dismisses the case).

The quality of the procedure can be conceptualized using procedural, interpersonal and informational justice (Bies & Moag, 1986; Leventhal, 1980; Wemmers, Van der Leeden, & Steensma, 1995). Procedural justice refers to the extent to which procedures are perceived as fair (Thibaut & Walker, 1975). Leventhal (1980) evaluated the fairness of a procedure in terms of representation, the opportunity to present one's case to the authorities and have his or her opinions considered. In addition to representation, Leventhal (1980) asserted that procedures and decisions must be based on accurate information, they should be consistent, authorities should suppress biases, there should be opportunity to correct for mistakes, and authorities must act ethically by treating people with respect and dignity. Such procedural preferences have also been extended to crime victims (Wemmers et al., 1995). Interpersonal justice refers to the level of respect and propriety shown towards victims (Bies & Moag, 1986). Research on interpersonal justice has revealed that victims emphasize a need for dignified treatment and respect (Wemmers, et al. 1995). Concerning informational justice, re-

search has revealed that keeping victims informed about the developments in their case and information about their rights is positively associated with their satisfaction with the procedure (Shapland, 1985; Wemmers, 1999).

The quality of the outcome includes retributive justice, needs for behavior control (deterrence) and restorative justice. Retributive justice refers to the notion that perpetrator punishment should be meted out in proportion to the harm that was committed; the punishment is an end in itself and imposed on the offender simply because he deserves it (Carlsmith, Darley, & Robinson, 2002; Darley & Pittman, 2003). Punishment as deterrence refers to the extent to which it prevents future wrongdoing (Carlsmith et al., 2002). Victim restoration, the repair of the harm caused, can refer to both material (e.g., compensation) and immaterial aspects (e.g., an apology from the offender or symbolic gesture from the community) of the outcome (Strang, 2002; Wenzel, Okimoto, Feather, & Platow, 2008).

As a result of this framework, we are able to outline the aspects that satisfaction may refer to, namely satisfaction with the procedure and satisfaction with the outcome. Those theories outlined above are, in essence, the variables leading to satisfaction. Furthermore, in addition to the impact of the quality of the procedure or the outcome justice qualities that may surface, other variables have been found to influence satisfaction. These contextual factors may be personal characteristics of the victim (e.g., gender), characteristics of the offender (e.g., alcohol use at time of arrest), or situational variables (e.g., the type of crime such as sexual versus non-sexual assaults).

Given the wide range of factors that are theoretically expected to influence victim satisfaction, it is perhaps no surprise that there is little consistency in the measures used by different researchers to establish victim satisfaction with a justice process. This variation in measures necessitates an overview of the currently available literature to establish which factors have been consistently found to influence victim satisfaction. This is useful for future research which seeks to examine other components of criminal justice for victims.

Objectives

In order to investigate the above-mentioned issues further, the main goal of the paper is to examine which variables are related to victim satisfaction with regard to the procedure, the outcome and other contextual factors. To the authors' knowledge, this is the first systematic review that has been conducted that investigates these objectives.

Method

Literature search

The following grouped concepts were combined accordingly and used as search terms in titles and/or truncated text (indicated by “*”) or abstract words: victim, satisf*, criminal justice, crime, justice, police, prosecutor, judge, sentence and participation. The search terms were related to the framework discussed above, linking victims and satisfaction with the criminal justice system to either procedural aspects or outcome aspects. Combinations of the search terms were entered by the first author into seven databases covering social sciences, psychology and law. These included PsychInfo, Sage Journals Online, ScienceDirect, WileyInterscience, Social Science Abstracts, Sociological Abstracts and Web of Science. Of those studies included in the analysis, we also examined the references to explore other possibilities for inclusion. The literature search was conducted from December 2011 through January 2012.

Study eligibility

We defined several criteria to warrant a study’s inclusion in the systematic review. The study had to be quantitative. Only actual victims were included in the sample (e.g., no students in experimental designs). The outcome variable that was included was victim satisfaction with criminal justice. Criminal justice was operationalized in a broad sense, including satisfaction with: the procedure, the legal authorities and the legal outcome (including dismissed cases). Other forms of justice (e.g. restorative justice practices such as victim-offender mediation) were excluded. Moreover, criminal justice studies were only included at the national level, omitting any studies conducted within the international criminal courts. Based on the justification discussed earlier (Shapland’s milestone study and the U.N Declaration), studies were included if they were conducted after and including 1985. All studies were in English. Only articles published in scholarly journals were included.

Study selection and data extraction

The initial search yielded 700 abstracts. The first author extracted the abstracts and analyzed them to decide on inclusion eligibility in the second phase. Every abstract was assessed for eligibility by at least 1 other reviewer. Any discrepancies between the reviewers’ assessments were resolved by discussions or, when no agreement was reached, they were included in the articles for which the full text would be extracted. In total, 98 studies

were selected for the second stage, where the full text was read. Of these 98 articles, 25 fully met the inclusion criteria and were included in this review. Relevant data was then extracted. This data included the study's sample, research methods and measurement of satisfaction, in addition to variables relating to the quality of the procedure, quality of the outcome and contextual variables, and whether or not there was a significant relationship with criminal justice satisfaction.

Summarizing and scoring

Information on the 25 studies was documented using a structured format. The first author examined each of the studies and one of the remaining authors verified the extracted information to control for any ambiguous interpretations. The results examined what predictors and correlates of victim satisfaction were included in the 25 studies. These results are presented along three lines, as outlined in the introduction. First, those variables related to the procedure are reported. Second, we include predictors or correlates of victim satisfaction that are related to the legal outcome (or lack thereof). Third, the inclusion of contextual variables was queried.

Research methods / analyses

A distinction was made between bivariate and multivariate analyses of the relation between victim satisfaction and other variables. Where multivariate analyses were conducted, the bivariate findings were not included. Only when no multivariate analyses were conducted, were the bivariate results reported. If this was not indicated by *bivariate only*, then the results seen are multivariate. The majority of the studies (16 of the 25) used multivariate techniques to predict victim satisfaction. The remainder of the studies reported bivariate results only, namely correlations between the variables and victim satisfaction. Of the studies included in the review, all were cross-sectional with the exception of one that had an experimental design⁸ and three that utilized a longitudinal design.^{5 22 23}

Measurement of satisfaction

The satisfaction measures varied in each of the studies. Measures were excluded if they did not specifically refer to the term 'satisfaction' in the measure's operationalization. Not all of the studies explicitly mentioned how satisfaction was operationalized, but did summarize the main features (e.g., in an accompanying table). Satisfaction with the police appeared to be the most commonly studied area (thirteen studies). Satisfaction with prosecutor was

measured in three studies and similarly, satisfaction with the courts or the judge was measured in three studies. Satisfaction with the legal process (i.e. legal system, criminal justice, process) more generally was also examined (eight studies). Finally, satisfaction with the legal outcome (i.e. sentence or outcome, also by the prosecutor, and including restitution and compensation) was investigated in ten studies.

Results

Sample characteristics of studies

All of the studies, except one examining victims of burglary,⁷ included victims of crimes against the person, or a combination of crimes against the person and property crimes. Of these studies, five samples specifically focused on victims of domestic violence,^{3 5 15 17 19 24} and two studies examined solely victims of sexual assault^{18 21}. Three studies,^{2 4 14} however, indicated that victims of sexual assault were also included in a mixed sample of different types of offenses. Furthermore, one sample examined elderly victims of crime.²⁵

Quality of the procedure

The quality of the procedure indicators will be referred to as either procedural justice indicators or interactional justice indicators. With regard to the former, using the framework described above that largely borrows from Leventhal's conceptualization, it was examined whether voice (both expression and consideration of views), accuracy, and overall fairness affect victim satisfaction judgments. With regard to the latter, we look at interpersonal and informational justice (Bies and Moag 1986), namely the extent to which victims were treated respectfully and provided with information regarding the case.

Of the thirteen studies that investigated *satisfaction with the police*, eleven^{1 2 3 6 7 10 14 15 19 23 25} examined procedural indicators that may be related to victim satisfaction. With regard to procedural justice, how the police investigate, which is an element of accuracy, was related to satisfaction for victims of property crimes, though unrelated to satisfaction for victims of personal crimes.¹ Another study⁶ indicated that for both robbery and burglary, police activity (accuracy) was related to satisfaction. A similar finding resulted from a study examining only domestic violence victims¹⁹ (e.g., questioning witnesses and searching for evidence). For elderly victims²⁴ (both personal and property crimes), however, searching for clues, taking fingerprints and

driving around the neighborhood (accuracy) was not related to satisfaction. The study on burglary victims⁷ also found that neither being contacted a second time for further questioning nor the police time spent at the scene (accuracy) were related to satisfaction. One study also examined domestic violence victims' desire for the police to follow their preferences³, related to decision-control (voice). Fair treatment more generally was also found to be related to victim satisfaction with the police.^{22,23}

Most studies found interpersonal and informational justice to be important elements leading to *satisfaction with the police*. For interpersonal justice, three studies investigating a mixture of offenses found victims to appreciate professionalism, police taking the case seriously, making an effort and showing interest and concern.^{1,2,8} Similarly, two studies examining only domestic violence victims¹⁵ found they desire an interest to be shown by the police and positive police demeanor¹⁹ (interpersonal treatment) while the study examining elderly victims²⁵ indicated they value honesty, helpfulness, sympathy and concern about the emotional and physical condition when determining satisfaction. Satisfaction for burglary victims was related to reassurance by the police (interpersonal treatment) though was not related to concern and manner of the police (also a form of interpersonal treatment).⁷ With regard to informational justice, burglary victims' satisfaction⁷ was related to information, elderly victims' satisfaction²⁵ was related to referral to social services and domestic violence victims' satisfaction¹⁵ was related to having the warrant process explained in addition to being told about women's shelters, medical treatment and other action steps. Other research including all victims found that receiving status updates about the case (information) was only related to satisfaction for victims of serious property crimes and not for victims of personal crimes or minor property crimes.¹ Finally, one study¹⁰ utilized a procedural justice scale that included elements of respectful treatment, voice, consideration of views and information, concluding that these elements were in fact associated with satisfaction.

Furthermore, two^{22,23} of the three studies examining *satisfaction with the prosecution* included measures related to the quality of the procedure. More specifically, procedural justice in terms of fairness of the process was a significant predictor of prosecutorial satisfaction in both studies. Whether or not they were informed of progress in their case (informational justice), however, was not related to satisfaction²². One²³ of the two studies examined if procedural variables were related to *satisfaction with the courts*. Findings indicated that procedural fairness was a significant predictor of satisfaction.

Eight studies examined *satisfaction with the legal process or justice system more generally*, four of which included indicators of procedural quality^{8,11,12,18}. One study examined modes of participation¹¹ and found that victims who

act as civil plaintiff, act as a subsidiary prosecutor or make a statement for sentencing are more satisfied (voice). Private prosecution (voice), however, was not related to satisfaction with the process. The second study found that victim impact statements (voice) were not more likely to lead to satisfaction with the way the case was handled.⁸ A third study examined both victims who knew and did not know the outcome of their case.¹² For both groups, satisfaction was not related to submitting victim impact statements (voice) or to receiving an information booklet (information). A fourth study¹⁸ concluded that an appropriate level of victim involvement and an available prosecution service (voice) led to satisfaction.

Ten of the studies examined how procedural elements influenced *satisfaction with the outcome* (including restitution, compensation and the sentence), six of which^{8 9 11 12 13 18 22} included indicators of the quality of the procedure. In a study including all types of offenses²², satisfaction with the outcome of the prosecution was greater if given information (information). In a study examining victims of robbery, nonsexual felonious assault and burglary,⁸ satisfaction with the court outcome was unrelated to use of a victim impact statement (voice). Satisfaction with the sentence more specifically was examined in three of the studies^{11 12 18}. For victims of both serious and property crimes, submitting a victim impact statement and making a statement for sentencing (voice) was not related to satisfaction in two studies examining victim impact statements^{11 12}. In a third study examining victim input for victims of sexual assault,¹⁸ however, having such input be valued by court officials and having an appropriate level of victim involvement (voice) were related to satisfaction with the outcome. Attending court proceedings for victims of felony cases more generally, however, was not related to satisfaction.¹³ One study examined restitution⁹ and found satisfaction was related to information but unrelated to whether or not victims were asked to tell about their losses (voice). Sensitivity of the officials (interpersonal treatment) was not significantly related to satisfaction with the outcome. Furthermore, acting as a subsidiary prosecutor, acting as a civil plaintiff, private prosecution (voice) and receiving an information booklet (information) were not related to satisfaction with the outcome¹¹.

When measuring how the quality of the procedure variables predict satisfaction, there were rather mixed findings. Variables centered around five themes: interpersonal treatment, accuracy, voice, information and general fairness. Interpersonal treatment and fairness were rather consistent, with all but one study reporting positive relationships with victim satisfaction. Most studies examining voice found that there was no significant relation to satisfaction. Studies examining accuracy and information were mixed.

Quality of the outcome

As noted above, the outcome of a case may be evaluated in terms of three primary variables: deterrence or behavior control, restoration and retribution. First, we focus on deterrence in terms of legal outcomes such as restraining orders and offender treatment programs, but also in terms of arrest. Second, restoration, including outcomes that aim to repair the harm caused by the offense, refers primarily here to compensation and restitution. Third, retribution comprises more punitive actions, such as severe sentences and arrest.

Of the thirteen studies that investigated *satisfaction with the police*, six^{3 7 10 14 24 25} examined outcome indicators that may be related to victim satisfaction. The two domestic violence studies did not have compatible results; in one case an arrest led to satisfaction²³ while in the other case arrest was not significantly related³ (retribution/behavior control). Domestic violence victims were, however, less satisfied if the police did nothing when they responded²⁴. Another study examining serious offenses¹⁴ found victims to be more satisfied if an arrest was made (retribution/behavior control). Solving the case was related to police satisfaction for the sample of burglary victims⁷ and elderly victims²⁵. Finally, one study¹⁰ found receiving one's desired outcome to be related to satisfaction. Of the three studies examining *satisfaction with the prosecution and/or the judge*, only one²² examined the outcome and found that satisfaction with the legal outcome was significantly related to satisfaction with the prosecutor.

Three^{11 12 14} of the seven studies measuring *satisfaction with the legal process* examined variables related to the quality of the outcome. Victims of serious crimes were more satisfied if a restraining order was imposed and when more punitive outcomes resulted¹⁴ (offender arrested and longer sentences) (retribution/behavior control). A similar finding resulted from a study examining victims of both property and personal crimes¹¹, where more severe sentences (retribution) indicated higher satisfaction with the legal process. In the same study, restitution was related to satisfaction with the legal process (restoration) while a different study examining victims of both personal and property crimes¹² also examined restitution and found no significant relationship. Satisfaction with the sentence more generally, however, was related to satisfaction with the legal process for these victims¹².

Of the nine studies examining *satisfaction with the outcome* (including the sentence, compensation and restitution), six^{9 11 12 13 16 17} included variables related to the quality of the outcome. In three of the studies, the dependent variable was satisfaction with the sentence. In two of these studies,^{11 13} more severe sentences (retribution) led to higher satisfaction with the sentence

for victims of personal and property crimes and for victims of felonies. One¹³ of these two studies also found that the offender being incarcerated (retribution) led to higher satisfaction among victims. Furthermore, for domestic violence victims¹⁷, assignment to a batterer intervention program (behavior control) led to higher satisfaction with the sentence. Restitution (restoration) was significantly related to satisfaction with the sentence in one study examining personal and property crimes¹¹, but unrelated in two other studies examining similar types of offenses.^{12 13} Two studies examined satisfaction with restitution/compensation as the dependent variable. For a study examining all victims⁹, satisfaction with restitution was higher when the amount covered the losses and when the amount was paid by the offender. The second study examined victims of violent crime¹⁶ and found satisfaction with compensation to be unrelated to the amount of compensation.

When measuring how the quality of the outcome variables are related to satisfaction, there were rather mixed findings. Variables mostly centered around four themes: restoration (through compensation and restitution), solving the problem, behavior control and retribution. Studies examining arrest and severity of sentences were considered to examine retribution and were rather consistent; these aspects led to greater satisfaction, with the exception of one domestic violence sample who reported no relation between arrest and satisfaction with the outcome. Deterrence was an important indicator, where restraining orders and batterer intervention programs were more likely to lead to satisfaction. Solving the problem also led to satisfaction in two studies. Finally, restoration in terms of compensation was examined in several studies, though the findings were rather mixed; some studies found a relation to satisfaction while others did not.

Contextual variables

The last category we were interested in examining was contextual variables, which are those indicators of satisfaction that are not covered in the quality of the procedure or the quality of the outcome. There are various aspects that may be related to satisfaction with criminal justice. For example, these may include characteristics of the victim (e.g., age or psychological state), of the offender (e.g., drug or alcohol use at time of victimization) or of the legal system (e.g., use of victim rights mechanisms).

All but four of the studies included some type of contextual variable, often as control variables. The primary goal of including these variables in the current investigation was to show the variation that exists in measurements of satisfaction. The variables either produced mixed findings among the studies or were only included in one study. Demographics included gender, education, employment, income, age and marital status. Other variables des-

cribing the victim and offender were also included such as their alcohol and drug use and levels of fear. Feelings of revenge, mental health, perception of blame, court attendance, social cohesion, use of victim rights legislation, signing of an arrest warrant and type of crime provide some examples of variables included with examining victim satisfaction. Table 1 provides a more complete overview of all the variables extracted from the articles.

Table 1. Overview of included studies, characteristics of studies, aims, measures and variables predicting satisfaction

Study	Sample and study	Main aim	Satisfaction measure	Procedural independent variables predicting satisfaction	Outcome independent variables predicting satisfaction	Situational independent variables predicting satisfaction
Brandt and Horvath 1991 ¹	Victims of personal property (N = 79), serious and minor property (N = 192) crimes, age > 18, crime occurred between June 1986 and June 1987, cross-sectional, multivariate	Determine whether demographic characteristics of victims and the nature of the police response are related to victim satisfaction, looking at 3 different crime categories	How satisfied were you with how the police officer's handled the incident?	<i>Satisfaction with police:</i> Professionalism of police (courtous, understanding, concerned, competent) sig. for all three groups; investigative response (search crime scene, examine evidence, locate/question witnesses, make report) sig. for both property crime groups; police response time sig. for all three groups; recontact for further questioning NS for all groups; recontact about status of investigation sig. for serious property group only	<i>Satisfaction with police:</i> None	<i>Satisfaction with police:</i> Gender NS; educational attainment NS; family income NS; Age only significant in serious property category (older victims more satisfied)
Brathwaite and Yeboah 2004 ²	Victims of crime (rape, robbery, assault, burglary, (motor vehicle) theft) (N = 458), age > 15; cross-sectional; multivariate	Address the experiences of victims with the police and with the courts	Overall level of satisfaction which the victims expressed with the work of the police	<i>Satisfaction with police:</i> Police seriousness, receiving information and police treatment (showed interest, made efforts, police treated matter seriously, kept informed, told about offender) sig. predictors of satisfaction with police; response time and police politeness NS	<i>Satisfaction with police:</i> None	<i>Satisfaction with police:</i> Age sig. (younger victims more satisfied); gender sig.; employed victims sig. more satisfied; higher education sig. more satisfied
Buzawa and Austin 1993 ³	Victims of domestic violence (N = 110), cross-sectional, bivariate only	Examines whether victim preferences affect the decision of arrest	Satisfaction with the police	<i>Satisfaction with the police:</i> More satisfied if police followed victims preferences	<i>Satisfaction with the police:</i> arrest NS	<i>Satisfaction with the police:</i> officer gender NS, officer race NS

Study	Sample and study	Main aim	Satisfaction measure	Procedural independent variables predicting satisfaction	Outcome independent variables predicting satisfaction	Situational independent variables predicting satisfaction
Byrne, Kilpatrick, Howley and Beatty 1999 ⁴	Female victims of physical or sexual assault (N = 284); cross-sectional; multivariate	Examine potential differences between experiences of females of violent crimes perpetrated by intimate male partners with experiences of female victims of violence crimes by non-partners	Victim Satisfaction Scale (satisfaction with criminal justice system); satisfaction with police, prosecutors, judges	<i>Satisfied with police:</i> None <i>Satisfied with prosecutor:</i> None <i>Satisfied with judge:</i> None <i>Satisfied with criminal justice:</i> None	<i>Satisfied with police:</i> None <i>Satisfied with prosecutor:</i> None <i>Satisfied with judge:</i> None <i>Satisfied with criminal justice:</i> None	<i>Satisfied with police:</i> Intimate partner victims less satisfied <i>Satisfied with prosecutor:</i> Intimate partner victims less satisfied <i>Satisfied with judge:</i> Intimate partner victims less satisfied <i>Satisfied with criminal justice:</i> Intimate partner victims less satisfied; race NS; income NS; education NS; interaction type of crime by state legislation protecting victims (partner violence victims sig. less satisfied than other group in weak protection states)
Caputo 1988 ⁵	100 initial interviews with victims of domestic violence, 34 follow-up interviews; longitudinal; bivariate only	Examine the crime, the time it took police to respond, the actions the police took and satisfaction with those actions	Reaction to police response time and overall satisfaction with police actions and advice	<i>Satisfaction with police response time:</i> None <i>Satisfaction with police actions and advice:</i> whether complaint was signed or not NS	<i>Satisfaction with police response time:</i> None <i>Satisfaction with police actions and advice:</i> None	<i>Satisfaction with police response time:</i> Less time more satisfied; level of domestic violence NS <i>Satisfaction with police actions and advice:</i> level of violence; the higher the greater the satisfaction (one district only)
Chandek and Porter 1998 ⁶	Victims of burglary and robbery (N = 118); cross-sectional; multivariate	Specifically studies the role that expectations play in determining satisfaction with the police	Overall, how satisfied were you with the way the police officer(s) handled the incident?	<i>Satisfaction with the police:</i> more activity (accuracy: notes, make report, find witnesses, evidence) more satisfied; better police conduct (respectful, understanding, concerned, listened) more satisfied	<i>Satisfaction with the police:</i> None	<i>Satisfaction with the police:</i> Race NS; gender NS; age NS; robbery or burglary NS; expectancy disconfirmation significant (more satisfied if police did more than expected)

THE HETEROGENEITY OF CRIME VICTIMS:
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Study	Sample and study	Main aim	Satisfaction measure	Procedural independent variables predicting satisfaction	Outcome independent variables predicting satisfaction	Situational independent variables predicting satisfaction
Coupe and Griffiths 1999 ⁷	Victims of burglary (N = 200); cross-sectional interviews; multivariate	Analyze the role of police actions, victim characteristics and perceptions shaping victim satisfaction	Satisfaction with service provided by police	<i>Satisfaction with the police</i> : reassurance by police related; information on progress or outcome more satisfied; expected response time NS; time spent at scene NS; manner NS; concern NS	<i>Satisfaction with the police</i> : if case was solved more satisfied	<i>Satisfaction with the police</i> : More satisfied if non-manual worker; more time living at dwelling more satisfied; age NS; general attitude toward police NS; single household NS; employment NS; property insurance NS; level of worry and inconvenience NS; desire to move NS; dwelling tenure NS; social cohesion NS
Davis and Smith 1994 ⁸	Victims of robbery, nonsexual felonious assault, burglary (N = 293); experimental design; bivariate only	Examine effects of victim impact statements on satisfaction with the justice system. 3 groups: (1) interview (on impact of crime) and VIS to judge (2) interview only (3) control, no VIS and no interview	Were you satisfied with how your case was handled? Were you satisfied with the outcome?	<i>Satisfaction with handling of case</i> : no differences among groups for VIS and interviews about impact <i>Satisfaction with outcome</i> : no differences among groups for VIS and interviews about impact	<i>Satisfaction with handling of case</i> : None <i>Satisfaction with outcome</i> : None	<i>Satisfaction with handling of case</i> : None <i>Satisfaction with outcome</i> : None
Davis, Smith and Hillenbrand 1991 ⁹	Victims of assault, robbery, burglary, traffic-related offenses; bad checks in four locations (N = 198); cross-sectional interviews; multivariate	Examines victim restitution with aspects leading to higher satisfaction	Composite satisfaction measure: satisfaction with the award size, satisfaction with speed of payment, satisfaction with amount received	<i>Satisfaction with restitution</i> : Being kept informed led to higher satisfaction; being given a contact name led to higher satisfaction, more satisfied when told when to expect money; more satisfied when told about the award; asked to tell about losses NS	<i>Satisfaction with restitution</i> : More satisfied when higher percent of award was paid by offender; more satisfied when amount covered losses	<i>Satisfaction with restitution</i> : None

Study	Sample and study	Main aim	Satisfaction measure	Procedural independent variables predicting satisfaction	Outcome independent variables predicting satisfaction	Situational independent variables predicting satisfaction
Elliot, Thomas and Ogloff 2011 ¹⁰	Victims of violent and property crimes (N = 110); Semi-structured cross-sectional interviews; multivariate	Test a relational model of authority with victim-police interactions and examine what perceived antecedents of procedural justice mean for crime victims	To what extent did the police do a good job dealing with your situation?)	<i>Satisfaction with the police:</i> procedural justice (police polite, concerned, respectful, accurate, allowed voice, considered views, did the right thing, accounted for needs, cared, trust, explained reasons) led to satisfaction	<i>Satisfaction with the police:</i> more satisfied if received the desired outcome	<i>Satisfaction with the police:</i> criminal history of victim NS
Erez and Bienkowska 1993 ¹¹	Victims of personal and property crimes (N = 1,496); cross-sectional; multivariate	Effect of participation on victim satisfaction of both outcome and procedure	Satisfaction with the sentence and satisfaction with the process	<i>Satisfaction with sentence:</i> acting as subsidiary prosecutor NS; acting as civil plaintiff NS; acting as private prosecutor more satisfied; statement made for sentencing NS <i>Satisfaction with process:</i> acting as civil plaintiff more satisfied; acting as subsidiary prosecutor more satisfied; making a statement for sentencing more satisfied, acting as private prosecutor NS	<i>Satisfaction with sentence:</i> More severe sentences indicate higher satisfaction; obtaining restitution more satisfied <i>Satisfaction with process:</i> More severe sentences indicate higher satisfaction; obtaining restitution more satisfied	<i>Satisfaction with the sentence:</i> Men more satisfied; older victims more satisfied; marital status NS; education NS; victim changed opinion about offender to more negative one NS; court attendance NS, relationship NS; lawyer NS; <i>Satisfaction with the process:</i> having a lawyer more satisfied; men more satisfied; marital status, NS; changing opinion about offender led to satisfaction; older victims more satisfied, property victims more satisfied; lower education more satisfied; court attendance NS; relationship NS

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Study	Sample and study	Main aim	Satisfaction measure	Procedural independent variables predicting satisfaction	Outcome independent variables predicting satisfaction	Situational independent variables predicting satisfaction
Erez, Roeger and Morgan 1997 ¹²	Victims of serious and property crimes (N = 427); cross-sectional; multivariate;	Examine the effect of victim impact statements on victim satisfaction with justice	Satisfaction with the manner in which the criminal justice system handled the case	<p>Satisfaction with criminal justice system of victims who knew the outcome of their court case: VIS NS; receiving an information booklet NS</p> <p>Satisfaction with criminal justice system of victims who did not know the outcome of their court case: VIS NS; receiving an information booklet NS</p> <p>Satisfaction with sentence imposed: VIS NS; receiving an information booklet NS</p>	<p>Satisfaction with criminal justice system of victims who knew the outcome of their court case: Satisfaction with sentence more satisfied; Receiving restitution NS</p> <p>Satisfaction with criminal justice system of victims who did not know the outcome of their court case: Receiving restitution NS</p> <p>Satisfaction with sentence imposed: Restitution NS</p>	<p>Satisfaction with criminal justice system of victims who knew the outcome of their court case: Relationship NS; offense type NS; gender NS; prior victimization NS; level of distress NS; age NS; employment NS; education NS; offense seriousness NS; unfulfilled expectations NS</p> <p>Satisfaction with criminal justice system of victims who did not know the outcome of their court case: personal crime victims more satisfied; more distressed victims less satisfied; relationship NS; gender NS; prior victimization NS; age NS; employment NS; education NS; offense seriousness NS</p> <p>Satisfaction with sentence imposed: Victims who know their offender more satisfied; higher satisfaction for crimes against the person; lower distress more satisfied; less serious crimes more satisfied; older victims more satisfied; gender NS; prior victimization NS; employment NS; education NS</p>
Erez and Tomodotono 1992 ¹³	Victims of felony offenses (N = 125); cross-sectional; multivariate	Examines the extent of victims' involvement in the process and its impact on satisfaction with justice	Rate your satisfaction with the sentence	Satisfaction with the sentence: Victim attended proceedings NS	Satisfaction with the sentence: Fair (more severe) offender incarcerated more satisfied; restitution NS	Satisfaction with the sentence: Victim impact statement expectations not met less satisfied; offender stranger more satisfied; victim race NS

Study	Sample and study	Main aim	Satisfaction measure	Procedural independent variables predicting satisfaction	Outcome independent variables predicting satisfaction	Situational independent variables predicting satisfaction
Felson and Pare 2008 ¹⁴	Victims of rape, other sexual assault and physical assault; police sample (N = 1897); court sample (N = 801); cross-sectional, multivariate	Examines whether victims' satisfaction with the handling of their case by the police and the courts is dependent on gender, relationship to the offender and type of crime	How satisfied were you with the way the police handled the case? How satisfied were you with the way you were treated during the court process?	<i>Satisfaction with police handling:</i> Victims more satisfied when police referred them to social services <i>Satisfaction with court process:</i> None	<i>Satisfaction with police handling:</i> More satisfied if arrested; victims more satisfied with punitive outcomes (more satisfied when arrested, incarcerated longer) <i>Satisfaction with court process:</i> More satisfied if restraining order imposed; victims more satisfied with punitive outcomes (more satisfied when arrested, incarcerated longer)	<i>Satisfaction with police handling:</i> Victims more satisfied when stranger; time NS; interaction gender by relationship NS; older victims more satisfied; higher fear during incident less satisfied; alcohol use by victims less satisfied <i>Satisfaction with court process:</i> gender NS; relationship NS; victims of rape and sexual assault less satisfied than physical assault; interaction gender by relationship sig. (men assaulted by partners less satisfied); time sig. (victims of partner violence more satisfied than strangers, prior to 1990 not the case) (mandatory arrest and rape law reform); less serious assault more satisfied; more satisfied when offender drinking during incident; age NS; victim used alcohol NS Both: Victim used drugs NS; gender NS; reporting delayed NS; prior victimization NS; victim precipitation NS; victims of sexual assault less satisfied than physical assault;
Johnson 2007 ¹⁵	Female victims of domestic violence (N = 39); cross-sectional telephone interview; multivariate	Examine satisfaction with legal response to the domestic violence incident	Satisfaction with the police response	<i>Satisfaction with police:</i> victims more satisfied if warrant process explained; if told about women's shelter; if told about medical treatment; if provided information about action steps; if police demonstrated interest in victim	<i>Satisfaction with police:</i> None	<i>Satisfaction with police:</i> Larger households more satisfied; more satisfied if partner employed; more satisfied if told to sign an arrest warrant;

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Study	Sample and study	Main aim	Satisfaction measure	Procedural independent variables predicting satisfaction	Outcome independent variables predicting satisfaction	Situational independent variables predicting satisfaction
Kunst 2011 ¹⁶	Victims of violent crime (N = 151), cross-sectional; multivariate	Do self-reported mental health problems among victims of violent crime affect their ratings of satisfaction with amount of compensation?	Are you satisfied with amount of compensation awarded on rewarded for material damages? For pain and suffering?	<i>Satisfaction with state compensation:</i> None	<i>Satisfaction with state compensation:</i> Number of claimed damage categories NS; amount of compensation NS	<i>Satisfaction with state compensation:</i> Satisfaction less likely in victims with probably mental health problems; gender NS; age NS; time since victimization NS; type of crime NS feelings of revenge NS; using victim services NS
Labriola, Rempel and Davis 2008 ¹⁷	Female victims of domestic violence (N = 106); cross-sectional interviews; bivariate only	Provide a definitive test of whether batterer programs reduce recidivism	Satisfaction with the sentence	<i>Satisfaction with the sentence:</i> None	<i>Satisfaction with the sentence:</i> Assignment to a batterer intervention program more satisfied	<i>Satisfaction with the sentence:</i> None
Regehr, Alaggia Lambert and Saini 2008 ¹⁸	Victims of sexual violence (N = 31); cross-sectional in-depth interviews; bivariate only	Explored various aspects that might contribute to harm of the sexual assault victim in criminal justice	Court process was satisfying; jail sentence was satisfactory	<i>Court satisfaction:</i> Crown attorneys were available related; appropriate level of victim involvement; sensitivity of legal actors NS <i>Satisfaction with sentence:</i> Victim involvement was appropriate related; victim input was valued related; sensitivity of legal actors NS	<i>Court satisfaction:</i> None <i>Satisfaction with sentence:</i> None	<i>Court satisfaction:</i> None <i>Satisfaction with sentence:</i> None
Robinson and Strohine 2005 ¹⁹	Female victims of domestic violence (N = 222); cross-sectional; multivariate	Investigate what victims of domestic violence expect police to do for them, and how these expectations subsequently influence their levels of satisfaction	How satisfied were you with how the police handled the situation?	<i>Police satisfaction:</i> Satisfaction increased as police demeanor improved (courtroom, understanding, concerned, took time to listen, took situation seriously) and as police behavior improved (spoke to victim separate from perpetrator, questioned witnesses present, searched for evidence, made an arrest)	<i>Police satisfaction:</i> None	<i>Police satisfaction:</i> Satisfaction increased as expectations about police behavior fulfilled; satisfaction increased as expectations about police demeanor fulfilled

Study	Sample and study	Main aim	Satisfaction measure	Procedural independent variables predicting satisfaction	Outcome independent variables predicting satisfaction	Situational independent variables predicting satisfaction
Tonto-donato and Erez 1994 ²⁰	Victims of personal and property crimes (N = 125); cross-sectional; bivariate only	Investigate the correlates of victim distress with regard to victim participation in criminal justice	Satisfaction with the sentence and overall satisfaction with the criminal justice system	Satisfaction with the sentence: None Satisfaction with the criminal justice system: None	Satisfaction with the sentence: None Satisfaction with the criminal justice system: None	Satisfaction with the sentence: Level of distress negatively correlated with satisfaction Satisfaction with the criminal justice system: Level of distress negatively correlated with satisfaction
Walsh and Bruce 2011 ²¹	Female victims of sexual assault (N = 40); cross-sectional; bivariate only	Examine if self-blame, offender-blame and perceptions of control are related to PTSD and perceptions of the legal system.	Perceptions of Criminal Justice Response (satisfaction with legal system as a whole, how case was handled, enough information, protection of rights, feeling about the system and fairness)	Satisfaction with the legal system: None	Satisfaction with the legal system: None	Satisfaction with the legal system: Behavioral self-blame NS (in control during attack); offender blame (offender in control during attack) NS; present control over current recovery related; future control (of stopping future assaults and recovery) NS

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Study	Sample and study	Main aim	Satisfaction measure	Procedural independent variables predicting satisfaction	Outcome independent variables predicting satisfaction	Situational independent variables predicting satisfaction
Wemmers 1995 ²²	Victims of crime (N = 385 first round, 193 second round); longitudinal; multivariate	Examine how victim notification influences the relationship between victims and the criminal justice system	Satisfaction with prosecution performance (prosecution solved problems; prosecution doing good job, satisfied with fairness of outcomes)	<i>Satisfaction with prosecution</i> ; procedural justice judgments (fairness) related; informed of developments NS <i>Satisfaction with outcome achieved by prosecution</i> : more satisfied if kept informed of developments in case	<i>Satisfaction with prosecution</i> : outcome satisfaction related <i>Satisfaction with outcome achieved by prosecution</i> : None	<i>Satisfaction with prosecution</i> : None <i>Satisfaction with outcome achieved by prosecution</i> : None
Wemmers 1998 ²³	Victims of felonies (N = 1,347); longitudinal; bivariate only	How does the treatment of victims by authorities affect their attitudes towards criminal justice authorities?	Satisfaction with police, prosecution and courts: how good a job are they doing? How satisfied are you with the way they solve problems? With what they achieve for citizens? With the way they treat people?	<i>Satisfaction with police</i> : fairer treatment leads to higher satisfaction <i>Satisfaction with prosecution</i> : fairer treatment leads to higher satisfaction <i>Satisfaction with courts</i> : fairer treatment leads to higher satisfaction	<i>Satisfaction with police</i> : None <i>Satisfaction with prosecution</i> : None <i>Satisfaction with courts</i> : None	<i>Satisfaction with police</i> : None <i>Satisfaction with prosecution</i> : None <i>Satisfaction with courts</i> : None

Study	Sample and study	Main aim	Satisfaction measure	Procedural independent variables predicting satisfaction	Outcome independent variables predicting satisfaction	Situational independent variables predicting satisfaction
Wilson and Jasinski 2004 ²⁴	Victims of domestic violence (N = 550); cross-sectional survey; multivariate	Examines the importance of victims' expectations of the police, the decision to arrest and voluntary contact when measuring satisfaction with police.	How satisfied were you with the way the police handled the case?	<i>Satisfaction with police:</i> None	<i>Satisfaction with police:</i> More satisfied if arrest made, less satisfied if police did nothing when they responded	<i>Satisfaction with police:</i> Victims more satisfied if they themselves reported to police; more satisfied when offender was spouse; gender NS; race NS; offender using drugs/alcohol NS; victim using drugs/alcohol NS; weapon use NS, victim injury NS
Zevitz and Gurnack 1991 ²⁵	Elderly victims of personal and property crimes (N = 224); cross-sectional; bivariate only	Determine if older victims who had police contact with specialists in crime against the elderly were more satisfied than those seniors who did not have contact with specialists	Satisfaction with police performance	<i>Satisfaction with police performance:</i> concern about physical condition related, concern about emotional concern related, sympathy related; put detective on case NS; fingerprints NS; searched for clues NS; talked to neighbors related; drove around neighborhood NS; referred to social service NS; effort made related; treat everyone like criminals related (general attitude); understanding related; honest related; do best they can related; helpful related	<i>Satisfaction with police performance:</i> ability to solve crime significantly related	<i>Satisfaction with police performance:</i> arrived more quickly related; how often talk to police related; high ranking officer NS; took victim to station NS; sent medical person NS; sent social worker NS; come when called related (general attitude); have difficult job related; respondent's length of time in neighborhood NS; feelings about neighborhood related, member of associations NS; education NS; age NS, household NS; employment NS; financial situation related; race NS; sex NS

Discussion

The aim of the systematic review was to examine which variables are related to victim satisfaction. There were ten themes found among the 25 articles included in the review; five for the quality of the procedure (interpersonal treatment, accuracy, voice, information and general fairness) and four for the quality of the outcome (restoration, (compensation and restitution), solving the problem, deterrence and retribution). With regard to the quality of the procedure, mixed findings resulted for voice, accuracy and information. Interpersonal treatment and fairness, however, were less ambiguous, indicating higher levels of both were likely to lead to satisfaction. With regard to the quality of the outcome, retribution was almost always related to satisfaction, in addition to deterrence and solving the problem. There were more varied findings concerning compensation. The mixed findings may be the result of the differences in measures used for both the outcome variable and the independent variables (i.e. voice, accuracy, interpersonal treatment). Another explanation is that the studies investigated different categories of crime victims. The variation may then be an indication of relevant differences within the victim population.

It is important to emphasize the need for systematic research, pinpointing the importance of understanding how best to obtain satisfaction. We offer two primary reasons of its importance. The first reason is more practical and relates to the well-being of society and the victim, as noted above. Increasing satisfaction is assumed to increase cooperation with the criminal justice system, which subsequently makes the system more effective (Goldstein, 1982). Research on non-reporting by crime victims has indicated that a primary reason is their negative expectations about the criminal justice system (Shapland et al., 1985). As noted earlier, increasing victim satisfaction, then, encourages involvement and cooperation leading to greater efficiency (McLeod, 1986). Furthermore, meeting the needs of victims has implications for their well-being (Erez, 1990; Ullman, 2010). They are able to regain a sense of control over their lives (Bard & Sangrey, 1986), and in some cases feelings of retribution may desist (Zehr & Umbreit, 1982). For these reasons, understanding what variables lead to satisfaction is vital.

The second reason is related to the benefits of research. We will discuss two benefits in particular. First, conducting a systematic review on victim satisfaction with criminal justice understandably adds to the body of research on what is important to victims. As these studies have shown, understanding victim satisfaction helps capture the more specific elements of criminal justice that are important to victims (e.g. information, respectful treatment, compensation, voice). Subsequent research, then, should analyze which mechanisms and attributes contribute to achieving these goals.

Second, subsequent research will also benefit from understanding under what conditions the findings hold true. For the last 30 years, victim scholars have claimed that criminal justice should meet certain needs of ‘the victim.’ The needs of victims (i.e., procedural and outcome preferences leading to satisfaction) cannot be generalized to all victims, as the research shows. For example, most of the studies combined all different offense categories. Of these studies, only one (Brandl & Horvath, 1991) made a distinction between the type of offense with regard to the findings. Even where distinctions were made, however, as was the case with the domestic violence studies, findings were still incompatible; for example, arrest led to satisfaction in one case but not the other. Such a result again indicates that other variables need to be considered. Restitution is another example where findings were contradictory. Considering the type of crime, however, may provide more insights into these opposing findings. For sexual assault victims, for example, ‘restoration’ may not be achieved simply by restoring the harm through monetary means. The findings of the review also show mixed results for a desire for voice. The possibility that some victims may prefer to be passive participants should not be overlooked. It should be noted, however, that there is existing research that has made distinctions within victim populations, for example by type of crime (e.g., property or serious), gender or age (Brandl & Horvath, 1991; Zevitz & Gurnack, 1991).

The majority of the crime victim research, however, does not consider these differences. Though many variables are controlled for (e.g., age, gender, alcohol use, employment, ethnicity), the relationship is restricted to the association with victim satisfaction. Recognizing that victims in fact hold different procedural and outcome preferences, we must begin to look at what variables impact the relationship between, for example, voice and satisfaction. Does voice only lead to satisfaction for victims of sexual assault and not victims of burglary? The stigmatizing nature of sexual assaults (Holmstrom & Burgess, 1991) may also leave these victims with a greater desire for acknowledgment of their suffering, which could be attained through providing them with a voice or with respectful treatment (as opposed to victim-blaming attitudes). Or maybe the victim of domestic violence who is in an intimate relationship with the abuser may not want him/her to be arrested, and may find such a police action to be disempowering (Han, 2003). The literature on retribution has also shown that factors such as severity of the offense, perceptions of immorality, beliefs in free will and identity relations vis-à-vis the offender, impact how retributive individuals may be (Vidmar, 2002; Wenzel, Okimoto, Feather, & Platow, 2008). Psychological characteristics, such as higher levels of anxiety, post-traumatic stress, revenge and anger are also more likely to lead to the use of victim impact statements (Lens, Pemberton, & Groenhuijsen, 2010), suggesting that these victims

may be more interested in voice. Research has suggested that victimization experiences differ with regard to pre-existing psychological characteristics or personality traits (Bonanno, Westphal, & Mancini, 2011) and therefore may require different legal solutions. Furthermore, while Lurigio (1987) found that there were many similarities among the experiences of burglary, robbery and serious assault, there were still differences to be considered; for example, victims of burglary reported higher feelings of vulnerability. Also, studies have found that the intersection of categories such as gender, race, age, religion, sexual preferences and social class, among others, feed into the vulnerability of victims, and create qualitatively different preferences with regard to criminal justice (Crenshaw, 1991). While these are only a few examples, the next phase of research must put more emphasis on understanding differences as those mentioned above among victims, or at the least, not assume that all victims will react similarly with regard to procedural and outcome preferences.

Limitations

While the aim of this review was to examine variables related to satisfaction, it was not possible to draw any conclusions on the strength of the relationship between these variables and victim satisfaction. The disparate ways in which victim satisfaction and its covariates were measured rendered any attempt at quantification of correlation hazardous. The studies focused on different aspects of the criminal justice process, making direct comparisons between all 25 studies invalid. Dividing the studies according to the factors on which satisfaction had bearing (police performance, prosecution, the outcome, or the process in general) would lead to small numbers of studies in each group, with satisfaction with police performance the greatest (13 studies). It is clear that there is a need for further study which focuses on satisfaction with all aspects of the criminal justice process. Furthermore, even among studies that investigated the same type of satisfaction, the crimes involved were diverse, ranging from property crimes to domestic violence and (sexual) assault. As noted, victims of different types of crime might well have different needs. Another difficulty in comparing the results of the outcomes is that the studies looked at different explanatory variables, and the operationalization of measures of these relevant factors (often the independent variables such as accuracy and voice) was often very dissimilar.

Unfortunately, more than a third (9 out of 25) of the studies on victim satisfaction only investigated the relationships between satisfaction and explanatory factors in bivariate analyses. While this method can identify factors that are (strongly) related, the relationship might be subject to influence from other factors. In fact, the bivariate relationship might be completely

the result of other factors, or conversely, a relationship that exists might not show up in bivariate analyses. This method of analysis can obscure factual influences or offer false ones. Furthermore, as is always true for cross-sectional studies, relationships found do not prove causation.

There is a clear and urgent need for a more unified approach in the study of victim satisfaction, so that an analysis can be made to determine which factors contribute to all aspects of victim satisfaction and what the influence of contextual variables is (e.g., type of crime, relationship with the offender etc.). This research will need to include all factors that have been shown to impact victim satisfaction. It will also need to focus on all aspects of victim satisfaction: satisfaction with police performance, satisfaction with prosecutor, satisfaction with the courts or the judge, satisfaction with the legal process (e.g., legal system, criminal justice, process), and satisfaction with the legal outcome.

Conclusion

Despite the limitations of the study, there remains an advantage of such a review. As noted, exploring all the various facets of criminal justice important to victims is useful in understanding their needs. It offers insight into which factors should be included in future studies of victim satisfaction. Furthermore, a main goal of a systematic review is to define what works (Petticrew & Roberts, 2006); in this case for victims of crime in criminal proceedings. As a result, it becomes possible to formulate more practical recommendations. When evaluating social interventions, it is common to assess not only what works, but 'what works, for whom and in what circumstances' (Petticrew & Roberts, 2006, pp. 218). By analyzing moderator variables, systematic reviews are capable of contributing to this issue. As seen in the current victim satisfaction research, however, moderator variables are rarely under study.

With regard to what works, this review would suggest that, for example, interpersonal treatment works at attaining satisfaction with criminal justice. It appeared that for all victims (e.g., elderly, domestic violence, property crimes), interpersonal justice was an important indicator of satisfaction. For those countries not already utilizing victim legislation that asserts the needs for respect, or requiring victim sensitive training for legal authorities (Brienen & Hoegen, 2000), much progress can be made. This is not to say that every examination on victim preferences concludes that they require respectful treatment by legal authorities. In fact, a more comprehensive conclusion of this investigation would be that there is no one solution or approach that would cater to the needs of victims. Therefore, we asserted the need to

make distinctions among victims. Research utilizing interaction effects and moderating variables, for example, could be a next step to understanding differences among victims.

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Chapter 3: Interactional justice, coping and the legal system: Needs of vulnerable victims

Malini Laxminarayan

International Review of Victimology (in press)

ABSTRACT

Secondary victimization refers to re-victimization by society, including the response of the criminal justice system. One form of secondary victimization is interactional *injustice*. The concept of interactional justice posits that people are concerned about their treatment by others during conflict resolution procedures. Proper treatment by legal authorities refers to receiving adequate information about the procedure (known as informational justice) and being treated in a respectful and dignified manner (known as interpersonal justice). One's ability to cope with the crime may also be influenced by the criminal justice system. Particularly for vulnerable victims, there appears to be a special need for respect and attention to the victim's ability to cope. Female victims of violence, namely sexual and domestic violence, are one example of vulnerable victims. These victimizations often consist of immensely violating and sometimes chronic behaviors. The perceptions of interpersonal justice, informational justice and the procedure's perceived effect on the victim's ability to cope of three categories of victims (domestic violence victims, victims of sexual abuse and victims of other serious crimes) in the Netherlands are compared. Multiple regression analyses indicate that there are in fact differences between groups. Victims of sexual assault perceived interpersonal justice as significantly lower than victims of other serious crimes. The perceived procedural effect on one's ability to cope was experienced to the least extent by victims of domestic violence. Informational justice did not differ among groups.

Keywords: Interactional justice, coping, vulnerable victims, legal system

Introduction

Secondary victimization refers to negative societal reactions in the aftermath of the primary victimization, which may be experienced as further violations of legitimate rights (Montada, 1994). For victims of crime, this “second injury” may lead to helplessness of feelings of loss of control (Symonds, 1980). Legal authorities play a vital role in secondary victimization, as their detached behavior may be perceived as rejection of the crime victim status. Orth (2002) refers to several behaviors that are associated with secondary victimization, for example victim-blaming, insensitive comments and minimization of harm. This treatment has been conceptualized within the phenomenon of interactional justice, which refers to perceptions of the quality of interpersonal treatment received during conflict resolution procedures (Bies & Moag, 1986; Orth, 2002). Though not always defined as interactional justice, this concept of respectful treatment has been a returning theme in the field of victimology (Johnson, 2007; Shapland, Willmore & Duff, 1985; Wemmers, Van der Leeden & Steensma, 1995). One possible source of negative treatment is the police, as these authorities are in a position to cause psychological harm to victims (Orth, 2002). Subsequently, there may be negative repercussions for the victim. For example, the victim’s ability to cope may be affected as a result of detrimental treatment. Positive experiences with the criminal justice system, however, may counter the negative effects and emotions of victimization including disbelief, anger and psychological distress, leading to a greater ability to cope.

These concepts – interactional injustice as a form of secondary victimization and the victim’s ability to cope – while relevant to all victims, may be more significant when investigating the plight of vulnerable victims. ‘Vulnerability’ can refer to diverse characteristics, for example age or mental disability, but also may refer to the type of crime. More specifically, the violating and sometimes chronic nature of sexual and domestic victimizations may result in heightened feelings of vulnerability. Violence against women is one topic that has received an immense amount of attention in the past years. Particularly victims of sexual assault have been found to suffer secondary victimization, often feeling blamed, doubted and re-victimized (Campbell & Raja, 1999).

The goal of this article is to compare three groups – victims of domestic violence, victims of sexual assault and victims of other serious crimes – and their perceptions on interactional justice with the police and the perceived impact of the process on their ability to cope. A comparison among these groups is interesting, as their divergent experiences may result in both different treatment by justice authorities, but also differences in internal responses, such as their ability to cope. The perceptions of interactional justice and

ability to cope of 87 victims of serious crimes from the Netherlands will be examined. Before discussing the empirical analysis, however, the concepts introduced above will be elaborated upon, highlighting their relevance to vulnerable victims more specifically.

Interactional Justice

Interactional justice may be referred to as containing two related dimensions, interpersonal and informational justice (Greenberg, 1993). First, interpersonal justice “reflects the degree to which people are treated with politeness, dignity, and respect by authorities and third parties involved in executing procedures or determining outcomes” (Colquitt et. al., 2001, pg. 427). Such treatment conveys information to people about their status within a group (Tyler, 1989). Disrespectful treatment suggests that one is regarded by justice authorities as having low status. Second, informational justice refers to the “explanations provided to people that convey information about why procedures were used in a certain way or why outcomes were distributed in a certain fashion” (Colquitt et. al, 2001, pg. 427). Reactions to procedures may change when people are given information and explanations, as these help them understand the underlying rationale for procedures (Greenberg, 1993). Research has shown that victims of crime are concerned with respect and information. For example, Wemmers et al. (1995) found that victims were mostly concerned with receiving dignified and respectful treatment from both the police and prosecutors. Research also found that a lack of information was a primary source of dissatisfaction (Johnson, 2007; Shapland et al., 1985).

Victim’s ability to cope

Coping after victimization is an immensely studied area. Victimization shatters perceptions of invulnerability, self-worth and the world as meaningful (Janoff-Bulman, 1989). Other emotions also may surface, including depression, shock, disbelief, anger and lowered self-esteem (Krupnick & Horowitz, 1980). Another prevalent response to victimization is psychological distress, a reaction which can be countered by various coping mechanisms (Winkel & Vrij, 1995).

Coping styles have also been identified (Lazarus & Folkman, 1984). One conceptualization identifies both emotion-focused strategies such as accepting responsibility or positive reappraisal and problem focused strategies such as seeking support. The latter category may be relevant to victims in the criminal justice system, where the goal is to seek outside support. As noted, interactional *in*justice, through a lack of respectful treatment, is one form of

secondary victimization. It may be the case that disrespect is detrimental to the victim's ability to cope with the crime. The positive experience with the justice system may be one factor leading to the victim's ability to cope. This may be achieved through high levels of interactional justice. In these terms, social support may be gained through (respectful) assistance by legal authorities or receiving information.

The criminal justice procedure may further assist in one's ability to cope by deterring the offender from future criminal acts (particularly where chronic victimization occurs), helping the victim receive the desired legal outcome or offering them the opportunity to participate through victim impact statements, which may facilitate the recovery of the crime.

Vulnerable victims

The categorization of victims as vulnerable is frequently used within the field of victimology. One manner in which victims may be defined as vulnerable is through the type of crime suffered. Other characteristics, however, also suggest victims may be vulnerable, for example age (Council of Europe, 2009), immigrant or refugee status (Bhuyan & Senturia, 2005; Moynihan, Gaboury, & Onken, 2008), mental disability (Council of Europe, 2009) or relationship with the offender. Though the concept of vulnerability in the legal context remains ambiguous³, countries have in many cases referred more specifically to victims as vulnerable in national legislation, both as a result of the type of crime or personal characteristics (Groenhuijsen & Pemberton, 2009). 'Vulnerability' in cases of domestic or sexual crimes has been outlined in documents examining a need for greater attention for these victims. Undoubtedly, there are arguments cautioning the use of the word 'vulnerable' when referring to victims (Van Dijk, 2006). In some cases, victims deny associations of powerlessness and suffering often accompanying the concept of victimhood. Due to the distinctive experience of the victim of sexual and/or domestic violence, however, it appears safe to categorize these individuals as vulnerable. They are also interesting to examine together, as they are comparable in the extent to which they often constitute violence against women.

The existing research and literature on sexual violence asserts that recovery of the victimization is an intense process, including feelings such as fear, anxiety, depression and denial of impact (Emm & McKenry, 1988). Consequently, recovery may be hampered when stress arises (Ullman, 1996), for

3 For example, the Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA) refers to 'vulnerable victims' several times, yet fails to provide a definition.

instance as a consequence of secondary victimization, leading to possible relapses. Furthermore, coping for domestic violence victims may require more intensive attention, due to the chronic victimization occurring within an intimate relationship. For example, victims of domestic violence are especially vulnerable to heightened feelings of helplessness, carrying around the fear that they are likely to be re-victimized by their abusers (Follingstad et al., 1988).

Both respect and the ability to cope may be especially important to vulnerable victims. Dealing with such victimizations is complicated by factors such as re-victimization from the criminal justice system. Particularly for vulnerable victims, stigmas attached to these types of crime may aggravate negative treatment. Victims of sexual assault facing blaming and degrading attitudes by the police are likely to experience heightened suffering (Holmstrom & Burgess, 1991). Positive attitudes, for example through showing sympathy, may lead to a diminishing of the initial suffering caused by the crime. Similarly, domestic violence victims may require special attention from criminal justice authorities. The history of domestic violence views this criminal act as private and less serious than other crimes. To challenge this line of thinking, police and other legal authorities have a special duty to help these victims assert their rights and understand their battered identity (Merry, 2003). Therefore, when victims have undergone a particularly painful ordeal, as is often the case for these vulnerable victims, procedural preferences such as interactional justice may be intensified, as is outlined in documents protecting these groups (Groenhuijsen & Pemberton, 2009).

Legal standing of vulnerable victims

While thirty years ago it was correct to assert that the victim was the forgotten party of the criminal justice process, today this would be at odds with the actual situation of victims (Groenhuijsen & Letschert, 2006). In the past 20 years, countries have been creating programs to ensure special treatment for victims of serious offenses. Both at the international and national level, measures have been introduced to advance the standing of victims in criminal proceedings, in the pre-trial, trial and post-trial phases (Groenhuijsen & Pemberton, 2009). Undergoing serious crimes against them, victims of sexual abuse and domestic violence often have the right to victim impact statements, either in oral or written form. These statements allow the victim to express the harm that has been caused. Vulnerable victims in particular have been afforded special protections and rights in their attempts to access justice (Groenhuijsen & Pemberton, 2009). Despite the obvious need for special attention of vulnerable victims in criminal proceedings, however, they still face many difficulties in their search for justice (Felson & Pare,

2008; Hart, 1996; Herman, 2005; Maier, 2008; Martin & Powell, 1994). The concepts of informational and interpersonal justice are often reflected in legislation targeting the treatment of victims. Such instruments also exist for vulnerable victims in the Netherlands.

In the Netherlands, two guidelines interesting to the current study exist with relation to vulnerable victims and interactions with legal authorities. First, the Guideline for the Investigation and Prosecution in Cases of Sexual Abuse⁴ deals specifically with this group. The guideline requires the creation of a trained vice squad within all police departments, appointing specialized officers who will treat victims with respect. Furthermore, victims have the right to special informative discussions with two investigating officers where victims are told about possible consequences of reporting and other details of the investigation. Second, the Guideline on Domestic and/or Honor-Related Violence⁵ lays out the rules regarding the investigation and prosecution of these types of crimes. Victims must be informed of details about the procedure, reasons for non-prosecution and other sources of legal, psychological and practical assistance. Furthermore, the head of the police and the prosecution are responsible for sufficiently educating those legal officials who are in direct contact with victims of domestic violence. Courses also exist for officials of the public prosecution office and contact persons of the police must also follow training on how to detect and handle these forms of violence with regard to victims.

The following analysis will examine the experiences of victims of domestic violence, sexual offenses and victims of other serious crimes, in relation to the concepts discussed above. More specifically, the following three questions will be investigated:

Is there a difference in perceptions of interpersonal justice for victims of sexual assault, victims of domestic violence and victims of other serious crimes?

Is there a difference in perceptions of informational justice for victims of sexual assault, victims of domestic violence and victims of other serious crimes?

Is there a difference in perceptions of the perceived effect of the process on the victim's ability to cope for victims of sexual assault, victims of domestic violence and victims of other serious crimes?

4 2010A026, Aanwijzing opsporing en vervolging inzake seksueel misbruik

5 2010A010, Aanwijzing Huiselijk Geweld en Eergerelateerd Geweld

Method

Recruitment and Questionnaire

Victims who claimed compensation through the Compensation Fund for Victims of Violent Crime in the Netherlands were approached via the mail. The Fund is an independent organization, established in 1976 as a result of the Law for the Compensation Fund for Violent Crimes (*Wet schadefonds geweldsmisdrijven*). Targeting victims of serious crimes, the Fund assists individuals who experienced threat with bodily injury, assault, stalking, sexual violence, kidnapping and/or (armed) robbery. To qualify for compensation from this fund, the damage may not have been compensated elsewhere. The crime must have occurred in the Netherlands and in most cases, within the past three years. Such a Fund is available to victims when the offender does not pay compensation or when the offender is not found or prosecuted. The current research is part of a larger comparative study that aims to evaluate the quality of the procedure and the quality of the outcome of criminal proceedings (Gramatikov et al., 2010). This larger study included information on their experiences with the police, the prosecutor, the judge, Victim Support and the Compensation Fund. Perceptions of the process were also examined, including for example, voice, accuracy and privacy. Moreover, evaluations of the legal outcome were also measured, including for example, whether the respondents felt the outcome recognized the harm, deterred the offender and was favorable to the victim. Furthermore, applicable to the current examination, respondents were asked to indicate their perceptions of interactional justice with the police and the process's perceived effect on victims' ability to cope, one of the psychological effects the criminal justice process may have on the victim as measured by Orth (2002).

Victims in the current analysis were included if they had contact with the police and if their case was not dismissed. Compensation claims may or may not have been granted. Victims could either return questionnaires via the mail or complete an online survey. Of the 750 victims who were approached, 151 returned the survey, yielding a response rate of 21.6%. Of those who returned surveys, 101 respondents did not have their case dropped by the police. For the purpose of the present study, we analyzed data on the treatment by the police and the perceived impact of the process on the victim's ability to cope. After excluding missing values, the sample size included 87 respondents. Because of the small sample size and lack of representativeness, caution should be taken when generalizing to the larger community.

Participants

Of the respondents, 54% were women and 46% were male. The average age of the participants was 41.50 ($SD = 15.78$). Education was measured by asking for the highest completed level of education. Respondents indicated their level of education, choosing from 8 categories⁶. A dummy variable was then created, collapsing the groups into three categories (2 = *high education*, 1 = *medium education*, 0 = *low education*). Of the respondents, 5% did not complete primary school or only completed primary school (low level), 57% completed secondary school (middle level) and approximately 38% completed higher education (high level). Employment was measured by asking respondents if they currently had a paying job (1 = *yes*, 0 = *no*). In total, 53% of the respondents were employed at the time of the survey and 47% were unemployed.

Measures

Crime category

A dummy variable was created for the three crime categories: (a) serious domestic-related crimes (non-sexual), (b) sexual offenses (domestic and non-domestic) and (c) other serious crimes (assault and robbery). Respondents were asked if they knew the offender(s), and if so, what their relationship to the offender was. If they indicated that the offender was a boyfriend/ex-boyfriend, husband/ex-husband or relative, and that they suffered an assault, the crime was categorized as domestic violence. If the crime was of a sexual nature, however, it was not considered domestic violence regardless of the relationship with the offender⁷. Respondents were categorized as sexual crime victims if they indicated they experienced a sexual assault (including both domestic and non-domestic assaults). All other responses were considered to be other serious offenses, including robbery and assault committed by a stranger, colleague, neighbor or other.

6 Low education = primary school completed or lower, medium education = similar to high school (LBO, VBO, MAVO, MULO, HAVO), high education = vocational college and university level schooling (MBO, HBO, WO)

7 This causes an obvious issue with the measurement. However, constructing a fourth category would result in very small sample sizes with low cell counts. Ideally, there would be a fourth, sexual domestic category with a larger number of respondents.

Interpersonal justice

To measure interpersonal justice, victims were asked, “to what extent did the police treat you with respect,” and “to what extent did the police take you seriously?” Similar measures for interpersonal justice have been used in previous studies (Greenberg, 1993; Orth, 2002). Inter-item correlation = .75 (Pearson correlation). Both variables were measured on a 5-point scale (1 = *very small extent/not at all*, 5 = *very large extent*).

Informational justice

To measure informational justice, victims were asked “to what extent did the police inform you about the services of victim support,” “to what extent did the police inform you about your rights” and “to what extent did the police inform you about developments in your case,” cronbach’s alpha = .80. Comparable measures have been used in past studies examining informational justice (Greenberg, 1993) and the provision of information to victims of crime more generally (Johnson, 2007; Wemmers, 1995). All items were measured on a 5-point scale (1 = *very small extent/not at all*, 5 = *very large extent*).

Ability to cope as a result of the process

To measure the impact on the victim’s ability to cope with the crime, a measure previously utilized by Orth (2002) was used, which analyzed psychological changes as a result of criminal proceedings. Respondents were asked, “what consequences did the criminal proceedings have on your ability to cope with the crime?” The variable was measured on a 5-point scale (1 = *very negative*, 2 = *negative*, 3 = *neutral*, 4 = *positive*, 5 = *very positive*).

Control variables

Several control variables were included because they may impact perceptions of interactional justice with the police or the process’s perceived impact on the victim’s ability to cope. The outcome of the procedure may influence perceptions of the procedure as a whole, as it may influence overall perceptions of their experiences and ability to cope. While procedural justice theory often positions the quality of the procedure as separate from the quality of the outcome, they should not be examined in isolation from one another (Brockner & Wiesenfeld, 1996). Therefore, three outcome measures were included, each measured on a 5 point scale (1 = *very small extent/not at all* to 5 = *very large extent*). Before the outcome was evaluated, victims were asked to indicate what their outcome was. If the case did not reach the level

of the judge, the respondent was not included in the analyses. Therefore, victims were answering the following questions based on their perceptions of the judicial disposition. Outcome satisfaction was measured by asking respondents, “to what extent were you satisfied with the outcome?” Outcome recognition of the harm was measured by asking, “to what extent did the outcome recognize the harm that was done to you?” To measure deterrence, participants were asked to what extent they thought the outcome will prevent the offender from committing a crime in the future. Furthermore, the use of victim impact statements is controlled for in the analyses. Victim impact statements in the Netherlands allow those who have been harmed by a criminal offense to speak or write about the harm that has been caused as a direct result of the offense. Such a statement may influence the overall perception of the procedure, and also may influence the process’s perceived effect on the victim’s ability to cope with the crime, for example through decreasing levels of fear or anger (Lens et al., 2010). Victim impact statement use was coded as a dichotomous variable (1 = *victim impact statement* (both oral and written statements), 0 = *no victim impact statement*). Finally, interpersonal justice and informational justice are included in the analysis predicting the victim’s ability to cope, as literature has suggested that the treatment victims receive through contact with the criminal justice system may have psychological effects on the victim (Campbell & Raja, 1999; Orth, 2002).

Analysis

In a first stage, we present the descriptives. ANOVAs and Fisher’s exact tests were then conducted to explore significant differences between the 3 groups with regard to the socio-demographic variables, the control variables and the dependent variables. In a second stage, multivariate analyses were conducted. These were conducted for each of the dependent variables that had significant associations with the crime category variable. By using regression analysis, other control variables could be included in the analysis as a follow up to the ANOVA. If there was no association, the analysis did not proceed further. After conducting the regression analyses, the standardized beta scores were reported to indicate the strength of the associations.

Results

With regard to the descriptives of the control variables, 77% of the participants made use of either a written or oral victim impact statement. Satisfaction with the outcome was between a small extent and a moderate extent ($M = 2.20$, $SD = 1.27$). The mean score for their perception of deterrence

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was 2.18 (SD = 1.35). The mean score for the extent to which the outcome recognized the harm was 2.43 (SD = 1.21), indicating between a very small extent to a small extent.

With regard to the dependent variables, informational justice (M = 3.28, SD = 1.03), indicating between a moderate extent to large extent, was perceived to be lower than interpersonal justice (M = 4.09, SD = .98), indicating between a large extent to very large extent. The mean score for ability to cope was 2.68 (SD = 1.67), indicating between a negative to moderate extent. For the predictor variable, type of crime suffered, domestic violence victims made up 12% of the sample while sexual abuse victims comprised 10% of the sample. The large majority of participants were in the other serious crime category, making up 78% of the sample.

Next, ANOVAs and Fisher's exact tests were conducted to determine if there were significant differences between the three groups and the socio-demographic variables (Table 1). Age did not differ among groups. Furthermore, Fisher's exact tests indicated that employment status and education

Table 1. Means, standard deviations, percentages and significance testing for 3 groups and control variables

Variable	Serious (no domestic or sexual)	Domestic Violence	Sexual Abuse	Significance testing
Gender				p < .001
Male	56%	0%	22%	
Female	44%	100%	78%	
Age	42.18 (16.50)	39.00 (15.10)	36.78 (13.19)	F(2, 84) = .57
Employed				p = .34
Yes	60%	64%	34%	
No	40%	36%	66%	
Education				p = .24
Low	4%	9%	0%	
Medium	64%	46%	33%	
High	32%	45%	67%	
VIS				p = .91
Yes	78%	73%	78%	
No	22%	27%	22%	
Outcome satisfaction	2.31 (1.31)	1.64 (.81)	2.00 (1.41)	F(2, 84) = 1.47
Harm recognised	2.45 (1.23)	2.00 (1.00)	2.56 (1.42)	F(2, 84) = .71
Recidivism	2.13 (1.31)	2.00 (1.26)	2.78 (1.72)	F(2, 79) = 1.02

level also did not differ among groups. Males and females, however, did differ substantially. The domestic violence group was comprised of only women. Though the other serious crime category was relatively equal (56% men vs. 44% women), the sexual abuse category was made up of 78% women and 22% men.

With regard to the control variables, there were no statistical differences for the three groups for outcome satisfaction, harm recognition, recidivism and use of a victim impact statement. The results of the ANOVAs and Fisher's exact tests are presented in Table 1. ANOVAs were conducted to identify any significant differences between the three categories with regard to perceptions of interpersonal justice, informational justice and ability to cope. For interpersonal justice, there were significant differences among the groups $F(2, 84) = 3.23, p < .05$. Post-hoc tests were then performed (Tukey HSD test) to examine where the means differ. The results indicated that victims of sexual violence significantly differed in their evaluations of interpersonal justice when compared to victims of domestic violence, $p < .05$. Victims of domestic abuse reported a mean score of 4.41, (95% CI [4.05; 4.77]), which was significantly different from victims of sexual assault ($M = 3.39, 95\% \text{ CI } [2.16, 4.62]$). Victims of other serious crimes did not differ significantly from either group, ($M = 4.13 (95\% \text{ CI } [3.92, 4.15])$), with a mean score between the two vulnerable groups. Eta squared was calculated to determine the effect size of .08, which according to Cohen (1988) indicated a medium effect.

There was no significant association between perceptions of informational justice and crime category ($p = .25$). The mean scores were 3.31 ($SD = 1.12$) for domestic violence victims, 2.52 ($SD = 1.00$) for victims of sexual abuse, and 2.79 ($SD = 1.14$) for victims of serious crime.

For the process's perceived impact on the victim's ability to cope (Table 2), there was again a significant relationship at the $p < .05$ level among

Table 2. Means and standard deviations for characteristics of 3 groups and dependent variables

Variable	Serious (no domestic or sexual)	Domestic Violence	Sexual Abuse	
Ability to cope	2.87 (1.10) _a	1.91 (.70) _b	2.20 (1.62)	$F(2, 84) = 4.46 *$
Interpersonal Justice	4.13 (.89) _a	4.41 (.51)	3.39 (1.60) _b	$F(2, 84) = 3.23 *$
Informational Justice	2.79 (1.14)	3.31 (1.12)	2.52 (1.00)	$F(2, 84) = 2.33$

Means with different subscripts are significantly different at $p < .05$

the groups, $F(2, 89) = 4.46$. The post-hoc tests (Tukey HSD) indicated that victims of serious crimes ($M = 2.87$, 95% CI [2.58, 3.12]) differed significantly from victims of domestic violence ($M = 1.91$, 95% CI [1.44, 2.88]). The mean score for victims of sexual abuse was 2.20 (95% CI [1.06, 3.61]), though this was not significantly different from the other groups. Again, the eta squared value indicated a medium to large effect size of .10.

Next, multivariate regression analyses were carried out to investigate the effect of the crime category on interpersonal justice and the process's perceived impact on the ability to cope. There was no multicollinearity (VIF < 10 and Tolerance values > .10). Because the predictors had three groups, the crime category variable was dummy coded and included in the regression analysis, making the other serious crime group the reference group. To decide which control variables would be included in the final model, we restricted the threshold of inclusion to those variables that change the effect estimates meaningfully (> 10%) for either of the two dependent variables (Greenland, 1989). After entering both dummy variables, each predictor variable was entered one at a time to investigate whether or not there was a significant change (> 10%) in the standardized beta values. This was conducted for the two dependent variables (interpersonal justice and ability to cope) since the ANOVAs indicated the variables were significantly associated with the crime category. Consequently, the included control variables were gender, education, outcome harm recognition and outcome satisfaction. Additionally, for the process's perceived impact on the ability to cope with the crime, interpersonal justice was also included as a control variable.

In Table 3, the results of the multiple regression predicting interpersonal justice are shown. The variables were entered simultaneously into the mod-

Table 3. Multiple regression analysis for interpersonal justice

Variable	Unstandardized Beta	Standardized Error	Standardized Beta
Crime category			
Serious (other)	Ref.	Ref.	Ref.
Domestic	.39	.31	.14
Sexual	-.83	.32	-.27 ^a
Gender	-.04	.21	-.02
Low education	-.08	.46	-.02
High education	.29	.20	.15
Outcome satisfaction	.17	.13	.24
Harm recognized	.11	.14	.14

^a $p < .05$

el. The explained variance of the model of interpersonal justice as a whole was 17.4%, $F(7, 77) = 3.53$. The unstandardized coefficients, standardized error, and standardized coefficients are displayed in Table 3. The standardized beta values are used to show the contribution of each of the predictor variables. Crime category appears to be the only significant indicator for predicting interpersonal justice. The interpersonal justice values are lower for sexual abuse victims than for the baseline group ($\beta = -.27$). Based on the unstandardized beta, this shows a large effect size (Cohen's d). None of the control variables are significant predictors of interpersonal justice.

In Table 4, the results of the multiple regression predicting the process's perceived impact on the victim's ability to cope with the crime are displayed. The explained variance of the model of ability to cope as a whole was 35.7%, $F(8, 76) = 7.27$. The unstandardized coefficients, standardized error and standardized coefficients are shown. Interpersonal justice is the only significant control variable, indicating the highest contribution ($\beta = .28$), followed by crime category (domestic violence) ($\beta = -.24$). The ability to cope scores are significantly lower for domestic abuse victims than for the baseline group. Victims of sexual abuse are not significantly different from the baseline group ($p = .41$). Based on the unstandardized beta, this shows a large effect size (Cohen's d).

Table 4. Multiple regression analysis for the process's perceived impact on ability to cope with the crime

Variable	Unstandardized Beta	Standardized Error	Standardized Beta
Crime category			
Serious (other)	Ref.	Ref.	Ref.
Domestic	-.84	.34	-.24 ^a
Sexual	-.31	.37	-.08
Gender	.11	.23	.05
Low education	-.73	.50	-.13
High education	.11	.23	.05
Outcome satisfaction	.19	.15	.20
Harm recognition	.20	.15	.21
Interpersonal Justice	.35	.13	.28 ^b

^a $p < .05$, ^b $p < .01$

Discussion

Reviewing the findings, the analyses indicated that the three crime categories did not differ with respect to the socio-demographic and control variables (excluding interpersonal justice, which was also one of the dependent variables), with the exception of gender. Women made up the majority of domestic violence and sexual abuse victims. The results of the regression analysis show that there are differences among groups when distinguishing between “normal” serious crimes and crimes involving vulnerable victims. More specifically, victims of sexual abuse reported significantly lower perceptions of interpersonal justice when compared to the baseline group of non-vulnerable victims. Victims of domestic abuse differed significantly from the baseline group with regard to the perceived impact of the procedure on their ability to cope. Informational justice did not appear to perform differently among groups. What is interesting about the findings is that both dependent variables (interpersonal justice and ability to cope) refer to the experience with the procedure, yet both differ in terms of which group is most affected. Furthermore, one form of secondary victimization – interpersonal injustice – was significantly associated with ability to cope as a result of the process.

Secondary victimization may result when victims perceive interactional injustice in their interactions with the police. Negative interpersonal treatment takes the form of, among other behaviors, victim blaming or insensitive comments. The current research builds on the theoretical notions of justice by empirically testing the extent to which victims of serious crimes do in fact receive the special treatment afforded to them with regard to interactional justice. While most research focuses on procedural justice, such as victim participation and voice during legal proceedings, this study recognizes that the significance of interactional justice to victims is also a recurring theme in the victimological literature. More interestingly, the research investigates the differences between groups in the Netherlands, namely victims of sexual assault, domestic violence and other serious crimes, and the treatment they receive on this dimension in addition to the process’s perceived effect on the victim’s ability to cope.

One research question examined if interpersonal justice would be obtained to a greater extent by vulnerable victims as a result of victim legislation offering special protections to these victims. Despite such legislation, victims of sexual assault appear to encounter the least amount of perceived respectful treatment from legal authorities. Sexual violence legislation requires officers to be specialized in sexual abuse cases. In theory, their training and experience should lead to better treatment of these victims. The

findings, however, are not supportive of this notion. Three possible explanations for these results are provided.

First, as noted above, victims of sexual abuse have experienced extremely traumatic events that warrant special treatment. Much of the research on secondary victimization has examined victims of sexual assault (Campbell & Raja, 1999; Maier, 2008; Williams, 1984). Victims of these crimes may expect that others recognize their trauma, and cater to their needs. Therefore, their expectations simply may be higher than victims who have not experienced such events. When expectations are not met, they may become more critical of the police. Second, they may have to undergo more intrusive investigative methods that may appear to be disrespectful. Third, it may also be the case that victims of sexual abuse are not believed by the police, or that the necessary investigations may communicate disbelief to victims, even where this is not the case. Such an explanation has long been supported by evidence which finds these victims to have additional hardships with the justice system (Jordan, 2008; Holmstrom & Burgess, 1991; Maier, 2008). The legislation protecting victims of sexual abuse during prosecution, recently changing the word ‘victim’ to ‘informant,’ uses language that may offer a reason for disbelief (and subsequent interpersonal injustice). The notion of “truthful” accounts appears several times throughout this legislation due to high rates of false accusations of sexual abuse⁸ and the serious consequences of such accusations. The motive of the victim’s report is of main concern. This may very well reflect the outlook of some police officials dealing with victims of sexual abuse, translating into interpersonal injustice.

Unlike interpersonal justice, informational justice did not significantly differ among any of the groups. In the Netherlands, police follow guidelines on the protocol for distributing information. Since victims of all serious crimes tend to qualify for the right to information, it is not surprising that there are no significant differences. While the differences among the groups then are less noteworthy in this analysis, the mean scores do suggest that perceptions of informational justice are rather negative. The desire for information by victims has long been confirmed in research (Shapland et al., 1985) yet the current findings suggest these needs are still not being met. Recognizing that the right to information is another provision, in addition to interpersonal treatment, that does not infringe on the rights of the defendant would lead one to conclude that here especially police should be excelling in their duties to inform victims of support services and the progress in

8 It is difficult to estimate the exact rates of false accusations in the Netherlands. International research found that studies vary between 1.5% and 90% as a result of different research methods (see Rumney, 2006); sex crime detectives in the Netherlands estimate that approximately one-fourth of reports are fictitious (see Van Wijk, 2006).

their case. Implementing stricter regulations for officers to follow then may be required before any real changes occur.

Though distinct conceptualizations exist for interpersonal justice and informational justice (Greenberg, 1993), the concepts may also be grouped as one model of interactional justice (Bies & Moag, 1986; Colquitt, 2001). The findings here suggested that there are differences between the concepts as perceived by the victims in the study. While testing the theory was not a goal of the current research, informational justice clearly needs to be considered in future conceptualizations of the quality of the procedure.

A third research question investigated the perceived impact the procedure had on the victim's ability to cope. The finding is interesting in that while interpersonal justice was rated as lowest for victims of sexual abuse, one's ability to cope was most negative for victims of domestic violence. As noted, the ability to cope may also be considered an internal response to victimization. Therefore, the *procedure* may not be influencing one's ability to cope; rather, this may simply be a reflection of the effect of the type of crime on one's ability to cope. Victims of domestic violence are likely to be very different with regard to their coping mechanisms when compared to other victims of stranger assaults. Victims of domestic violence may need more from the justice system, namely due to the chronic abuse they are likely to have suffered and the need to stop such abuse. Also, the chronic nature of the victimization is likely to play a role in coping, as the negative consequences persist, including a lack of resources and positive reappraisal (Collins, Taylor & Skokan, 1990).

There are several limitations to the study. First, the cross-sectional design of the study makes it difficult to assess the actual reasons for perceptions of interpersonal injustice. Though we may hypothesize that the mind-set of the police has an effect on their behaviors towards victims of sexual abuse, this cannot be verified. Similarly, the causal effect of crime category on one's ability to cope is not established. Further research could look at the mechanisms leading to the victim's ability to cope. For example, the effect of subsequent contact with the abuser is likely to influence this ability. Second, it is possible that the sample lacked representativeness. The regression analyses were conducted using a relatively small sample size. The current study should not be considered as representative of the larger population of victims of serious crimes. Furthermore, other differences may exist between the groups, but simply may not have appeared as significant due to the small sample size and a loss of statistical power. The analysis exploring perceptions of informational justice, for example, may have indicated a significant association with a greater sample size. Third, the measure for ability to cope as a result of the proceedings is measured with one single item. Measures for coping

often use multiple-item scales, resulting in some concern about reliability in the current examination. Fourth, it is difficult to differentiate between actual treatment and perceived treatment. As noted with both groups, their perceptions may simply have been based on expectations (more respectful treatment) or their current situation (unlikely to cope if the abuse is on-going).

Conclusion

Secondary victimization may result from varying elements within the criminal justice system (e.g., negative legal outcomes, lack of participation). This article focused on one form of secondary victimization, interactional justice, referring to the interpersonal treatment from police and information received from police. According to this study, vulnerable victims are more prone to negative treatment within the criminal justice system. For victims of sexual abuse, this was evidenced by their lack of interpersonal treatment from the police. Furthermore, secondary victimization may have consequences on the psychological well-being on victims, for example their ability to cope. For domestic violence victims, the perceived impact of the process on their ability to cope was negative to very negative. Interpersonal justice was significantly associated with this variable. One could argue that interactional justice may be the easiest to alter, as it does not infringe on the rights of the defendant, nor does it necessarily require extra resources from the criminal justice system. Unfortunately, negative judgments about crime victims and more specifically their perceived credibility still may be held among the police. Furthermore, psychological counselling during the proceedings is likely to benefit victims of domestic violence. Such counselling may help victims in preparing for their experience with the legal system and dealing with the crime after the procedure has ended. Further studies may look into the moderating effect of the type of crime on the relationship between interpersonal justice and the perceived impact of criminal proceedings on one's ability to cope.

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Chapter 4: Procedural and interactional justice: A comparative study of victims in the Netherlands and New South Wales

Malini Laxminarayan, Jens Henrichs, Antony Pemberton
European Journal of Criminology

ABSTRACT

Justice evaluations have become a widely studied area in the past 25 years. Research indicates that victims have numerous procedural preferences, which are in tune with the theories of procedural and interactional justice. This study examines these theories with regard to victims and the justice system from a comparative perspective including the Netherlands and New South Wales. After outlining the victim's position in criminal justice, hierarchical regression analysis investigates several differences in perceptions of justice. Findings indicate that victims in the Netherlands perceived greater levels of process control and decision control, in addition to less disrespectful treatment by the defense counsel. Accuracy and treatment by the police, prosecutor and judge were not significantly different between legal systems. Implications are discussed.

Keywords: comparative criminal justice, interactional justice, procedural justice, victim rights

Introduction

With the rapid growth of victimology since the 1970s, evaluations of justice have become a widely studied area. Consistently, research indicates that victims have numerous procedural and outcome preferences, including information, compensation, voice and acknowledgement. Social psychological research in the last 30 years has illustrated the importance of the quality of the procedure in justice judgments (Bies & Moag, 1986; Leventhal, 1980; Thibaut & Walker, 1975). More specifically, procedural justice, interpersonal justice and informational justice are recurring theories explaining satisfaction. For victims of crime, factors related to these concepts are often indicative of satisfaction (Shapland et al., 1985; Wemmers et al., 1995). Many of these justice preferences are reflected in international (and national) victim rights mechanisms (Groenhuijsen & Letschert, 2008), such as the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

Even when new legislation is adopted to meet the standards of the UN Declaration, countries still struggle with the actual implementation of victim instruments (Groenhuijsen & Pemberton, 2009). The characteristics of the justice system may influence the experience of the victim. Concerning the impact of criminal justice on victims, we identify one way in which differences among legal systems can influence victim perceptions: the structure of the justice system. One common distinction between systems is that of inquisitorial and adversarial procedures (Van Koppen & Penrod, 2003). We acknowledge that countries are not solely inquisitorial or adversarial. Rather, if they mostly possess the characteristics of one or the other, they may be referred to as such. This distinction between systems translates into differences in, for example, dealing with evidence, the roles of justice officials and the participatory role of victims.

This study investigates the differences between two legal systems, the Netherlands and New South Wales (NSW), Australia (with a focus on implications for the victim) and how these disparities may lead to differences in perceptions of justice. Both New South Wales and the Netherlands have made significant strides in improving the legal position of the victim, yet they represent two very different types of criminal justice systems. In the first part of the article, the theoretical framework on victim justice preferences in terms of procedural and interactional justice will briefly be introduced. National victim legislation and the structural differences of each system will be discussed. The second part of the article comprises the empirical analysis. Comparative data on 68 victims of serious crime in New South Wales and 101 victims of serious crime in the Netherlands will be presented.

The quality of the procedure

For victims of crime, the importance of the quality of the procedure was noted in a growing number of studies that began recognizing the legal needs of victims. Most notably, Shapland et al. (1985) empirically examined factors that led to victim satisfaction. The main finding of this research was that the needs of victims of serious crimes, for example participation, information and respect, were not being met by the justice system. In the ensuing years, research not only analyzed the procedural preferences of victims but more specifically investigated indicators of satisfaction and victim well-being in terms of procedural and interactional justice (Elliot et al., 2011; Orth, 2002; Wemmers, 2010; Wemmers et al., 1995).

Procedural justice refers to the perceived fairness of the procedures that are used to obtain a given outcome (Lind and Tyler, 1988). People regard an outcome as more fair if the procedure leading to it is perceived as fair (Leventhal, 1980). Research has often pointed to the impact that procedural justice may have on one's perceptions of legitimacy and confidence in the legal system (Tyler, 1990, 2010). Fair and respectful behavior by legal authorities is a requirement for effective justice (Hough et al., 2011).

Since the 1970s, there have been several conceptualizations of procedural justice. First, Thibaut and Walker (1975) were mainly interested in the concept of control and fairness in dispute resolution methods. Process control was distinguished from decision control, where the former was concerned with the development and selection of information whereas the latter referred to the extent that a participant may 'unilaterally determine the outcome of the dispute' (Thibaut & Walker, 1978: 546). Not long after, Leventhal (1980) presented a more structural conceptualization. Similar to the concepts of process and decision control, Leventhal (1980) evaluated the fairness of a procedure in terms of representation and the opportunity to present one's case to the authorities and to have one's opinions considered. In addition to representation, Leventhal (1980) asserted that procedures and decisions must be based on accurate information; they should be consistent; authorities should suppress biases; there should be an opportunity to correct for mistakes; and authorities must act ethically.

In more recent years, the relational group-value model was introduced (Tyler, 1989). The group-value model argues that the conceptualization devised by Thibaut and Walker is not extensive enough. Rather, other aspects of procedural justice are important. This model contends that people care about their relationship with third parties (such as legal authorities) and this includes non-control issues. A main premise of the group-value model is that belongingness to groups is psychologically rewarding. Therefore, people value such identification. There are three factors that may communicate

such attitudes of acceptance by the third party: (1) standing within one's social group (that is, respect), (2) trust in the third party and (3) neutrality of the decision-maker.

The concepts included in the group-value model are largely related to the construct of interactional justice. Interactional justice is composed of informational justice and interpersonal justice (Greenberg, 1983). Informational justice refers to the extent to which individuals are provided with explanations about the procedure, informed of the progress and facts of their case and given details of available sources of assistance. By providing explanations, individuals can be more confident that decisions were based on fair proceedings (Greenberg, 1993). Interpersonal justice refers to the extent to which people are treated with respect by the justice officials they come into contact with.

Interactional justice has been argued to be separate from procedural justice within the organizational context. This distinction was the result of conceptual differences, where procedural justice was considered to be an appraisal of the formal aspects of the procedure whereas interactional justice was understood as an assessment of interpersonal treatment (Bies & Moag, 1986). The debate, however, has continued, with some suggesting that the two concepts comprise a single measure (Tyler & Bies, 1990) and others more recently arguing for their separation, often pointing to their correlates as predicting different criteria (Bies, 2001).

Wemmers et al. (1995) specifically studied the construction of the theoretical concept of procedural justice for crime victims. They concluded that there is a two-factor model consisting of respect and neutrality, constructing a hybrid from the previous models and conceptualizations. Respect refers to interest and friendliness from legal authorities, opportunities to make wishes known and consideration of views. Neutrality refers to honesty, bias suppression and decision accuracy.

Although each of the conceptualizations and models varies, there is much overlap between them. For instance, the standing indicator of the group-value model and aspects of interpersonal justice both deal with the respectful treatment of the individual. Furthermore, Wemmers et al. (1995) provided evidence that both control over the procedure and the standing dimension may better be defined in terms of respect. Regardless of the overlap and theoretical ambiguity, we maintain that there are several procedural preferences related to these conceptualizations that may perform differently dependent on the legal system.

Comparing New South Wales and the Netherlands

Legislation affecting victims

New South Wales, Australia. First, in 1996, the Victims Rights Act⁹ established a statutory Charter of Victim Rights. The Charter of Victim Rights ascertains standards for the appropriate treatment of crime victims by all NSW government agencies. The rights guaranteed by the Charter are related to treatment, information, privacy, protection and forms of victim representation. Second, the Evidence Act (1995) specifies several regulations for the examination of witnesses. The court is required to prohibit certain (disallowable) questions, which, for example, may be confusing, intimidating, prejudiced or insulting (Section 41(1b)). Moreover, challenging the accuracy of witness statements is not considered improper (Section 41(3)). Third, the procedure of submitting victim impact statements is outlined in the Crimes (Sentencing Procedure) Act 1999. In NSW, primary victims or family victims (in cases of the primary victim's death) may communicate the personal harm they have suffered as a result of the offence after conviction but before sentencing. Fourth, the Criminal Procedure Act 1986 provides victims of sexual offenses with protections for privacy. *In camera* proceedings, for example, are applicable and authorized in almost all sexual offense cases (Sections 291, 291A and 291B). Evidence regarding the sexual reputation of the victim is inadmissible (Section 292(2)). Guidelines also exist that outline the duties of the prosecutor¹⁰. These duties refer prosecutors to the Victims Charter and the Victims' Rights Act but also lay out more specific duties of the prosecutor in relation to victims, such as consulting the victim at various stages.

The Netherlands. First, the Code of Criminal Procedure (CCP) was amended in 2011 as a result of the Law for the Strengthening of the Position of the Victim. The content of the CCP states that the public prosecutor must treat the victim properly. At the request of the victim, the police and prosecutor should keep him or her informed regarding developments in the case. Police should offer written notification of any termination of investigation or when the report (*process-verbaal*) has been submitted to the prosecutor. Second, as a result of the Victim Impact Statement Directive (*Wet spreekrecht*), victims have been able to make use of these statements in court proceedings since 2005¹¹, either orally during court proceedings or in written

9 Victims' Rights Act 1996 No 114.

10 Prosecution Guidelines of the Office of the Director of Public Prosecutions for NSW.

11 Victim Impact Statement Directive, 23 December 2004, now incorporated in the CCP, Article 51e.

form. Third, in addition to the CCP, there are several guidelines giving attention to the position of the victim. Some provisions contained in the Victim Assistance Guideline (*Aanwijzing Slachtofferzorg*) were incorporated into the CCP. However, the Guideline is broader than what is laid down in the CCP, because the prosecutor should consider the wishes and needs of the victims at various stages, including dismissals, transactions or demands by the prosecution. The Guideline for the Investigation and Prosecution in Cases of Sexual Abuse¹² deals specifically with this vulnerable group. Victims come into contact with trained officers and are entitled to special informative discussions.

As can be concluded from the summaries above, the victim rights movement has clearly made progress in the legal systems of NSW and the Netherlands. Both legal systems give substantial attention to procedural justice (primarily through the use of victim impact statements) and interactional justice (through guidelines regarding the treatment of victims). Protections for the victim with regard to testifying in court, however, are more emphasized in NSW. These mechanisms, particularly in relation to vulnerable victims, are not present as such in the Netherlands (though more general guidance on questioning is offered to the judge in the CCP). Overall, however, the stipulations for victims are comparable between the two legal systems.

Structure of the legal system

Though the aspects discussed above seem more comparable than not and illustrate that both systems have made strides in the position of victims, the structural characteristics of the two legal systems may be more likely to lead to different experiences for victims. One common distinction among systems is whether they are adversarial (NSW), inquisitorial (the Netherlands) or fall somewhere between. The nature of these two types of systems may have implications for how victims experience the procedure. In fact, early procedural justice research by Thibaut & Walker (1975) asserted that the adversarial procedure is superior to the inquisitorial procedure in terms of procedural justice, because it leads to fairer decisions. Similar investigations have concluded that adversarial systems are more accurate (through greater presentation of the evidence), provide victims with a greater opportunity to voice their case (Anderson & Otto, 2003; Lind et al., 1980) and are generally more preferred by both defendants and plaintiffs (Lind et al., 1980). We will focus on three main differences concerning the legal structure: the use of judges versus ‘party representatives’; cross-examination; and rules of evidence.

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New South Wales, Australia. In NSW, the role of the police is to investigate alleged crimes. The Office of the Director of Public Prosecutions (ODPP) prosecutes serious offenses, adhering to the principle of expediency. The ODPP advises police on the cases that are eligible for prosecution, and then prosecutes those cases. The ODPP must act in accordance with the Prosecution Guidelines and other relevant instruments that shape the prosecutorial process. Because of the victim's role as a witness, prosecutors often have conferences with victims to obtain relevant information from them and to offer information to them. The role of the trial judge is much more passive in the adversarial system. For example, he or she generally does not direct questions to the parties and instead acts as a neutral decision maker who ensures that trial proceedings follow the dictates of law and justice.

The defense and the prosecution submit evidence for the party they are representing (the State in the victim's case). It has been contended that adversarial procedures will lead to a more comprehensive presentation of the evidence when such evidence is presented through the arguments of the two sides (Van Koppen & Penrod, 2003). Furthermore, representatives in an adversarial procedure have been found to be more diligent compared with representatives in an inquisitorial procedure in searching for additional evidence when sufficient evidence is lacking (Lind, 1975). The exclusionary rules that are used, however, may suggest that a lack of importance is placed on accurate fact-finding (Van Koppen & Penrod, 2003). Even when evidence exists to support fact-finding, the rights of the defendant prevail if that evidence was improperly attained (that is, inadmissibility of evidence or prohibition of hearsay). In these cases, important evidence may be omitted from proceedings.

Perhaps the most notable feature of adversarial procedures, and the most likely to affect victims, is the practice of cross-examination. As the Prosecution Guidelines dictate, 'a criminal trial is an accusatorial, adversarial procedure and the prosecutor will seek by all proper means provided by that process to secure the conviction of the perpetrator of the crime charged'. One primary purpose of cross-examination for the defense is to discredit witness credibility. Inappropriate means may be used that may lead to victim-blaming attitudes or embarrassing questioning. Victim witnesses may be shamed as they are questioned about painful and personal issues (Ellison, 2001). Furthermore, defense attorneys are instructed to ask questions without giving witnesses the opportunity to explain.

The Netherlands. Police and prosecutors follow the guidelines set out for them. The prosecutor has large powers, having a monopoly over prosecutions (Tak, 2008). The prosecutor may settle through a transaction, request a preliminary judicial investigation, prosecute or dismiss the case. Judges

for the most part control the investigation and the evidence. The judge may question witnesses and is assisted by the parties' advocates in his or her judicial responsibility. In addition to carrying out the bulk of witness examinations, the judge makes the final decision. The examination of witnesses consists of an informal inquiry between the presiding judge and the witness, with little interruption from the prosecutor and defense attorney. After the court has questioned the witnesses, the prosecutor and the defense have the opportunity to do the same.

Whereas the adversarial procedure places control of the trial in the hands of the prosecutor and the defense, the judge maintains control in the Dutch inquisitorial system. In this approach, the judge will, in theory, often listen to both sides of the evidence, rather than one person controlling the discussion between parties. Control of the process is meant to be in the hands of the inquisitor rather than the parties themselves or their 'representatives'. Participation may also take the form of the *partie civile* (*benadeelde partij*), where the victim becomes party to the proceedings. Consequently, he or she may be able to claim compensation through the criminal courts.

The admissibility of evidence deals with the search for material truth; all evidence is put forward by the prosecutor when searching for the truth, whether or not this is incriminating and/or exonerating. The prosecutor takes a neutral role whose goal is to collect evidence in an objective manner, rather than representing one side in a battle of two parties. As a result, important evidence is not withheld from the judge.

Cross-examination is unknown in the Netherlands. In practice, the majority of witness testimony is conducted in the pre-trial stage and the written file is reviewed during proceedings. Even though the Netherlands follows the principle of immediacy¹³, the Supreme Court ruled hearsay evidence admissible, with the reasoning that a witness personally witnessed what another person stated¹⁴. The ability to use written evidence can prevent victims from testifying. In cases where witnesses are heard, testimony is usually brief. As stated in the CCP, certain questions may be excluded by the court. In cases where the victims appear as witnesses, they may be questioned by the prosecutor, the judge and the defense. The prosecutor then has the role of protecting the victim as much as possible from intrusive questioning (Victim Assistance Guideline). Information is obtained through informal inquiry, allowing the witness to offer explanations and narrative responses (Ellison, 1999).

13 All evidence must be presented in its most original form to the neutral, in order to 'preserve the integrity of a judgment by ensuring that arguments and proof are put to the judge in the most direct manner possible'.

14 HR 20 December 1926, NJ 1927, 87.

As a result of this overview, we chose to focus on five indicators of procedural and interactional justice: decision control, process control, accuracy, treatment and information. The indicators may perform differently based on differences between the two systems. It should be noted, however, that victims still undergo comparable experiences in some respects. For example, many may be asked to revisit their trauma through giving statements; many encounter insensitive justice officials (for example, through investigative measures); and victims may not be aware of their rights to participation. We focus on the differences, however, to illustrate that legal systems do not follow the same methods and therefore perceptions of justice may differ. The following section examines the main research question: do victim experiences differ in terms of process control, decision control, accuracy, police treatment, prosecutorial treatment, respect from the judge and improper treatment by the defense? We investigate whether the two systems differ in terms of demographics, type of crimes committed, use of victim support and outcome favorability, in addition to seven main outcome measures (process control, decision control, accuracy, treatment by the police, treatment by the prosecutor, respect by the judge, and behavior of the defense counsel).

Empirical method

Respondents and questionnaire

The data derive from a larger questionnaire measuring the quality of the procedure and the quality of the outcome of justice proceedings¹⁵. In both NSW and the Netherlands, participants are victims of serious crimes. In NSW, victims were approached via victim support agencies, either in person or through a link they found on the website. Out of 20 agencies contacted by the researchers, 7 did not respond or were unable to assist. Of the remaining agencies, 6 dealt with sexual assault and domestic violence. The other agencies targeted all types of victim. Those victims who were approached in person were told about the website or answers were recorded on a pen and paper version by victim assistants at the agency. Because victims who were in search of support but who might not actually have made use of the services came across the call for participants, victims not receiving victim support may also have participated in the study. In total, 116 victims of serious crime filled out the survey.

In the Netherlands, victims were approached with the assistance of the Compensation Fund for Victims of Violent Crime. Targeting victims of se-

15 The questionnaire is an adapted version of the Measuring Access to Justice Methodology (see Gramatikov et al., 2010).

rious crimes, the Fund assists individuals who have experienced threat with bodily injury, assault, stalking, sexual violence, kidnapping, (armed) robbery or a combination of these. To qualify for compensation from this Fund, the damage must not have been compensated elsewhere (for example, the offender did not pay compensation or was not found or prosecuted). The crime must have occurred in the Netherlands and, in most cases, within the previous three years. Questionnaires were mailed to participants' homes and they were able to either return completed surveys via mail or use an online link. Of the 700 questionnaires that were mailed out, 151 victims completed the survey, indicating a response rate of 21.6 percent.

Though the NSW sample does include victims who did not receive victim support, the majority were likely to make use of such assistance (55 percent). In the Netherlands too, however, victims are often directed to the Compensation Fund by Victim Support, and therefore the likelihood of these victims making use of support mechanisms is also high (67 percent). There were no significant differences in terms of victim support between these two groups.

For victims in both legal systems, the requirements for inclusion in the current examination were (1) being a victim of sexual assault, domestic violence or other serious crime, and (2) having a case not be dismissed by the police, the prosecutor or the victim. The types of crime included the following: sexual assault, domestic violence, stalking, robbery and assault. In total, 169 victims were included in the current analysis: 68 in NSW and 101 in the Netherlands.

Outcome measures

We noted above that the structural differences in legal systems may have repercussions for perceptions of various outcome measures. The seven dependent variables are as follow: process control, decision control, accuracy, interactional justice with the police, interactional justice with the prosecutor, respect by the judge and behavior of the defense counsel. The Measuring Access to Justice (MA2J) instrument, largely borrowing from the organizational justice literature, is composed of measures examining the quality of procedures and the quality of outcomes in all conflict resolution procedures (Gramatikov et al., 2010). The instrument was then adapted for crime victims in the criminal justice context. To adapt the broader questionnaire to victims, previous research in the criminal justice setting was examined. Conceptualizations of measures were used that were appropriate for victims specifically.

Six of the seven dependent variables were measured on a five-point scale, ranging from 'a very small extent/not at all' to 'a very large extent'. Process control was measured by asking: 'To what extent were you able to express

your feelings to legal personnel during the process?’ Similar measures have been operationalized in this way in prior research (Colquitt, 2001; Tyler, 1990; Wemmers et al., 1995). Decision control was measured by asking: ‘To what extent were your views considered during the process?’ Accuracy was measured with the item: ‘To what extent was the police investigation conducted well enough?’ This operationalization was borrowed from a previous study (Orth, 2002), which also examined procedural justice for victims in terms of accuracy. Interactional justice was examined for both the police and the prosecutor. In both cases, a composite variable was calculated. For both legal authorities, respondents were asked: ‘To what extent did the [police] treat you with respect?’ and ‘To what extent did the [police] keep you informed throughout your case?’ Respect by the judge was also measured with the item: ‘To what extent did the judge treat you with respect?’ Similar measures for interactional justice have been used in previous studies (Colquitt, 2001; Orth, 2002). Finally, behavior of the defense counsel was dichotomous. Respondents were asked: ‘Did the defense counsel ask improper questions?’ This measure was adapted from the propriety indicator devised by Bies & Moag (1986).

Covariates

Potential covariates were primarily determined a priori and selected on the basis of earlier research examining what is important to victims of crime in criminal proceedings (Erez & Bienkowska, 1993; Shapland et al., 1985; Wemmers, 1996). Gender was measured using a dichotomous variable (0 = *male*, 1 = *female*). Age was measured in years. Education was recoded for both systems to three levels (0 = *low education*, 1 = *medium education*, 2 = *high education*). In NSW, education was low if respondents did not finish high school, medium if respondents graduated from high school and high if respondents were currently in or had graduated from the university level or if they had received or were receiving a TAFE certificate. A similar coding scheme was devised for the Netherlands (0 = *primary school or less*, 1 = similar to high school¹⁶ and 2 = *higher education*¹⁷). For occupational status, victims in the Netherlands were asked if they were currently employed (0 = *no*, 1 = *yes*). Victims in NSW indicated if they had no employment or were a homemaker, a student, retired, worked full time or worked part time. Respondents were considered to be employed if they chose full-time or part-time employment. The type of crime fell into one of three categories: domestic violence (no sexual assault), sexual assault (domestic or not domestic) and other serious crimes. Because the legal outcome could have an impact on

16 Includes equivalents of high school (LBO, VBO, MAVO, MULO, HAVO).

17 Includes vocational college (MBO) and university-level schooling (HBO, WO).

perceptions of the procedure, a variable for outcome favorability was included by asking victims: ‘To what extent was the outcome favorable to you’ (1 = *not at all/very small extent*, 5 = *very large extent*). This evaluation was based on the outcome respondents were asked to identify, whether or not the case was dismissed. In addition to dismissed cases, the outcome may have been an acquittal or sanction by the court (e.g., incarceration or community service). Only victims whose cases were completed were included in the analyses. Finally, owing to the differences in sample selection, a dichotomous variable for victim support use was included. Victims were asked: ‘Did you have contact with victim support?’

Analytic plan

To investigate whether the two systems differed in terms of demographics and sample characteristics, we conducted independent *t*-tests for continuous variables and χ^2 tests for categorical variables. Differences between NSW and the Netherlands were then analyzed regarding the interactional and procedural justice outcome variables, again using independent *t*-tests for continuous variables and χ^2 tests (or Fisher’s exact test in the case of cells with $n < 5$) for categorical variables. Finally, to investigate whether type of legal system was independently related to indicators of procedural and interactional justice, we conducted hierarchical regression analyses that were adjusted for covariates. Using explorative analyses, potential covariates were selected based on the conventionally used change-in-estimate criterion of 10 percent (Mickey & Greenland, 1989). For each analysis, after entering the country variable, each possible covariate was entered one at a time to investigate whether or not it resulted in a meaningful change in the effect estimates (> 10 percent).

Results

To examine whether the systems differed in terms of demographics and sample characteristics, independent *t*-tests for continuous variables and χ^2 tests for categorical variables were used. Victims in the Netherlands were significantly more often female. A significantly greater level of victims in NSW obtained a high educational level (79.5 percent) when compared with the Netherlands (57.2 percent). The type of crime also varied significantly by system. Most crimes in the Netherlands consisted of other serious crimes (77.1 percent), whereas most crimes in NSW consisted of sexual assault (48.3 percent). Victims in NSW were significantly more likely to have contact with the defense counsel (23.3 percent vs. 11.3 percent). There were no significant differences between the systems concerning age, employment,

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victim support contact and outcome favorability. The results of these analyses are presented in Table 1.

Table 1. Sample characteristics and demographics

Variable	NL (%) ^a	NSW (%) ^a	Total (%) ^a	Significance testing	Effect Size
Gender				$X^2(1, n = 190) = 5.23,$	$\phi =$
Males	50%	29%	45.3%	$p < .01$.18
Females	50%	71%	54.7%		
Employment				$X^2(1, n = 164) = .41,$	
Yes	60.4%	33.3%	59.5%	$p = .52$	
No	39.6%	66.7%	41.4%		
Age (M/SD)	41.80 (15.48)	41.84 (12.52)	41.81 (14.87)	$t(177) = -.02, p = .99$	
Education				$X^2(1, n = 184) = 12.63,$	$f_c = .26$
Low	6.2%	12.8%	7.6%	$p < .01$	
Medium	36.6%	7.7%	30.4%		
High	57.2%	79.5%	62.0%		
Type of crime				$X^2(1, n = 186) = 50.97,$	$f_c = .53$
Sex. Assault	11.8%	48.3%	21.5%	$p < .001$	
Dom. Viol.	11.1%	36.7%	12.4%		
Other crimes	77.1%	15.0%	65.6%		
Contact defense				$X^2(1, n = 185) = 3.00,$	$\phi =$
Yes	11.3%	23.3%	14.1%	$p < .05$.15
No	88.7%	76.7%	85.9%		
Victim support contact				$X^2(1, n = 167) = 1.89,$	
Yes	67.0%	55.2%	62.3%	$p = .12$	
No	33.0%	44.8%	37.7%		
Outcome favorability (M/SD)	2.20 (1.15)	2.58 (1.44)	2.33 (1.26)	$t(148) = -1.75, p = .08$	

^a Unless otherwise indicated

The means and percentages of the dependent variables of the entire sample are presented in Table 2. To investigate whether systems differed in terms of the dependent variables, we conducted independent *t*-tests for continuous variables and Fisher's exact test for the only categorical outcome variable (that is, improper questions) owing to cells with $n < 5$. There were significant differences between systems for both process control, $\Delta 2 = .07$ and decision control, $\Delta 2 = .04$, both being around a moderate effect size (Cohen, 1988). For both variables, victims in the Netherlands reported higher means than victims in NSW. Victims in the Netherlands also perceived higher levels of interactional justice by the prosecutor, indicating a large effect size, $\Delta 2 = .11$. Victims in NSW (95.0 percent) were more likely to experience improper questions by the defense counsel (Fisher's exact test,

$p < .001$, Cramer's $V = .61$) than victims in the Netherlands (50.0 percent). There were no differences between systems for accuracy ($p = .23$), interactional justice by the police ($p = .25$) and respect by the judge ($p = .44$)

Table 2. Independent samples t -tests and chi squares of dependent variables

Variable	NL Mean (SD) ^a	NSW Mean (SD) ^a	Total Sample Mean (SD) ^a	Significance testing	Effect size
Process-control	3.11 (1.33)	2.27 (1.22)	2.93 (1.35)	$t(171) = 3.48, p < .01$	$\eta^2 = .07$
Decision-control	2.92 (1.29)	2.29 (1.10)	2.78 (1.27)	$t(163) = 2.64, p < .01$	$\eta^2 = .04$
Accuracy	3.59 (1.34)	3.31 (1.62)	3.48 (1.46)	$t(153) = 1.20, p = .23$	
Police treatment	3.88 (1.11)	3.65 (1.31)	3.83 (1.16)	$t(186) = 1.15, p = .25$	
Prosecutorial treatment	3.98 (.98)	3.17 (1.14)	3.71 (1.16)	$t(69) = 2.88, p < .01$	$\eta^2 = .11$
Respect from judge	4.02 (.95)	3.83 (1.23)	3.95 (1.05)	$t(82) = .79, p = .44$	
(%) Defense – improper questions		95%	76.3%	Fisher's exact test, $p < .001$	$f_c = .61$
Yes	50%	5%	23.7%		
No	50%	5%	23.7%		

^aUnless otherwise indicated

Next, using hierarchical linear regression analyses, we investigated whether the system predicts the three outcome variables that were found to be significant in the independent t -tests (process control, decision control and prosecutorial treatment). One dependent variable, improper questions asked by the defense, could not be analyzed using hierarchical logistic regression owing to a small cell count (< 5) in two cells.

The extent of the unique explained variance added by the system to the prediction of process control was investigated by entering the variable at a second step into a hierarchical regression analysis where all significant covariates (change-in-effect > 10 percent) (education and outcome favorability) had already been entered at Step 1 ($R^2 = .03$). After entry of the legal system variable at Step 2, the total variance explained by the model as a whole was 13.7 percent, $F(4, 139) = 6.68, p < .001$. Even when entered last, system ($\beta = -.35, p < .001$) added a moderate amount of unique explained variance, $\Delta R^2 = .11, p < .01$.

To gauge the extent of unique variance added by the system to the prediction of decision control, the legal system was entered at a second step after first entering the significant covariates (gender, age, type of crime and

outcome favorability) at Step 1, ($R^2 = .18$). After Step 2, the total variance explained by the model was 20.8 percent, $F(6, 127) = 6.84, p < .001$. When entered last, the legal system ($\beta = -.21, p < .05$) added a small amount of unique explained variance, $\Delta R^2 = .03, p < .05$.

In the hierarchical regression model predicting prosecutorial treatment, one covariate (type of crime) was entered at Step 1 ($R^2 = .12$). Type of crime was significant (for domestic violence, $\beta = -.37$ and for sexual assault, $\beta = -.30$). Entering the system at Step 2 indicated that it did not add any unique variance to the model, $\Delta R^2 = .02, p = .28$, suggesting that the system is not independently related to prosecutorial treatment.

Discussion

The findings show that there are in fact differences between the Netherlands and NSW concerning victims' justice perceptions. Univariate analyses found that victims in the Netherlands reported higher levels of process control, decision control, treatment from the prosecutor and treatment from the defense. Victims in NSW were more likely to experience improper questioning by the defense counsel. No differences were reported for perceptions of accuracy, treatment by the police and respect from the judge. Hierarchical regression analyses revealed that process control and decision control were in fact perceived to be greater for victims in the Netherlands, after accounting for several covariates. For treatment by the prosecutor, however, the relationship disappeared. Differences with regard to the defense counsel were not measured in multivariate analysis owing to the small sample size.

Much research has suggested that control, accuracy, respectful treatment and informative procedures are all important to victims when accessing justice (Shapland et al., 1985; Wemmers et al., 1995). The extent to which different systems may influence the perceptions of these indicators has also been researched. Yet, to our knowledge, there is little empirical work comparing populations in a non-experimental setting. This research set out to fill this gap by looking at two contrasting systems, NSW and the Netherlands. Using empirical data allowed for measurements of the actual situation, enabling us to describe what happens in practice rather than what is assumed in theory.

One finding was that the level of process control among participants did significantly differ between systems. The perceptions of Dutch victims regarding their process control in the procedure may in fact be a result of the use of victim impact statements and participation through the *partie civile*. Both systems have stipulations allowing victims to present victim impact statements, yet this may be occurring more often in the Netherlands.

Furthermore, cross-examination may hinder perceptions of voice. The inquisitorial procedure is often equated with the opportunity for victims to tell their stories in a narrative fashion, which is more likely to result in perceptions of expression.

Decision control – the extent to which the views of the victims were considered – was also significantly influenced by the system after controlling for covariates. Both NSW and the Netherlands have stipulations for considering the views of victims. Though decision control was significantly higher in the Netherlands, mean scores in both the Netherlands (2.92) and NSW (2.29) were relatively low. Such a finding may suggest that victims remain a relatively passive participant in proceedings in both systems, though the Dutch legal system does represent a more positive situation for victims with regard to the extent to which their views were considered.

Another question was whether the type of system would have an impact on perceptions of interactional justice by the police and the prosecutors. In the univariate analysis, prosecutorial treatment appeared to be affected by the system, although police treatment did not. This may, for example, be a result of the type of crime explaining the observed relationship, because this variable differed significantly between systems. Rather than the type of system, victims of sexual assault may receive poorer treatment compared with other victims. Furthermore, the similar prosecutorial guidelines found in both systems may be a reason for the finding.

Finally, this overview examined the extent to which perceptions of improper treatment by the defense counsel may be predicted by the legal system. The 1995 Evidence Act in NSW disallows certain confusing or harassing questions. Yet challenging statements by witnesses is not considered improper, suggesting there may be leeway for the defense to interrogate the witness aggressively. Owing to low cell counts, no hierarchical regression analysis was conducted. The Fisher's exact test, however, indicated vast differences between samples, where almost the entire NSW sample (21 out of 22) was subjected to such treatment. Half (8 out of 16) of the Dutch sample who came into contact with the defense, however, also reported poor treatment, suggesting that, although inquisitorial, it would be incorrect to conclude that victims do not undergo what they perceive to be improper questioning by the defense counsel.

We referred above to prior research that examined preferences between adversarial and inquisitorial participants (Lind et al., 1980; Thibaut & Walker, 1975). The present research, however, did not lead to compatible findings. Rather, there was no significant difference for perceptions of accuracy. Furthermore, the inquisitorial Dutch system appeared superior in terms of both process control and decision control, which also is in contrast

to earlier assertions (Thibaut & Walker, 1975). This disparity may at least partially be attributed to the unique experience of the crime victim in criminal proceedings.

Although the aim of the overviews discussed above was to illustrate the position of the victim in criminal proceedings, there also were several drawbacks. A main limitation was the small sample size. This particularly applies to the analysis addressing the effect of the system on prosecutorial treatment and the analysis examining the differences in defense counsel behavior between the systems. Such small sample sizes entail the loss of statistical power and will have repercussions for the generalizability of the findings. Furthermore, the convenience sampling of NSW results in non-generalizable findings. Moreover, although the two countries represent two different types of system, another adversarial system might perform very differently from that in NSW, where victim mechanisms may be more or less advanced. In many ways, it is the victim mechanisms that should be examined, in addition to the system as a whole. Furthermore, we argue that perceptions of procedural justice and interactional justice are affected by the nature of a particular legal system. One limitation is that the findings on these perceptions are investigated using a macro-level variable, the legal system, yet individual-level data are utilized in the study. To strengthen this assumption in further research, we could also account for possible covariates that were not included in the study (for example, individual-level factors such as attitudes or expectations) that may also be influencing the perceptions of the two groups. We could assume, however, that there will not be vast differences between victims in different countries, suggesting that the current findings are unlikely to differ greatly even if these individual-level variables were accounted for. For example, reactions to the victimization experience have been found to be universally similar, where reactions such as fear, anxiety, depression, sadness and decreased self-esteem are all common reactions for victims of crime (McCann et al., 1988). When victims encounter justice institutions to deal with the effects of victimization, the similarities they suffer may outweigh the differences that are not controlled for, such as individual attitudes. Furthermore, previous experimental research supports the notion that macro-level variables, in this case the legal system, are also indeed influential (Lind et al., 1980).

Research using pre-test post-test analyses better investigates the impact of the legal system on the outcome variables and could be utilized in further research with crime victims. A research design is necessary to allow one to draw causal inferences, which is not possible with the current findings owing to the cross-sectional design of the present study. Furthermore, it would be beneficial to utilize multiple-item measures for the various dependent variables to increase reliability. Finally, as noted, the two samples were obtained

through different mediums (through various victim support agencies and through the Dutch Compensation Fund) and may differ in respects other than those accounted for. The current study has shown that the two victim samples differed in terms of a number of demographic and victim characteristics (gender, education, type of crime, and contact with the defense). We cannot completely conclude that the detected differences between the two samples used influenced our results. To control for these differences, however, our main analyses were adjusted for confounders (defined as covariates that changed the effect estimates of legal system by more than 10 percent). These limitations, however, are offset by numerous strengths of the study. Namely, we employed a comparative method, investigating a diversity of victim indicators. The comparative method allows for insight into better performances by a given system. Rather than describing the experiences of one sample, we investigated two comparable yet contrasting groups.

Conclusion

We have noted that the results should be interpreted cautiously because the two samples do differ in several respects. Still, the benefit of such research should not be understated, even if it provides only an initial understanding of the position of victims. Before making assertions regarding the superiority of certain legal practices, empirical evidence can provide for sound support for such claims. Previous research on victim preferences has affirmed the need for control, information and respect. The current examination went one step further by examining the different perceptions of these factors in two diverse legal systems. Understandably, changing a system is difficult; however, understanding what is most beneficial to victims and what may prove to be more detrimental in practice represents important strides in the advancement of the victim's legal position. It is becoming more difficult to refer to countries as inquisitorial or adversarial, suggesting that the focus should perhaps be given to the practices, rights and mechanisms established for victims. Such advancements are already being examined in research that pinpoints the influence of a specific mechanism (such as victim impact statements) on victim perceptions of justice. This appears to be where most insights can be found, and comparative studies may provide a first step to such research.

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Chapter 5: The effect of retributive and restorative sentencing on psychological effects of criminal proceedings

Malini Laxminarayan
Journal of Interpersonal Violence (in press)

ABSTRACT

Retribution and restoration have been cited as two goals of sentencing for victims. Furthermore, there is a perspective that acknowledges the overlap of these two aims, seeking to obtain restoration through retribution. Achieving these goals may have implications for the victim's psychological well-being. The current study examines 101 victims of serious crime and how different outcomes may impact their perceptions of psychological well-being. Incarceration, community service, compensation from the offender and compensation from the State, in addition to acquittals, are included as predictors of the dependent variable. After reviewing the literature on retributive and restorative sentencing, also making a distinction between compensation from the offender and compensation from the State, hierarchical regression analysis finds that compensation from the offender is the only sentencing options significantly associated with psychological effects.

Keywords: Psychological effects, violence, compensation, sentencing, retribution, restoration

Introduction

Satisfaction with sentencing and perceptions that the sentence is fair are undoubtedly important aspects of overall victim satisfaction with justice (Erez, 1992; Erez, Roeger, & Morgan, 1997). Favorable sentencing outcomes can also have implications on other aspects of victim well-being, including perceptions of secondary victimization. Secondary victimization has been defined as those negative reactions by society towards an individual that are in response to the primary victimization (Montada, 1994). For victims of crime, there may be perceived lack of support or acceptance by society (Symonds, 1980). Orth's (2002) research examines the effects of both the procedure and the legal outcome on psychological well-being, concluding that both elements are associated with such psychological changes. Therefore, rather than looking at forms of secondary victimization as suggested by victimologists in terms of reactions by legal authorities (e.g., victim blame, minimization of the harm), secondary victimization here will refer to psychological effects of contact with criminal justice.

With regard to the legal outcome, victim preferences may vary. Two prominent, yet sometimes competing themes resonating in the victimological literature on sentencing are that victims desire (1) retribution and (2) restoration. From a retributive perspective, the offender must be punished in proportion to the harm he or she caused (Carlsmith, Darley, & Robinson, 2002). Punishment acts to reinforce rules that have been broken and re-affirm a moral balance between the wrongdoer and the wronged. From a restorative perspective, responding to the needs of the victim is a more prominent goal (Johnstone, 2006; Strang, 2002). Restorative justice aims to meet victim needs, prevent re-offending through the reintegration of offenders, help offenders assume responsibility and create a community that welcomes the rehabilitation of offenders (Marshall, 2003). Another viewpoint argues that retributive punishment may lead to restoration (Duff, 2003). This perspective contradicts the idea that a legal outcome should be either one or the other and attempts to integrate the two possibilities. Punishment is one means of attaining both these goals. Whether in the form of community service, compensation from the offender, or incarceration, victims may be satisfied when they feel justice has been obtained.

This article will investigate different legal outcomes and how they may impact perceptions of psychological well-being. Legal outcomes included in this study are incarceration, compensation, community service and acquittals. The previously devised concept of Orth (2002) will be used to investigate the psychological effects of contact with criminal proceedings on 101 victims of serious crime in the Netherlands. Each sentencing option will be included in a model predicting psychological effects of criminal pro-

ceedings. Furthermore, a distinction will be made between compensation from the State and compensation from the offender. Before turning to the empirical analysis, the article will discuss psychological well-being, in addition to the existing theoretical notions of punishment, including an overview of research already conducted in the area of sentencing preferences.

Psychological effects of contact with criminal justice

It has become well-known that victims who come into contact with the criminal justice system risk experiencing negative reactions from legal authorities, often referred to as secondary victimization (Campbell & Raja, 1999; Montada, 1994; Orth 2002; Williams, 1984). Negative behaviors may occur at all stages of the legal process, including the police investigation, the trial phase (e.g., through insensitive questioning during cross-examination) or through an unfavorable legal outcome for the victim such as an acquittal or lenient sentencing. As a result, the legal system may negatively impact the psychological well-being of the victim. Orth (2002) recognized the potential negative effects of the justice system, both in terms of the procedure and the outcome, on the psychological well-being of the victim. He asserted that where proceedings caused psychological harm to victims, secondary victimization has occurred. This psychological harm is more than simply the disappointment that occurs as a negative court verdict is rendered. Not only should concepts such as post-traumatic stress disorder and depression be investigated, but also other negative psychological changes. More specifically, Orth provided five forms of emotional harm in his measure: victim's self-esteem, belief in a just world, trust in the legal system, ability to cope and faith in the future.

Often, negative experiences with criminal justice have focused on procedural aspects, that is, the proceedings leading up to the legal outcome (namely the investigation and trial stages). Such negative perceptions result from, for example, being put on the 'sidelines' while desiring more control (Herman, 2003), inappropriate questioning, blaming and accusations by the defense counsel (Matoesian, 1993), violations of privacy (Holmstrom & Burgess, 1991; Murphy, 1998), confronting the offender (Herman, 2003), or being told one's case is not serious enough for prosecution (Campbell, Sefl, Barnes, Ahrens, Wasco, & Zaragoza-Diesfeld, 1999). In addition to these procedural aspects, the legal outcome of the case may be associated with negative psychological effects.

Orth indeed examined both procedural variables (interactional justice and procedural justice), and outcome predictor variables (outcome severity and outcome satisfaction). The findings indicated that dissatisfaction with the outcome was significantly associated with more negative psychological

effects, though there was no significant association with punishment severity. The goal of this previous research, however, was not to distinguish among sentencing options. The following section will focus on the existing literature on punishment theories before linking different outcome possibilities to victim well-being.

Sentencing literature

Theoretical notions of punishment

Though the literature and research on punishment aims is abundant, three themes commonly dominated in the past. First, the just deserts model asserts that a sanction is needed to restore the balance that has been disrupted by the criminal act. Punishment should be imposed in proportion to the pain that was caused (Carlsmith, Darley, & Robinson, 2002; Vidmar & Miller, 1980). Second, the aims of the deterrence rationale focus on preventing offenders from committing crimes in the future (Carlsmith, Darley, & Robinson, 2002; Friendship, Mann, & Beech, 2003). A third common punishment strategy that may be distinguished from deterrence is rehabilitation, where the offender may change through treatment or corrective measures to prevent him or her from reoffending (Hogarth, 1971).

While prison has primarily been deemed a retributive sanction, and offender treatment programs have been used in an attempt to rehabilitate and deter the offender, restorative sentences have also emerged more recently as a means of responding to the needs of victims (Roberts & Stalans, 2004). The dichotomy of such contrasting responses may be referred to as restorative and punitive models of sentencing, where the former includes sentences such as compensation and community service while the latter most often refers to incarceration. While sanctions also aim to have deterrent and sometimes rehabilitative effects, the focus in the article is on restorative versus retributive sanctioning.

Restorative models focus on the well-being of the victim (Strang, 2002; Zehr, 1990) rather than imposing sentences proportional to the crime. Restorative sanctions aim to be constructive by requiring the offender to do something for the victim or the community. Punitive models, on the other hand, are often mere infliction of suffering on the offender. The offender deserves to be punished because he or she violated accepted rules, disrupting the moral balance which existed previously (Vidmar & Miller, 1980; Wenzel, Okimoto, Feather, & Platow, 2010). Such thinking is central to our notion of justice and in some societies, most notably in the United States, it is pervasive in the criminal justice system. In addition to punishing

the offender, another goal of retributive sentencing is to communicate to members within the community that such wrongdoing is not tolerated and that community values have been violated (Vidmar & Miller, 1980). Moral reactions are often more common when responding to transgressions, thus insisting that offenders receive their 'just deserts' (Gromet & Darley, 2009). Moreover, there is a perspective that considers the overlap of these notions, 'restoration through retribution' (Duff, 2003). Many theorists argue for either 'restorative' or 'retributive' paradigms, demanding a choice between the two options. Restoration through retribution, however, argues that criminal punishment should aim to restore while restorative justice should aim to impose punishment.

Sentencing options

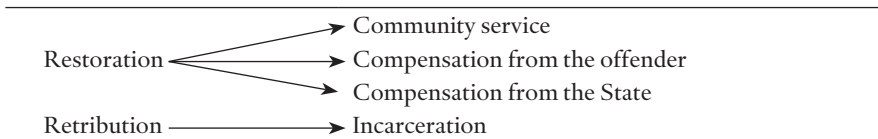
These theories translate into three types of sanctions and one outcome possibility independent from the offender: community service, compensation from the offender, incarceration, and compensation from the State (not a sanction). Compensation and community service are mostly linked to restorative outcomes. Community service may be viewed as a means of restoration, as it could help rehabilitate the offender (particularly in comparison to incarceration) or may help in restoring the community. By imposing restorative sentences on the offender such as compensation or community service, the offender remains in the community and restoration is more feasible.

Compensation may be provided after harm has been caused which cannot be undone. Such a payment may balance out the harm due to an equivalent gain (Wenzel, et al., 2010). Compensation may be viewed as giving back to the victim what was lost, at least to the extent that harm can be restored, providing a symbolic gesture recognizing the victim's suffering (Shapland, 1984). Furthermore, there may be a perceived difference among *compensation by the State* and *compensation by the offender*, where the former is not a sanction. Particularly by imposing compensation orders on the offender, the victim may perceive such a sentence as recognition of the harm (Shapland, 1984). It has also been argued that compensation from the State is insufficient in addressing the moral wrongs that have been caused (Tyler & Thorisdottir, 2003), resulting in less of an association with satisfaction or perceptions of justice. Offender compensation provides a means of 'punitive restitution' where the court demands compensation to the victim by the offender (Johnstone, 2006). Such an argument is supported by earlier research conducted using victims, which did ask participants to distinguish between the two forms of compensation. Van Hecke & Wemmers (1992) found that 93% of respondents felt that the offender and not the State

should compensate them for their losses. Furthermore, research has found that victims were more satisfied when the offender was ordered to pay compensation compared to when they received money from some other government fund (De Carufel, 1981).

A retributive sanction (i.e. incarceration) may still be desired by some, especially when restitution is considered insufficient. There may also be a restorative element in acknowledging the harm when punishment such as imprisonment contributes to the well-being of the victim (Duff, 2003). A retributive punishment, in fact, has been argued to be the only way to bring about restoration. Such a punishment does not necessarily have to be highly punitive; rather it must communicate that the harm has been recognized. Furthermore, these four outcomes – the focus of the current analysis - do not encompass all possible outcomes. For example, evidence suggests that where immoral harm occurs, compensation is insufficient and rather an apology is necessary for restoration of the moral balance and to address moral accountability (Tyler, 2003).

Figure 1. Possible outcomes as restoration or retribution



Numerous studies have already examined and compared preferences for retributive and restorative outcomes, though this research tends to focus on the general population rather than specifically analyzing crime victims. Restitution has been found to lead to positive justice evaluations by victims of crime (Ruback, Cares, & Hoskins, 2009; Shapland, 1984). Many studies support the notion that when people know about all sentencing possibilities, they are likely to opt for compensation or community service (Bae, 1992; Doble, 1998; Doob, Sprott, Marinos, & Varma, 1998; Wright, 1989). In fact, research has shown that preferences for capital punishment can decrease when compensation as a punishment has been utilized (McGarrell & Sandys, 1996). Furthermore, Boers & Sessar (1989) found that among a group of lay respondents, the majority favored sentencing outcomes that were entirely or partially restitution based. Research more generally indicates that victims and lay persons tend to be less punitive than is suggested by harsh sentencing laws and procedures (Cullen, Fisher, & Applegate, 2000; Roberts, 2003). There are studies, however, that contradict these findings: it was found in the Netherlands that the public has remained punitive, holding more punitive beliefs than judges (De Keijser & Elffers, 2009). Re-

search that has examined victims specifically, however, indicates that being a victim of violent and sexual assaults leads to *less* support of extremely punitive justice when compared to those who have not experienced such victimizations (Spratt & Doob, 1997). Finally, there is the possibility that victims have multiple goals simultaneously when responding to wrongdoing (Gromet & Darley, 2009). Not only retributive outcomes such as prison, but also restorative outcomes such as restitution and community service were found to be desired by participants.

While the evidence above provides (mixed) support for punishment preferences, fewer studies examine the relationship between sentencing and psychological well-being. Some research does exist, however; for example, research on victims of serious crime found that punishment severity does not satisfy long-term feelings of revenge (Orth, 2004). This study also examined compensation, concluding that such a legal outcome is in fact significantly associated with feelings of revenge. As noted, Orth (2002) also examined this area, finding that dissatisfaction with the outcome predicted psychological well-being, though there was no association with punishment severity.

Punishment in terms of sentencing options may also be translated into punishment severity. Consequently, it is likely that certain punishments do result in positive negative effects while others may not. As a result of the wrong committed by the offender, victims hold expectations that justice will be done, often through judicial dispositions. Retribution (incarceration) and restoration (compensation, community service) may have implications for psychological effects. First, incarceration in terms of retribution may re-equilibrate power imbalances, thereby restoring self-esteem (McCullough, Bellah, Kilpatrick, & Johnson, 2001). Incarceration may be one means of meting out punishment in proportion to the severity of the crime, dealing with the moral outrage that results from the offense (Carlsmith, Darley, & Robinson, 2002). Second, restoration focuses on the harm that has been done to the victim. Compensation is one means of recognizing this harm, thereby preventing negative psychological consequences by criminal proceedings.

In general there exists little research examining psychological effects by criminal proceedings with regard to punishment, though as the Orth (2002) study illustrates, this focus has been explored. The current study will attempt to confirm the previous findings of Orth; favorable outcomes are predictive of less negative psychological effects, while the severity of the punishment is not significantly associated with the dependent variable. Rather than looking at outcome satisfaction and punishment severity more generally, however, this investigation will examine three sentencing options: (1)

incarceration, (2) compensation by the offender, (3) community service, in addition to (4) compensation by the State, and (5) an acquittal. Hierarchical regression analysis will test the significant effect of these five variables on psychological effects, using a sample of victims of serious crime whose cases have been prosecuted. In addition to examining types of sanctions on psychological effects, this study distinguishes between the two different forms of compensation, a distinction that is found to a lesser extent in the victimological literature.

Method

Data collection

The questionnaire is part of a larger research project examining a much wider range of variables, including several procedural and outcome variables (e.g., perceptions of voice, accuracy, information and respect) (Gramatikov, et. al.). In the current study, victims are measured on their case outcomes and perceived psychological effects. Moreover, other variables which may influence this relationship were measured, such as demographics and the overall perception of the procedure in terms of satisfaction.

Victims were approached with the assistance of the Compensation Fund for Victims of Violent Crime. The Fund targets victims of serious crimes, assisting individuals who experienced threat with bodily injury, assault, stalking, sexual violence, kidnapping and/or (armed) robbery. To qualify for compensation from the Fund, in addition to suffering serious injury, the damage may not have been compensated elsewhere. The crime must have occurred in the Netherlands and in most cases, within the last three years. Contact details were provided by the Fund. Victims were eligible regardless of the outcome of their compensation claim. A file was compiled of those victims who made claims in the previous two years, from which a sample was selected. The procedure at the Compensation Fund needed to be completed to qualify for participation. Moreover, the victim must have completed the form themselves, rather than authorizing someone else to make the claim. Questionnaires were mailed to participants' homes and they were able to either return completed surveys via mail or use an online link. To qualify for inclusion, all cases must have proceeded to trial, and resulted in either a prison sentence, community service, compensation from the offender or an acquittal. Victims were also only included in the sample if they suffered serious victimizations. These include burglary, robbery, assault, domestic

violence and sexual assault. Data were collected between March 2011 and October 2011¹⁸.

Sentencing measures

As noted, victims may have received one of the outcomes, or a combination of them. Victims were asked to indicate the outcome of their legal case. For each of the five outcomes, dichotomous variables were computed (0 = *no incarceration*, 1 = *incarceration*; 0 = *no compensation from offender*, 1 = *compensation from offender*; 0 = *no compensation from the State*, 1 = *compensation from the State*; 0 = *no community service*, 1 = *community service*; 0 = *no acquittal*, 1 = *acquittal*). Therefore, the *N* value of total received sentences is greater than the entire sample, due to victims who received more than one outcome.

Psychological effects

The dependent variable was psychological effects of criminal proceedings, previously conceptualized as subjective effects causing secondary victimization by Orth (2002). Five items were used to indicate psychological changes that resulted from criminal proceedings. The items included, “What consequences did the criminal proceedings have on your ability to cope with the crime?”; “What consequences did the criminal proceedings have on your self-esteem?”; “What consequences did the criminal proceedings have on how optimistically you view the future?”; “What consequences did the criminal proceedings have on your trust in the legal system?”; “What consequences did the criminal proceedings have on your faith in a just world?” Answers were given on a 5-point scale (1 = *very negative*, 2 = *negative*, 3 = *neutral*, 4 = *positive*, 5 = *very positive*) (Cronbach’s alpha for the current study was .90, indicating good reliability (Murphy and Davidshofer 2002)). Orth’s (2002) original measure was found to have a Cronbach’s alpha of .87.

Covariates

Five covariates were included in the analysis. First, gender was measured using a dichotomous variable (0 = *male*, 1 = *female*). Second, age was measured in years. Third, for employment status, victims were asked if they were currently employed (0 = *no*, 1 = *yes*). Fourth, victims of sexual assault were distinguished from victims of non-sexual assault (0 = *non-sexual assault*, 1 =

18 Due to the possibility of biased recall, given the lapse of time since victimizations, Pearson’s *r* correlations were examined to investigate the relationship between date reported to the police and the dependent variable. There was no significant association between date reported and psychological effects, $r(101) = -.15, p = .17$.

sexual assault). Fifth, a variable was included to measure overall perceptions with the procedure. While the legal outcome is undoubtedly important to victims, research consistently illustrates the importance of the actual procedure in justice evaluations, including perceptions of voice and respect received from legal authorities (Shapland, Willmore & Duff, 1985; Wemmers et al., 1995). Moreover, aspects of the procedure were associated in Orth's (2002) study. Clearly linked to the construct of the process's perceived effect on well-being, procedural satisfaction is still important to include to control for the possibility that more positive outcomes are linked with positive perceptions of the procedure. In essence, this measure is likely to reflect perceptions of for example, having a voice, being treated with respect or being given information regarding the procedure, and is conceptually different from the dependent variable. Victims were asked, "to what extent were you satisfied with the procedure?" (1 = *not at all/very small extent*, 5 = *very large extent*).

Analytic Plan

Means and standard deviations or frequencies for each of the variables are reported to describe the sample. Then, independent samples t-tests and chi-square tests are used to examine the relationships among the variables. Using bivariate analyses, differences among the different outcomes will also be investigated in terms of the independent variables and psychological effects. Hierarchical multiple regression analysis is then conducted to test if the association between psychological effects and the five possible outcomes would still reach significance after adjusting for gender, age, employment, type of offense and procedural satisfaction. The alpha level was set at .05 in all analyses.

Results

The descriptives are presented in Table 1. Just over half (53.5%) of the sample was female. The mean age was 41.50 years (SD = 15.78). Furthermore, 60.4% of the victims were employed at the time of the survey. The majority of respondents (87.1%) were not victims of sexual crimes. The mean score for procedural satisfaction was 3.22 (SD = 1.33) indicating a moderate to large extent. Finally, the mean score of psychological effects of the proceedings was 2.63 (SD = .95), indicating a negative to neutral effect of the legal process on the victim.

Preliminary bivariate analyses were conducted among the independent variables and between the independent and dependent variables, using correlation analysis, independent samples t-tests and chi-square tests as appropriate.

First, associations among the independent variables were examined. Men (46.8%) were less likely to be employed than women (72.2%), $p < .05$ and less likely to be the victim of sexual assault than women (4.3% vs. 20.4%), $p < .05$. There were no differences between gender and age, $p = .76$, and gender and satisfaction with the process, $p = .63$. There were no differences between employment status and type of offense, $p = .83$, employment status and age, $p = .55$, and employment status and satisfaction with the process, $p = .18$. Furthermore, there was no association between type of offense and satisfaction with the procedure, though the relationship did reach statistical significance, $p = .08$.

Because of the possibility of multiple outcomes, Chi-square tests were used to examine the relationships between these variables. Community service was significantly associated with incarceration, $X^2(1, n = 101) = 21.46, p < .001, \phi = .48$, but not with compensation from the offender, $p = .99$, or compensation from the State, $p = .22$. Incarceration was significantly associated with compensation from the State, $X^2(1, n = 101) = 6.16, p < .05, \phi = .27$ though not significantly associated with compensation from the offender, $p = .19$. Compensation from the offender was not significantly related to compensation from the State, $p = .12$.

Bivariate relationships were also tested with regard to psychological effects, the control variables and the predictor outcome variables. With regard to the control variables, satisfaction with the procedure was strongly correlated with psychological effects, $r(101) = .57, p < .001$. There were no differences between gender and psychological effects, $p = .26$, age and psychological effects, $p = .20$, employment status and psychological effects, $p = .47$, and type of offense and psychological effects, $p = .51$. With regard to the outcome options, the dependent variable was not associated with community service, $p = .19$, compensation from the State, $p = .10$. Psychological effects was strongly associated with incarceration, where those whose offender was incarcerated ($M = 2.92, SD = .86$) reported less negative means than those whose offender was not incarcerated ($M = 2.19, SD = .91$) $p < .001$. Victims who received compensation from the offender also reported more positive experiences when compared to victims whose offenders were not ordered to pay compensation ($M = 2.26, SD = .99$), $p < .001$. Furthermore, perceptions of psychological effects were more negative for those whose offender was acquitted ($M = 1.24, SD = .36$) as compared to those without acquitted offenders ($M = 2.70, SD = .91$).

Table 1. Means and standard deviations or frequencies of variables categorized by outcomes

Variable	Incarc.	Comp. off.	Comp. State	Comm. Service	Acquittal	Total
Gender						
Male	48.3%	48.2%	45.1%	42.1%	40.0%	46.5%
Female	51.7%	51.8%	54.9%	57.9%	60.0%	53.5%
Age	42.03 (14.57)	40.93 (16.78)	42.70 (15.69)	36.55 (14.30)	38.60 (16.79)	41.50 (15.78)
Employed						
Yes	68.3%	55.4%	61.0%	60.5%	60.0%	60.4%
No	31.7%	44.6%	39.0%	39.5%	40.0%	39.6%
Sexual						
Yes	5.0%	8.9%	11.0%	18.4%	40.0%	12.9%
No	95.0%	91.1%	89.0%	81.6%	60.0%	87.1%
Procedural Satisfaction	3.77 (1.14)	3.50 (1.25)	3.40 (1.35)	2.68 (1.23)	1.40 (.55)	3.22 (1.33)
Psychological effects	2.92 (.86)	2.92 (.81)	2.70 (.91)	2.47 (.96)	1.24 (.36)	2.63 (.95)

Hierarchical multiple regression was then conducted to examine the independent effects of each of the outcomes on the dependent variable. In the first step, the covariates were entered: gender, age, employment, type of crime (sexual versus non-sexual) and satisfaction with the procedure. After the first step, the model was statistically significant, $F(5, 95) = 11.21$,

Table 2. Hierarchical multiple regression analysis predicting psychological effects

	B	t	R ²	F Change
Step 1			.34	11.21 **
Gender	-.16	-1.84		
Age	.14	1.70		
Employment	.03	.40		
Type of crime	.03	.42		
Procedure satisfaction	.59 **	7.07		
Step 2			.39	2.48 *
Incarceration	.12	1.11		
Compensation offender	.20 *	2.34		
Compensation State	.00	.04		
Community service	.02	.27		
Acquittal	-.12	-1.23		

* $p < .05$, ** $p < .001$

$p < .001$. Of the control variables, satisfaction with the procedure ($\beta = .59$, $p < .001$) was the only significant predictor of psychological effects. In the second step, the five possible legal outcomes were entered into the model. Again the overall model was significant, $F(10, 90) = 7.28$. Of the legal outcome predictors, only receiving compensation from the offender was significantly associated with psychological effects ($\beta = .20$, $p < .05$). The results are displayed in Table 2.

Discussion

The present study explored the effects of incarceration, community service, compensation from the offender, compensation from the State and an acquittal on psychological effects, defined as psychological changes in response to the legal process. While all predictor variables were in the expected direction (incarceration, community service, compensation from the offender and compensation from the State were positively associated with psychological effects, while an acquittal was negatively associated with psychological effects), only compensation from the offender indicated a significant relationship. Furthermore, satisfaction with the procedure was a significant predictor of psychological effects.

The study examined a previously defined concept of Orth (2002) that conceptualized changes in psychological effects as the perceived impact of legal proceedings on one's ability to cope, self-esteem, optimism about the future, trust in the legal system and faith in a just world. Previous research was interested in the effects of the process, psychological stress and the outcome of the legal process. While Orth did include this outcome element, there was no distinction between types of sentencing. The current analysis examined the effect of these variables on the dependent variable, adding to the understanding of the psychological effects of contact with the criminal justice system (to the author's knowledge, this scale has not been used in other studies examining victims of serious crime). Furthermore, while much research exists on the topic of sentencing options (e.g., in terms of perceptions of prison and compensation), most do not focus specifically on the perceptions of victims. Those studies that are focused on actual victims, moreover, do not examine psychological effects leading to secondary victimization.

The main finding of the research question was that compensation from the offender was the only sentencing option significantly associated with the dependent variable. Previous research has also illustrated the desire for compensation (Ruback, Cares, & Hoskins, 2009; Shapland, 1984). Compensation helps achieve the restorative goal of addressing the harm that was

caused to the victim. The actual sum of money may not be important to the victim; rather, such an award conveys acknowledgement of the suffering and position of the victim (Shapland, 1984). Compensation has been perceived as ‘society’s judgment on them as victims’ (Shapland, 1984, pp. 145).

The findings would further suggest that there is an intrinsic difference between State and offender compensation, which is in line with previous research (De Carufel, 1991; Van Hecke & Wemmers, 1992). Victims who make use of the compensation claim in the Dutch criminal justice system, and therefore are eligible for compensation from the offender, may undergo different experiences. As the result of such a right, victims are considered parties to the case, which could have implications on psychological well-being. More likely, however, is the notion that compensation from the State and compensation from the offender provide symbolically different messages to the victim. As noted above, compensation represents payment in proportion to the pain and suffering caused by the offender (Shapland, 1984). Psychological research, however, would suggest that there is a greater need for individuals to feel “justice has been done” (Tyler & Thorisdottir, 2003). Compensation as a sentence suggests that the legal system takes the victim and his or her suffering seriously. Moreover, when compensation is perceived as a sentence, it is more likely to address the immoral dimension of crime, holding the offender accountable. Compensation from the offender, then, may more accurately convey the message of suffering by the victim to the offender in addition to the larger society. Furthermore, there may be a structural difference leading to the finding that compensation by the State is not associated with changes in psychological well-being, while compensation from the offender is related. In the Netherlands, victims of crime may complete compensation claims that are subsequently included in their file and read by the judge. These claims illustrate the damage that has been done to the victims, more or less from their perspective. Consequently, there may be more recognition felt by the victim, which may result in less negative psychological effects.

Incarceration and community service were not significantly associated with psychological well-being. Incarceration has been noted as a widely used sentence conveying perceptions of retribution, most closely resembling ‘an eye for an eye.’ Compensation from the offender, however, may also be seen as retributive, as it has been referred to as ‘punitive restitution’ (Johnstone, 2006). Such a punishment may also be perceived as retaining elements within the punishment paradigm. This line of thinking would coincide with the concept of ‘restoration through retribution’ (Duff, 2003). Compensation from the offender may reflect a criminal punishment aiming at restoration.

While exploring the relationship between outcomes and psychological effects of criminal proceedings was valuable, there were drawbacks to the current study. One main limitation was the small sample size. With a sample of only 101 victims, there may be a loss of statistical power, which will have repercussions on the generalizability of the findings. Moreover, we cannot make causal inferences due to the cross-sectional design of the survey. For this reason it is difficult to definitively conclude that the sentencing options were not influenced by some other covariate. For example, victims who complete a compensation claim and are thereby more likely to receive compensation from the offender may have different experiences due to their status as a party in proceedings. The overall perception of the process, however, was included as a covariate (i.e. satisfaction with the procedure) which may control for some of the variance. Self-report measures were also used, which may be less reliable when compared to interview methods. Finally, the measure for subjective psychological effects was previously constructed by Orth (2002). Though the reliability coefficients were comparable in the previous and current studies, other research has not made use of this measure. Such a construct should be given further attention in additional research. For example, though the measure essentially captures psychological consequences of contact with the criminal procedure, it does not include mental health symptoms in terms of fear or anxiety. Knowing the myriad of research indicating the harmful effect of criminal proceedings on victim well-being, it would also be interesting to further look at the relationship between the verdict and psychological consequences such as anxiety or fear (e.g., and their association with incarceration of an acquittal).

Though these weaknesses exist, the findings of the study have important implications for research examining the preferences of victims of crime. Rather than examining satisfaction, this research analyzed psychological effects of criminal proceedings, further supporting the view that experiences with the criminal justice system could have negative implications for the victim's well-being. At the same time, the means for the victims as reported on subjective effects still ranged between neutral and a negative effect, suggesting that more is still required. Additionally, the findings add to the body of knowledge of the restoration versus retribution debate, using empirical findings to conclude that there may be a benefit in obtaining restoration through retribution. Further research could examine only victims who applied for compensation, comparing their (granted) claim with compensation from the State. Moreover, while this research examined a sample of victims of serious crimes, there may be differences among victims that cause them to desire varying outcomes. Research therefore could explore these moderating variables to better understand under what conditions sentencing may be associated with the psychological well-being of the victim.

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Chapter 6: Procedural justice and psychological effects of criminal proceedings: The moderating effect of offense type

Malini Laxminarayan
Social Justice Research (in press)

ABSTRACT

It is well-established that victims of crime have numerous preferences when encountering the criminal justice system. Often, research examines these preferences in terms of procedural justice, asserting that elements such as voice, respect and fair treatment may lead to greater satisfaction and more positive experiences. Positive experiences also entail preventing secondary victimization by the legal system. Much of the research surrounding this topic, however, discusses victims of crime as a single entity. The current research examines if differences among crime victims, namely whether they suffered sexual or non-sexual victimizations, influence their procedural preferences. Victims of sexual assault have undergone particularly traumatic and stigmatizing experiences that may warrant a greater need for expression and understanding of their harm. It is hypothesized that for victims of sexual assault, there will be a stronger association between procedural justice and negative psychological effects of criminal proceedings. Therefore, type of offense is examined as a moderator variable of this relationship. Hierarchical regression analysis indicated that there is in fact an interaction effect for procedural justice and psychological effects, indicating that these preferences are more desired by victims of sexual assault.

Keywords: procedural justice, victims, sexual assault, psychological effects

Introduction

Gaining empirical support in the 1980's, victimology has emerged as a growing field investigating victims' perceptions of the criminal justice system. Research consistently concludes that victims have diverse procedural and outcome preferences (Buzawa & Austin, 1993; Erez, 1990; Herman, 2005; Orth, 2003; Shapland, Duff, & Willmore 1985; Skogan, Davis, & Lurigio 1990; Strang, 2002). Rather than only focusing on punishment and compensation, however, studies have also indicated that the quality of the procedure is an important element in justice evaluations (Orth, 2002; Shapland et al., 1985). More specifically, procedural justice has been found to influence satisfaction for victims of crime. Procedural justice refers to the perceived fairness of procedures that are used to obtain a given outcome (Lind & Tyler, 1988). For victims of crime, perceptions of fairness, often by means of participation, have led to overall satisfaction (Wemmers, van der Leeden & Steensma, 1995).

Criminal justice procedures that are perceived as positive may have an impact on, not only satisfaction, but also the overall well-being of the victim (Orth, 2002). Due to the stress and anxiety often resulting from the victimization, the outcome oriented nature of the criminal justice system is not compatible with meeting the psychological needs of the victim (Parsons & Bergin, 2010). Furthermore, secondary victimization, a "second injury" perceived as not being supported or accepted by others (Symonds, 1980) may occur. Orth (2002) examined the causes of secondary victimization on psychological effects, including the process impacting the victim's self-esteem, faith in the future, trust in the legal system, belief in a just world, and ability to cope with the effects of the crime.

The vulnerable position of victims of sexual assault has been the focus of a large amount of victimological research, often documenting the particularly difficult consequences of sexual crimes. Their experiences of victimization have been found to be especially traumatizing in many cases (Ullman, 2010), due to a more violating nature often requiring a longer recovery process (Emm & McKenry, 1988). Their recovery is likely to be hindered by negative societal reactions (Campbell, Ahrens, Sefl, Wasco & Barnes, 2001). Their needs resulting from such victimizations may translate into different or more emphasized preferences from the criminal justice system when compared to their less vulnerable counterparts. These preferences may be related to the desire to overcome certain stigmas or victim blame associated with the offense. In particular, to overcome stigma and prevent negative psychological effects, victims of sexual assault may benefit even more if they encounter procedurally just procedures.

This article examines procedural preferences of victims of sexual assault in comparison to victims of non-sexual assault with regard to the effects of these preferences on their psychological well-being as a consequence of criminal proceedings. Perceptions of psychological effects are measured using Orth's (2002) previously developed scale. More specifically, it is hypothesized that procedural justice will have a greater influence on psychological effects for victims of sexual assault, as they often have a need to overcome the stigmas of sexual victimization and deal with intensified traumas. Victims of serious crimes from the Netherlands and New South Wales, Australia, representing two different systems with regard to the victim's position, are examined. Hierarchical regression analysis is conducted ($N = 190$), which will include the interaction term of type of offense by procedural justice.

Procedural Justice

Procedural justice refers to the perceived fairness of the procedures used to obtain a given outcome (Lind & Tyler, 1988). People regard an outcome as more fair if the procedure leading to it is perceived as fair (Leventhal, 1976). Interactional justice has also been defined as an important element of the procedure, often exploring the relationships between the parties (e.g., the victim) and legal authorities. Over the years, various conceptualizations have emerged (Bies & Moag, 1986; Leventhal, 1976; Lind & Tyler, 1988; Thibaut & Walker, 1975). While each model has added to the social justice literature, much overlap can be said to be found. The present investigation focuses on three dimensions in particular: representation, accuracy and respectful treatment

First, representation refers to the opportunity to present one's case to the authorities and have his or her opinions considered (Leventhal, 1976). This concept is largely related to the idea of having a voice within criminal procedures, often through victim participation. Second, accuracy refers to the extent to which authorities base their decisions on the information they have received throughout the procedure (Leventhal, 1976). If the procedure is perceived to be based on inaccurate information, it will be viewed as unfair. Furthermore, where procedures disallow evidence that is unreliable or irrelevant, perceptions of fairness are likely to increase (Levine, 1974). Third, respect refers to interpersonal treatment during social interactions (Bies & Moag, 1986); such treatment may also give people information about their standing in a group, suggesting that polite and respectful treatment indicate high status (Tyler, Degoey & Smith, 1996). Though these theories were largely developed outside the criminal justice context, research has found that they apply to victims of crime (Wemmers et al., 1996). Though diverging from Leventhal's conceptualization, the procedural justice model that

resulted from this research argued for a two-factor model, respect and neutrality. Respect included having the ability to express one's self, being treated in a friendly manner and being shown interested while neutrality referred to impartiality, honesty and making informed decisions based on the facts.

Psychological well-being as a result of criminal proceedings

The legal system may be a high-risk setting for victims of crime (Herman, 2003). Particularly adversarial systems have been criticized. Due to the need for procedural truth, the victim is often relegated to a marginal role. The rights of the defendant are at the fore, often resulting in traumatic experiences for the victim (Parsons & Bergin, 2010). Having to relive the trauma through forensic interviews and the giving of evidence, particularly in cross-examination at trial, in addition to obtaining negative legal outcomes, can exacerbate the adverse effects of the crime for victims (Rothbaum, Foa, Riggs, Murdock & Walsh, 1992; Young, 1998).

The concept of secondary victimization, a widely studied phenomenon in the field of victimology, has been used to describe these negative experiences during criminal proceedings (Campbell & Raja, 1999; Orth, 2002). Secondary victimization refers to societal reactions in response to a primary victimization that may be perceived as a further violation of rights or entitlements by the victim (Montada, 1994). Victims have been found to experience this "second injury" when they perceive rejection through professional detachment from authorities such as the police (Symonds, 1980). As a result, they are likely to feel helpless and a loss of sense of control. In the justice system, victims often must confront challenges to their credibility and do not have the control they often desire (Herman, 2003). They may have to confront the perpetrator and are often given little opportunity to voice their experiences. When the victim does enter the proceedings in the form of cross-examination or questioning by the police, negative experiences may result when legal authorities act insensitively towards the victim. In short, involvement in the criminal justice process may compound the psychological trauma suffered by the victimization.

Similarly, Orth (2002) recognized the potential negative effects of the justice system on the psychological well-being of the victim. Psychological harm is more than simply the disappointment that occurs as a negative court verdict is rendered. Rather, Orth outlines five possible psychological effects of criminal proceedings: victim's self-esteem, belief in a just world, trust in the legal system, ability to cope and faith in the future. Furthermore, this study specifically examined the theory of procedural justice (in terms of ethicality, accuracy and representativeness) and found that it is indeed associated with victim well-being.

Victims of sexual assault

Victims of sexual assault often experience more traumatic victimizations due to the violating nature of the act (Clark, 2010). The especially stigmatizing nature of sexual assault often results in particularly severe and detrimental consequences, resulting in feelings of guilt, blame or unworthiness (Holmstrom & Burgess, 1991). The repercussions of their victimization and consequent legal experiences have often been linked to their mental health (Burgess & Holmstrom, 1976; Holmstrom & Burgess, 1991).

The legal system has often been credited with the re-victimization of sexual assault victims (Campbell & Raja, 1999; Larcombe, 2002), even referring to their legal experience as the “second assault” (Ullman, 2010). Research on victims of sexual assault has suggested that secondary victimization includes victim-blaming attitudes and behaviors carried out by community service providers (e.g., the criminal justice system), that lead to additional trauma for this group (Campbell & Raja, 1999; Williams, 1984). In addition to the troubles faced by victims as noted above, victims of sexual assault undergo further agonizing experiences, namely through the use of victim-blame. Research on judgments about rape indicates there are commonly held beliefs regarding victim-blame and rape myths (Suarez & Gaddalla, 2010). Moreover, victims may blame themselves for the sexual assault (Baker & Peterson, 1977). Such behaviors include asking victims about their sexual histories, about their clothing at the time of the victimization or encouraging them not to prosecute (Campbell & Raja, 2005). In adversarial systems, research on courtroom language and discourse has illustrated the way in which sexual assault victims are regularly disqualified through questioning, blaming and accusations (Matoesian, 1993). Two main techniques are commonly utilized to this end: (1) countering the complainant’s story and (2) exposing the story as inconsistent and improbable (Young, 1998). Rather than allowing victims to tell their story, the structure of the justice system seemingly allows the defense to control the flow of dialogue, thereby often manipulating the words and silences that result during cross-examination.

The stigmatizing nature of sexual victimizations may incite a greater need for recognition of this harm in order to reduce negative psychological effects. The recognition for their plight may be a result of procedural justice, namely through accurate investigations and respectful procedures where victims are able to voice their opinions and emotions. First, through providing victims with a voice during the criminal justice process, victims of sexual assault are likely to feel empowered and as though they are being taken seriously (Cluss et al., 1983) while being provided with the validation they seek (Wemmers et al., 1996). Second, accuracy is understandably im-

portant in all victim evaluations of fairness. Research has examined the effect of accurate investigations by the police on satisfaction, finding there is a significant association (Brandl & Horvath, 1991; Chandek & Porter, 1998). Victims of sexual assault may have a particularly important stake when their story is not believed and inaccurate findings could only aggravate such incorrect information. Third, respectful treatment may also convey certain messages to victims, for example, status as suggested by the group-value model, or liking by the group, including authorities (Huo, Binning, & Molina, 2010), which may be predictive of psychological functioning. Particularly more vulnerable victims of sexual assault may benefit from feelings of power or control and greater self-esteem, which result from status and liking by others, respectively. Furthermore, research has suggested that respectful treatment may reassure more stigmatized groups as a means of inclusion and value by other members of society (Henry, 2011; Tyler et al., 1996).

The following examination will investigate the differences for sexual assault victims and non-sexual assault victims (i.e., other serious crimes) with regard to the association between procedural justice and psychological effects of criminal proceedings. More specifically, the analysis will explore the following question: Does the type of offense moderate the extent to which procedural justice is associated with psychological effects of criminal proceedings?

Empirical Method

Respondents and Questionnaire

The data are derived from a larger questionnaire measuring the quality of the procedure (e.g., voice, treatment by authorities) and the quality of the outcome (e.g., retribution, restoration) of justice proceedings (Gramatikov et al., 2010). Information on the questionnaire also included items about the crime, emotional costs and demographic variables. The current examination specifically examined the quality of the procedure variables in addition to psychological effects and type of offense. Participants are victims of serious crimes, including robbery, (domestic) assault, stalking and sexual assault. As noted earlier, two legal systems are included in the analyses: New South Wales, Australia and the Netherlands. Because the data were comparable (e.g., in terms of culture and level of development), they were aggregated within the current investigation. This aggregation not only increases the sample size, but also allows for the investigation of the main effect of legal system on psychological effects.

In the Netherlands, a translation-back-translation was utilized to devise a Dutch version of the questionnaire. Victims were approached with the assistance of the Compensation Fund for Victims of Violent Crime. Targeting victims of serious crimes, the Fund assists individuals who experienced threat with bodily injury, assault, stalking, sexual violence, kidnapping and/or (armed) robbery. To qualify for compensation from this Fund, the damage may not have been compensated elsewhere (e.g., by the offender). The crime must have occurred in the Netherlands and in most cases, within the past three years. Questionnaires were mailed to participants' homes and they were able to either return completed surveys via mail or use an online link. Of the 700 questionnaires that were mailed out, 151 victims completed the survey, resulting in a response rate of 21.6%.

In NSW, victims were approached via victim support agencies, either in person or through a link they found on the website. Seven of the twenty agencies did not respond or were unable to assist. Of the remaining agencies, six dealt with sexual assault and domestic violence. The other agencies targeted all types of victims. Those victims who were approached in person were told about the website or answers were noted on a pen and paper version by victim assistants at the agency. In total, 116 victims of serious crime filled out the survey. After excluding respondents with missing values, the final sample included 126 victims from the Netherlands and 64 victims from New South Wales.

The entire sample consisted of 190 victims of serious crime. The mean age was 40.37 ($SD = 13.79$) at the time of survey completion. Of the respondents, 61.6% of the victims were female. Furthermore, 55.3% of the respondents were employed (i.e. either part-time or full-time). Just over half of the victims knew their offender (53.4%). Two-thirds (66.3%) of the respondents were from the Netherlands. Moreover, 28.4% of the victimizations were of a sexual nature.

Data was available to compare between respondents and non-respondents on their gender, age, relationship with the offender and type of offense in the Netherlands. There were no significant differences between groups for gender, $p = .44$, age, $p = .07$, and sexual versus non-sexual victimizations, $p = .16$. There was, however, a difference regarding the relationship with the offender. Non-respondents (19.4%) were less likely to know their offender when compared to respondents (40.3%), $p < .001$. There was no data for non-respondents on employment status. Furthermore, these differences exist in the Netherlands only, which makes it difficult to assess the entire sample. Victims in NSW (81.3%) were significantly more likely to be female when compared to victims in the Netherlands (51.6%), $p < .001$. In NSW (56.3%), there were also more victims of sexual assault when com-

pared to the Netherlands (14.3%), $p < .001$. Victims were also most likely to know their offenders in NSW (76.6%) when compared to the Netherlands (41.6%), $p < .001$. Age, however, did not differ between legal systems, $p = .99$. Given these differences, generalizations to the larger community must be made cautiously.

Measures

Dependent variable

As noted earlier, perceptions of psychological effects were measured using Orth's (2002) earlier developed scale. He used five items to indicate psychological changes that resulted from criminal proceedings. These psychological variables were a result of treatment by the criminal justice system in reaction to the primary victimization. The items included, "What consequences did the criminal proceedings have on your ability to cope with the crime?"; "What consequences did the criminal proceedings have on your self-esteem?"; "What consequences did the criminal proceedings have on how optimistically you view the future?"; "What consequences did the criminal proceedings have on your trust in the legal system?"; "What consequences did the criminal proceedings have on your faith in a just world?" Answers were given on a 5-point scale (1 = *very negative*, 2 = *negative*, 3 = *neutral*, 4 = *positive*, 5 = *very positive*). Cronbach's alpha for the current study was .90, indicating good reliability (Murphy & Davidshofer, 2002). Orth's (2002) original measure was found to have a Cronbach's alpha of .87.

Procedural Justice

Procedural justice was measured using four items examining voice, accuracy and respectful treatment by the police (respect and being taken seriously). Each of the items were measured on a 5 point scale, ranging from "a very small extent/not at all" to "a very large extent." First, to measure voice, victims were asked, (1) "to what extent were you able to express your feelings to legal personnel during the process?" Similar measures have been operationalized in this way in prior research (Colquitt, 2001; Tyler, 1990; Wemmers et al., 1995). Second, the item for accuracy was measured asking, "to what extent was the police investigation conducted well enough?" This operationalization was borrowed from a previous study (Orth 2002) which also

examined procedural justice in terms of accuracy¹⁹. Third, police treatment was included using two items. Respondents were asked, “to what extent did the police treat you with respect?” and “to what extent did the police take you seriously?” Similar measures for treatment have been used in previous studies (Colquitt, 2001; Orth, 2002). Though treatment measures would have been interesting for other legal authorities (e.g., prosecutor, judge, and defense attorney), a much smaller number of victims had contact with these individuals and therefore would substantially reduce the sample size in the regression analyses.

These items are operationalized to measure the concept of procedural justice. Principle components analysis²⁰ was utilized to confirm that the four items loaded onto one factor. The factor explained approximately 66% of the total variance. The factor loadings were as follow: expression of feelings was .78; accuracy was .82; respect was .86; being taken seriously was .82. These factor loading scores were used to compute a weighted measure of procedural justice.

Moderating variable

The moderating variable in this investigation was type of offense. The analysis examined whether procedural justice would vary in the extent to which it is associated to psychological effects based on type of offense. To measure this variable, victims were asked to indicate what type of crime they fell victim to (including sexual assault, (domestic) assault, robbery and stalking). Because victims could choose more than one option, the offense was categorized as sexual assault if this made up any of the responses of the respondent. Therefore, the remaining options were coded as non-sexual crimes. A dichotomous variable was then computed (1 = *sexual assault*, 0 = *non-sexual assault*).

Control variables

Five control variables were also included in the study. First, gender was measured using a dichotomous variable (1 = *female*, 0 = *male*). Second, age was measured in years. Third, employment status was measured by asking

19 Though procedural justice research defines accuracy more generally (e.g., basing decisions on all relevant information), the focus here was on the police investigation. Most victims will have had experience with this phase of the process, while many will not attend court (especially in the Netherlands) or inspect the legal file.

20 The data was checked for suitability for factor analysis. Bartlett's test of Sphericity was significant ($p < .001$) and the Kaiser-Meyer-Olkin measure was .74 (.6 is the recommended minimum value, see Kaiser, 1970).

victims in the Netherlands if they were currently employed (1 = *employed*, 0 = *unemployed*). Victims in NSW indicated if they had no employment or were a home-maker, a student, retired, worked full-time or worked part-time. Respondents were considered to be employed if they chose full-time or part-time employment and unemployed for all other responses (1 = *employed*, 0 = *unemployed*). Fourth, a variable was included to measure whether or not the victim knew his or her offender. Respondents were asked, “did you know the offender prior to your victimization?” Fifth, outcome favorability was measured by asking respondents, “to what extent was the outcome favorable for you” (1 = *not at all/very small extent*, 5 = *very large extent*). This question was preceded by an item asking respondents to indicate what the outcome may have been (e.g., disposition by the court such as community service or incarceration for the offender, dismissed case or an acquittal).

Analytic plan

To examine the differences between victims of sexual assault and victims of non-sexual assault, the analysis will follow a two stage process. After displaying the descriptives, the first stage will examine bivariate relationships among the type of offense, the control variables, procedural justice and psychological effects. The relationship between the dependent variable and each of the other variables is examined through either Pearson correlations or independent samples t-tests. Furthermore, independent samples t-tests for continuous variables and chi-square tests for categorical variables will be conducted to examine how the two groups differ. The second stage comprises the multivariate analysis examining the impact of procedural justice on psychological effects as moderated by type of offense. In a hierarchical regression analysis, the control variables are entered in the first step, procedural justice and type of offense are entered in the second step and the interaction term is entered in the third step (computed by the product term of procedural justice and offense type), after centering procedural justice in the interaction term. Such an interaction term allowed us to assess if type of crime (moderator variable) affects the direction and/or strength of the relationship between procedural justice and the dependent variable (Baron & Kenny, 1986). If the interaction term is significant in the predictive model, further post hoc probing using simple slopes analysis is conducted.

Results

Descriptives

The mean score for outcome favorability was 2.21 ($SD = 1.26$) indicating a small to moderate extent. The mean score for procedural justice was 3.40 ($SD = 1.14$), indicating a moderate to large extent. Furthermore, the mean score for psychological effects was 2.38 ($SD = .98$), indicating a negative impact to no impact. Results are displayed in Table 1.

Bivariate correlations

First, Pearson correlations were conducted among the continuous predictor variables and psychological effects (Table 1). Outcome favorability, $r(190) = .54, p < .001$ and procedural justice, $r(177) = .54, p < .001$ were correlated with the dependent variable. Age, was also significantly correlated with psy-

Table 1. Descriptives of control, independent and dependent variables^a

	<i>n</i>	<i>M (SD)</i>	1.	2.	3.	4.
1. Age	178	40.83 (13.79)	-	-.10	-.04	-.18 ^b
2. Outcome favorability	190	2.21 (1.26)		-	.38 ^c	.54 ^c
3. Procedural justice	177	3.40 (1.14)			-	.54 ^c
4. Psychological effects	190	2.38 (.98)				-
	<i>n</i>	<i>%</i>				
5. Gender	190					
Male	73	38.4%				
Female	117	61.6%				
6. Employment	189					
Employed	105	55.3%				
Unemployed	85	44.7%				
7. Relationship	189					
Knew offender	101	53.4%				
Stranger	88	66.6%				
8. Country	190					
Netherlands	126	66.3%				
New South Wales	64	33.7%				
9. Offense						
Sexual	54	28.4%				
Other serious crime	136	71.6%				

^aN values differ due to missing values

^b $p < .05$

^c $p < .001$

chological effects, $r(178) = -.18, p < .05$. Furthermore, outcome favorability and procedural justice were significantly correlated, $r(177) = .38, p < .001$.

Independent samples t-tests examined the relationships between psychological effects and legal system, relationship with the offender, gender, type of offense and employment status. Victims in NSW ($M = 2.16, SD = 1.00$) reported more negative psychological effects when compared to victims in the Netherlands ($M = 2.50, SD = .56$), $t(188) = 2.27, p < .05$, (Cohen's $d = .35$, moderate effect size). Victims who knew their offender ($M = 2.14, SD = 1.00$) reported that the legal process had a more negative impact, $t(187) = 3.82, p < .001$, when compared to victims who did not know their offender ($M = 2.67, SD = .89$) (Cohen's $d = .56$, moderate effect size). Females ($M = 2.26, SD = .98$) reported more negative experiences when compared to males ($M = 2.59, SD = .96$), $t(188) = 2.27, p < .05$ (Cohen's $d = .34$, moderate effect size). Type of offense (sexual assault vs. non-sexual assault), $t(188) = 2.01, p = .07$, and employment status, $t(187) = -1.24, p = .22$, were not significantly correlated with the dependent variable.

Next, independent t-tests were conducted for continuous variables and chi-square tests were conducted for categorical variables to examine differences between the two groups (i.e. sexual and non-sexual victims). When compared to victims of non-sexual crimes, victims of sexual assault were more likely to be from New South Wales, $X^2(1, n = 190) = 34.71, p < .001$, $\phi = .44$, to know their offender, $X^2(1, n = 189) = 22.34, p < .001$, $\phi = .36$, and to be female, $X^2(1, n = 190) = 7.44, p < .01$, $\phi = .21$. There were no differences between the groups in terms of age ($p = .19$), employment ($p = .11$) outcome favorability ($p = .17$), and procedural justice ($p = .30$).

Regression analysis

Hierarchical multivariate analysis was used to examine the predictive power of the main effect of procedural justice on the outcome measure. Furthermore, the main research question was tested: Does the type of offense moderate the extent to which greater procedural justice prevents negative psychological effects? To do so, the interaction term of procedural justice and type of offense were computed. The procedural justice variable was centered by subtracting the sample mean from all individual scores, in an effort to reduce multicollinearity and allow for simple slopes analysis (Aiken & West, 1991). After ensuring that there was no multicollinearity among the independent variables (Tolerance $> .10$ and VIF < 10), the first step entered those control variables that were significantly associated with psychological effects of criminal proceedings. These variables included gender, victim-offender relationship, legal system and outcome favorability. In the second step, the control variables in addition to the type of offense and procedural justice

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were entered. In the third step, the interaction variable was entered into the model along with the earlier established predictors. Table 2 presents the unstandardized coefficients, standard error and standardized beta coefficients for hierarchical regression analysis on the entire sample.

Table 2. Interaction term of procedural justice by type of offense regressed on psychological effects ($n = 177$)

	B	SE	β	t
Step 1				
Gender	-.12	.14	-.06	-.91
Relationship	-.24	.14	-.12	-1.76
Country	-.16	.14	-.08	-1.13
Outcome favorability	.41	.05	.53***	8.33
R ²	.33***			
F for change in R ²	22.72			
Step 2				
Gender	-.12	.13	-.06	-.97
Relationship	-.14	.13	-.07	-1.01
Country	-.02	.14	-.01	-.17
Outcome favorability	.32	.05	.41***	6.47
Offense	-.10	.14	-.05	-.71
Procedural justice	.37	.07	.35***	5.46
ΔR^2	.10***			
F for change in R ²	14.94			
Step 3				
Gender	-.13	.13	-.06	-1.01
Relationship	-.15	.13	-.08	-1.12
Country	-.06	.14	-.03	-.44
Outcome favorability	.31	.05	.40***	6.36
Offense	-.81	.37	-.37*	-2.16
Procedural justice	.28	.08	.26**	3.54
Procedural justice by Offense	.27	.13	.36*	2.04
ΔR^2	.01*			
F for change in R ²	4.17			

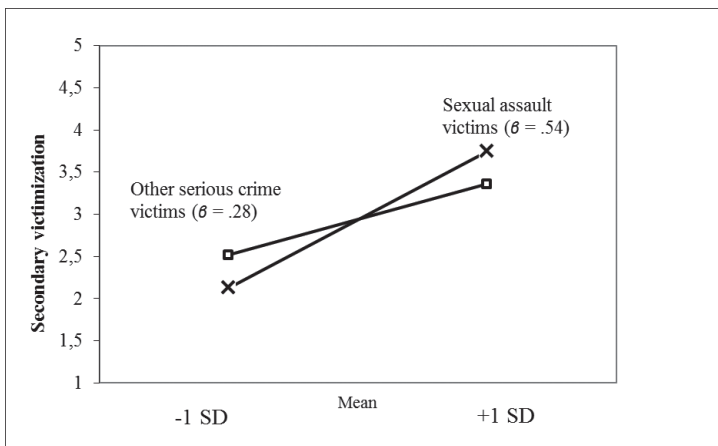
* $p < .05$; ** $p < .01$; *** $p < .001$

After the first step, the model was statistically significant, $F(4, 172) = 22.72, p < .001$. Outcome favorability ($\beta = .53$) was the only significant predictor from the control variables. After Step 2, the full model was again significant, $F(6, 170) = 22.59, p < .001$. Procedural justice was significant ($\beta = .35$). After the third step, the model as a whole was again significant, $F(7,$

169) = 20.32, $p < .001$. The interaction term of procedural justice by type of offense was significant ($\beta = .36, p < .05$)²¹.

Because the interaction term was significant, post hoc probing was conducted (Aiken & West, 1991). Two new conditional moderator variables were created for the two groups²². Further regression analysis for both groups (sexual assault victims and non-sexual assault victims) was conducted and indicated that, for victims of sexual assault, procedural justice was significantly associated with psychological effects ($\beta = .54, p < .001$). Simi-

Figure 1. Interaction of type of offense by procedural justice on psychological effects



- 21 Separate analyses were also conducted examining the three dimensions of procedural justice noted above – voice, accuracy and respect (results not shown). Findings were similar to the aggregated measure of procedural justice, where there was a significant interaction effect of voice and accuracy, indicating a similar pattern between sexual and non-sexual victims. Though the interaction effect of respect was not significant, the p -value was marginal. Furthermore, an analysis was conducted using a separate dependent variable, the extent to which the process recognized the victim's harm, in order to demonstrate a similar pattern for this variable. As noted earlier, victims of sexual assault are likely to require recognition for their suffering. Recognition was not the focus of the study because of issues with its reliability as a measure, and the desire to focus on psychological consequences of legal proceedings. The hierarchical regression analysis, using the same variables as the present analysis, indicated that though the interaction term of recognition by offense type is not significant, it does approach marginal significance ($p = .058$).
- 22 This was carried out following the Aiken and West (1991) procedure, where two separate regression analyses are run with one group being assigned 0 in the first analysis and the other group being assigned 0 in the second analysis. Subsequently, new interaction terms were also computed using the new conditional moderator groups.

larly, procedural justice was associated with psychological effects for victims of non-sexual assault, though this association was not as strong ($\beta = .28, p < .01$). Regression lines were plotted one standard deviation above and one standard deviation below the centered mean of procedural justice (Figure 1).

Discussion and Conclusion

The analyses in this article found that procedural justice was significantly associated with psychological effects of criminal proceedings. Furthermore, it was evident that perceptions of outcome favorability played an important role. The main question, however, was to uncover if there were any differences between sexual assault victims and non-sexual assault victims with regard to procedural justice and its relation with psychological effects. In line with the hypothesis, findings indicated that for both victims of sexual assault and non-sexual assault, procedural justice was associated with the dependent variable; this relationship however, was significantly stronger for victims of sexual assault.

Much research has been conducted on the experience of victims in the criminal justice system (Campbell & Raja, 1999; Orth, 2002; Shapland et al., 1985; Wemmers et al., 1995). Rarely, however, does this area of research compare victims of sexual and non-sexual assault. Moreover, as far as the author is aware, procedural justice (in terms of voice, accuracy and police treatment) has not been related to psychological effects as those in this analysis using the type of offense as a moderator. The current research therefore contributes to the body of knowledge on victim preferences by suggesting that distinctions need to be made between victims before making generalizations about what is important to their well-being.

Procedural justice is a vital component of people's justice experiences, as has been consistently shown in the literature (Orth, 2002; Wemmers et al., 1995). Victims of sexual violence are vulnerable and experience more stigmatizing and traumatic victimizations when compared to their non-sexual counterparts (Ullman, 2010). Aspects such as voice, accuracy and respect can help to counter these negative experiences by providing victims with the validation they seek in the aftermath of the crime. While these aspects are undoubtedly also important for all victims of crime, sexual assault victims appear to require a greater degree of procedural justice as an outlet for their suffering.

In the hierarchical regression analysis, the effect of procedural justice on psychological effects as moderated by type of offense was examined. As predicted, for victims of sexual assault, procedural justice was more strongly

associated with the outcome variable. A need for more validation being met through voicing one's opinions may be able to counter the perceptions of blame that arise for victims of sexual assault. Such a finding would suggest that providing victims with mechanisms to voice themselves would be most beneficial, and may be helpful in their recovery. Furthermore, practices such as cross-examination that limit the voice of victims should be given more consideration in cases of sexual assault. The findings also show, however, that procedural justice did not differ among the two groups. If it is in fact the case that the perceptions are accurate and victims are actually receiving the same treatment, it may be concluded that the justice system should give more attention to this group.

Accuracy was designated as an important indicator of procedural justice, though it does appear to be a less studied element of procedural justice. Obtaining sufficient evidence for successful prosecution again conveys that the victimization occurred and caused severe harm. Insufficient investigations not only withhold important evidence that could prove the blame of the offender, but also are likely to convey to the victim that he or she is not being taken seriously.

Finally, as noted, previous research has indicated the importance of respect on one's well-being and perceptions of status (Huo, Binning & Molina, 2010; Tyler, Degoey & Smith, 1996). Moreover, research has made a distinction between stigmatized and non-stigmatized groups, finding that the former was more interested in respect for job satisfaction (Henry, 2011) Respectful treatment, cited as the most fundamental rights for victims in criminal proceedings (Groenhuijsen, 2005), must undoubtedly be provided to all victims, and particularly those who may be labeled as vulnerable or require special recognition of their plight. The implementation of national victim rights instruments targeting victims of sexual violence must be continued and improved. Sensitivity training for legal authorities in terms of understanding the intricacies of such a violating crime is encouraged. Furthermore, enhancing perceptions of respectful treatment during the legal process (e.g., during witness testimony) still has a long way to go despite the advancements that have been made. For example, though there are protections for these victims (e.g., think of rape shield laws in Australia restricting the introduction of evidence of past sexual behavior), research has also shown that often these mechanisms are not being honored by criminal justice authorities (Larcombe, 2002).

There are, however, several limitations in the current study. The sample size is relatively small. Consequently, this entails a loss of statistical power, which will have repercussions on the generalizability of the findings. The current examination, therefore, should not be considered as representative

of the larger population of victims of serious crimes. The sample from NSW is also limited as convenience sampling was used as a method of obtaining respondents. Consequently, the generalizability suffers from this issue. Furthermore, a small sample size may be particularly problematic in research utilizing interaction terms. Moderated regression analysis should be interpreted with caution as interactive models could underestimate the amount of variance that interaction effects account for (Cohen & Cohen, 1983). One must be cautious in interpreting theoretical and practical significance of interactions based on amounts of variance (Pedhazzer, 1982). The study is cross-sectional, prohibiting any causal inferences of the data. Though we presented a theoretical background for why victims of sexual assault may appreciate procedural justice to a greater extent, we cannot concretely claim reasons for this finding. For example, the chi-square tests revealed that victims of sexual assault were more likely to be female and know their offender. With regard to the former, gender may be one explanation for feelings of enhanced vulnerability following victimization. Gender measured independently from type of offense may also be a reason for differences in preferences regarding the procedure (Sweeney & McFarlin, 1997). Similarly, domestic offenses may cause comparable feelings of greater vulnerability. Further research should examine these factors, both in isolation from type of offense and the interaction among these variables in predicting psychological effects. Accuracy in this study also does not sufficiently capture the need for accurate information during the procedure. Also in the prosecution phase, correct evidence is important, particularly for sexual assault victims who are required to prove a lack of consent. As noted earlier, however, a measure of accuracy in terms of consideration of all relevant information may be difficult to assess. Further research could analyze more specific attributes of the legal process. For example, for those victims undergoing cross-examination that does not allow for voice (Larcombe, 2002) but rather puts the control in the hands of the defense, other means of voice may be especially important (e.g., victim impact statements). Despite these limitations, this research study made a valuable comparison of two groups of victims, and their desire for procedural justice.

Considering the vast amount of research on stigma and blame associated with sexual assault, however, the theoretical reasoning does have strong support. These findings may be interpreted to mean that procedural justice may be of particular importance to victims of sexual assault. Such a finding certainly has practical implications. For example, how can voice be translated more concretely for victims of sexual violence? Victim impact statements are the most obvious solution. Research could investigate whether there is a difference with regard to feelings of satisfaction or recognition for victims of sexual assault when compared to other categories of victims.

More research should investigate how the negative effects of sexual assault in the legal system can be countered. Furthermore, perceptions of accuracy can also influence psychological well-being. Though it may not always be possible for legal authorities (e.g., police) to conduct successful investigations due to a lack of evidence, conveying interest and the idea that the police have done all they are able to may be useful in increasing perceptions of accuracy and preventing secondary victimization. This research is yet another indication that the justice system can and should attempt to achieve a better position for victims of crime.

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Chapter 7: Victims justice preferences in a collectivist, informal setting: the case of Bhutanese refugees in Nepal

Malini Laxminarayan, Antony Pemberton
International Journal of Crime, Law and Justice

ABSTRACT

An abundance of research has emerged in the last 30 years focusing on justice preferences for victims of crime. In general, findings indicate that victims are interested in aspects of procedural justice, interactional justice, restorative justice, retributive justice and behavior control. Under certain conditions, however, these preferences may vary. One dimension that may lead to individuals diverging in their justice preferences is that of culture. The large majority of victimological research on victim preferences has been conducted in western jurisdictions. The current research adds to that body of knowledge by examining a different group: Bhutanese refugees residing in refugee camps in Nepal. This examination focuses on their collectivist status and how such cultural differences lead to different styles and characteristics of conflict resolution. It is hypothesized that victims in a collectivist society will primarily be interested in restoration, while voice to the decision maker, voice to the other party and retribution will not be important in predicting overall satisfaction. A multiple regression analysis confirms the hypotheses regarding voice towards the offender, restoration and retribution. Possible reasons for the remaining findings are discussed.

Keywords: collectivism, crime victims, justice preferences, culture

Introduction

Victims justice preferences

The meaning of justice for victims of crime has been a recurring topic of study for the past 30 years (Shapland, et al., 1985). The research on victims' justice preferences reveals repeated themes. Most victims find information, respect, voice, retribution, deterrence and restoration important, although the relative priority of these needs varies (Shapland, 1985; Allen, et. al, 2006; Umbreit, 1994; Wemmers, et. al, 1995; Strang & Sherman, 2003; Orth, 2003). These preferences have also been translated into victims' rights in national and international legal instruments, for example the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power²³ or the Framework Decision on the Standing of Victims in Criminal Proceedings²⁴ (Groenhuijsen & Letschert, 2008; Groenhuijsen & Pemberton, 2009). In meeting victims' needs during justice procedures, both aspects of the procedure and the outcome must be considered.

Procedural justice refers to the extent to which procedures are perceived as fair (Thibaut & Walker, 1975) and is often measured by examining the level of process control afforded to parties in a conflict resolution procedure. Process control, which is commonly referred to as 'voice', consists of control of the development and selection of information during the procedure. Research into (restorative) justice processes, moreover, emphasizes the independent importance of expression and communication with the wrongdoer (Pemberton, 2010; Roberts & Erez, 2004; Sherman & Strang, 2007). Interactional justice refers to the treatment participants receive from authorities and can further be divided into interpersonal and informational justice (Greenberg, 1993). Interpersonal justice refers to the level of respect and propriety shown towards victims. Research on interpersonal justice has revealed that victims emphasize a need for dignified treatment and respect (Wemmers, et. al., 1995). Concerning informational justice, research has revealed that keeping victims informed about the developments in their case and information about their rights is positively associated with their satisfaction with the procedure (Shapland, 1985; Sims & Myhill, 2001; Wemmers, 1999).

From the perspective of the victim, the outcome of the process can be conceptualized in three ways: retribution, deterrence and victim restoration. Retributive justice refers to the notion that the perpetrator should be punished in proportion to the harm that was committed; the punishment is

23 GA Res. 40/34 of 29 November 1985

24 2001/220/JHA, 15 March 2001

an end in itself and imposed on the offender simply because he deserves it (Carlsmith, et al., 2002; Darley & Pittman, 2003). Punishment as deterrence considers the extent to which it prevents future wrongdoing (Carlsmith et al., 2002). Victim restoration, the repair of the harm caused, can refer to both material and immaterial aspects of the outcome: compensation is an example of the former, while receiving an apology from the offender or a symbolic gesture on the part of the community at large are examples of the latter (e.g. Strang, 2002; Okimoto & Wenzel, 2008).

The body of evidence supporting these findings is substantial; however, consideration must be given to the conditions under which these findings hold true. Research has focused on Western nations (Erez & Bienkowska, 1993; Erez & Tontodonato, 1992; Johnson, 2007; Kelly, 1984; Shapland, 1985; Wemmers et al., 1995), while there is significantly less evidence of victims' experiences in non-Western societies. This is relevant because Western, developed societies may be different from both non-Western and/or developing countries. There is good reason to assume an impact of these cultural norms on justice preferences. The most prominent difference relates to the individualism-collectivism dimension (Triandis et al., 1988), with most, if not all, Western societies being defined by high and increasing individualism (Putnam, 2000). An additional common trait of these jurisdictions is the existence of highly formalized, criminal justice systems, as the main avenue for remedies in the aftermath of crime. The diversity in systems worldwide performing the latter function is significantly larger in Western societies (Fletcher & Weinstein, 2002), and the features of these systems also may influence victims' preferences.

The current study explores the extent to which the findings on procedural and outcome preferences of victims can be generalized to populations that do not share these Western characteristics. We report the results of an investigation into the justice preferences of victims of crime among a Bhutanese refugee population living in Nepal. This group is different from the respondents most often sampled in victimological research: Bhutanese society is collectivist, and the refugees in practice tend not to access the formal criminal justice system. Before providing further details on the features of the population examined, we will briefly consider the ways in which individualism and the existence of a formal criminal justice system might influence victims' justice preferences.

Individualism versus collectivism

Culture influences perceptions of what constitutes satisfactory procedures and decisions in conflict resolution (Cohen, White & Sanders, 2000; Leung & Morris, 2002; Lind, et al., 1997; Sugawara & Huo, 1994). The individu-

alism-collectivism distinction²⁵ is often cited as the most defining element describing cultural variation (Hofstede, 1980; Triandis, et al., 1988). Individualism refers to “the tendency to be more concerned about the consequences of one’s behaviors for one’s own needs, interests and goals” (Leung, 1988, pg. 127). Collectivism, on the other hand, has been defined as “the tendency to be more concerned about the consequences of one’s behavior for in-group members and to be more willing to sacrifice personal interests for the attainment of collective interests” (Leung, 1988, pg. 127). Collectivism is associated with vertical structures, high interdependence (more weight on maintaining social relationships), intensive in-group relationships, and a definition of self in relation to the collective. Individualism, on the other hand, is associated with horizontal structures, high independence, personal autonomy and self-fulfillment, and basing self-identity on personal accomplishments.

The collectivist-individualist dimension can be assumed to impact victims’ justice preferences. As to the procedure, inhabitants of collectivist societies may be more likely to tolerate unequal situations and accept inequalities in power (Brockner et al., 2001). This notion is largely compatible with the concept of power distance, defined as “the extent to which the less powerful members of organizations and institutions (like the family) accept and expect that power is distributed unequally” (Hofstede, 1980). There is a reduced emphasis on the value of offering one’s own individual perspective on the matters at hand (Brockner et al., 2001). Subsequently, it may be hypothesized that victims in these societies place less emphasis on voice towards legal authorities. Furthermore, in collectivist cultures, there is a need for relational “face” maintenance which is related to a desire for self-respect (Oetzel & Ting-Toomey, 2003). Face maintenance is concerned with the interactions that occur during conflict resolution. Inhabitants of collectivist societies are likely to be more sensitive to the influence of what they say on others. Moreover, what they say is largely scrutinized by others. This need for face maintenance restricts emotional expression and exposure individuals may show. Therefore, expression towards the offender is unlikely to be important to these populations.

With regard to the outcome, individuals in collectivist societies are likely to experience a stronger sense of shared identity with other members of their society, including people who transgress against them. This sense of shared identity is an important moderator of justice outcomes (Wenzel et al., 2008). The absence of a shared identity is associated with a punitive, re-

25 We understand, however, that there are vast differences within each culture too. Indeed, Triandis (1995) has indicated that within societies, individuals differ on their level of collectivism.

tributive response, while stronger ties with the offender lead to an emphasis on value restoration: priority is given to getting the offender to acknowledge his wrongdoing and show renewed allegiance to shared norms and values.²⁶ We should therefore expect victims in collectivist societies to place less rather than more emphasis on retribution as an outcome of justice proceedings in the aftermath of their victimization, due to their closer connection to other members of society.²⁷

Formal criminal justice systems

A common trait of Western societies is the existence of highly formalized and structured criminal justice systems. In the aftermath of crime, victims routinely interact with the criminal justice system and this interaction in turn is likely to influence their needs and preferences (Pemberton, 2009). This is immediately apparent concerning certain procedural needs: a need for participation in a procedure, or information about the procedure is by definition contingent on the procedure in question.

But the structure of justice in the aftermath of crime can also be viewed as an influence on justice preferences concerning the outcome. Many restorative justice advocates consider punitive preferences in society to be an artifact of the way that criminal justice functions (Braithwaite, 1989; Christie, 1981, Zehr, 1990). Criminal justice is seen to reinforce the notion that punishment is the main or even sole answer to criminal wrongdoing. Indeed it is often asserted that in the absence of a formal criminal justice system, restorative notions of justice might achieve greater prominence (Braithwaite, 2002). This is not only due to the supposed criminal justice focus on punishment, but also because of the emphasis placed in Western jurisdictions on individual, rather than collective or group rights (Jones, 1999; Mutua, 1996; Shklar, 1964). It has been argued that the conceptualization of individual rights “adversely affect the bonds of community, hierarchy and tradition” (West, 2003), which consequently turns individuals against each other, rather than searching for mutually beneficial, constructive solutions. Although these assertions are regularly called into question (Robinson & Darley, 2007), they do at least stress the importance of reviewing victims’ justice preferences when the formal criminal justice system is not the norm.

Both of these topics are addressed in the current study. The overall aim is to explore the extent to which previous findings apply to members of a

26 This is confirmed by the, albeit limited, body of comparative penological work, see Cavadino and Dignan, 2006.

27 To this we should add that the same is not true for out-group members (Okimoto and Wenzel, 2008)

collectivist society, who do not have practical access to a formal criminal justice system, in this case Bhutanese refugees living in Nepal. Though we do not conduct a direct comparison, we do have four hypotheses. First, voice to the offender will not be an important aspect predicting overall satisfaction. Second, voice to the decision maker will also not be an important indicator of victim satisfaction. Third, retribution will not be a significant predictor of the dependent variable. Fourth, restorative outcomes repairing the harm will be a significant predictor of victim satisfaction. Moreover, we include other predictor variables in our model that we believe from past research will also be important to this population, namely, information, respectful treatment and deterrence.

Method

Respondents

The Bhutanese refugees under study were residents of Beldangi 1 refugee camp in Nepal. Since 1990, approximately 100,000 people relocated to refugee camps from Bhutan (Saul, 2000). The exact causes of this departure are disputed. An often cited explanation for expulsion is the threat that this ethnic group posed to the political order. Refugee leaders further point to actions by the Bhutanese government, such as the new Citizenship Act in 1985, the census in 1988, discriminatory cultural protection laws and policies and repression of democratic expression. In demonstration against these measures, many of the Southern Bhutanese people were labeled as anti-nationals and forced to leave.

Similar to its Southeast Asian neighbors, Bhutanese culture can be described as collectivistic (Hofstede, 1987), though as with all cultures, there are variations among individuals. Officially, the refugees fall under Nepali law, and therefore should have the same access to formal justice as the mainstream population²⁸. Very rarely, however, do victims go to the armed police force located within the camp or other legal authorities. The majority of victims therefore do not use the formal system but rather rely on informal means to solve their conflicts. The informal system used resembles restorative justice practices, like mediation.²⁹ Most commonly, crimes are reported to the sub-sector head who will then often proceed to mediate the case. Each sub-sector head is in charge of his or her sub-sector and is generally

28 The content of this brief summary is provided by personal communication by Ilse Griek, an ethnographic researcher studying the use of conflict resolution within these refugee camps.

29 For an overview of these mechanisms, see for instance Johnstone, 2002.

the first point of contact for the refugees when there is a dispute. Where conflict remains, the case may be forwarded to further camp or legal authorities, such as the sector-head, the counseling board³⁰ or the community watch team³¹. Furthermore, in some cases, the crime may be reported directly to the armed police forces stationed within the camp. Any one of these individuals may cast the final verdict in the victim's case, in addition to the Nepali court system (police or judge). While several decisions may be taken in the resolution of the victim's case this last step is the focus of the current investigation. Satisfaction with the procedure and the outcome make up the dependent variable.

Materials

The survey was part of a wider investigation of conflict resolution within the Bhutanese camps in Nepal. The original questionnaire was devised to measure victim experiences of access to justice at a comparative level by examining their justice evaluations in other jurisdictions. A translation-back-translation was utilized to develop a Nepali version of the questionnaire. After the translation-back-translation returned results in English, the researchers examined the questionnaire to account for construct and item bias as a result of cultural differences. The questionnaire was then pre-tested to understand difficulties and confusion for respondents. Eight research assistants were hired to conduct face-to-face interviews at all the huts within the camp under study. The assistants themselves were Bhutanese refugees, as this was considered vital to achieving a greater response rate, due to the existing trust among inhabitants of the camp. Victims were asked about their experiences with the legal authorities and camp officials, in addition to their overall perceptions of the procedure and the outcome.

Measures

Independent variables

Each of the predictor variables are operationalized below. All of the variables have been established in the literature as determinants of victim sa-

30 The counseling board provides mediation to parties in a conflict. It includes the counseling board chief and other wise camp members who discuss the problems with both the victim, offender and their families or other individuals within their network

31 The community watch team watches over people in the camps and may apprehend offenders, placing them in safe-rooms for mediation

tisfaction. Answers for each of the items were measured on a 5 point scale, ranging from 1 (*very small extent / not at all*) to 5 (*very large extent*).

Voice towards the decision maker was measured with the item, “to what extent did the decision maker listen to what you had to say?” An additional item measured voice towards the offender. Victims were asked, “to what extent were you able to express your views to the offender?”

The analysis also included a variable for respect with the decision-maker. As noted above, this may refer to different officials, like the camp sub-sector head, the sector head, the counseling board chief, the police, the judge or a member of the armed police force. Respect was measured asking, “to what extent did [...] treat you with respect?”

One item measured informational justice, which also referred to one of the different officials noted above. Victims were asked, “to what extent did [...] provide you with information about the procedure?”

Retributive justice was assessed using one item. Victims were asked to what extent they felt the offender got the punishment he or she deserved.

Deterrence was also measured with one item, asking respondents to what extent they think that the outcome will keep the offender from doing it again.

Restorative justice by the outcome was measured asking respondents, “to what extent did the outcome repair the emotional harm that was done to you?”

Control variables

The analyses also include the following control variables within the model that may impact victim satisfaction (Erez, 1993): First, a dichotomous variable was computed for gender (1 = *female*, 0 = *male*). Second, crime seriousness was also measured among respondents (1 = *serious crime*, 0 = *less serious*)

crime).³² A third dichotomous variable was computed for the victim's relationship to the offender (1 = *domestic case*, 0 = *no domestic case*)³³. Such a relationship has been established in literature as influencing treatment throughout legal proceedings (Simon, 1996). Fourth, victims were asked about the outcome of their case. A multiple response item allowed victims to indicate if their outcome included any of the following: ruling in the victim's favor, ruling in the offender's favor, corporal punishment or incarceration, apology, compensation or no further action was taken by the authority to whom the crime was reported³⁴. Fifth, a variable was computed measuring where the last step of the respondent's case was handled (1 = *Camp level*, 0 = *Nepali legal system level*)³⁵ as restorative means have been found to lead to levels of satisfaction (Latimer et al., 2005).

Dependent variable

The dependent variable, victim satisfaction, was a composite measure of procedural satisfaction and outcome satisfaction: (1) To what extent were you satisfied with the procedure and (2) to what extent were you satisfied with the outcome? Values again ranged from 1 (*very small extent | not at all*) to 5 (*very large extent*), inter-item correlation = .89.

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- 32 Serious crimes included violence (including domestic violence) and polygamy (occurs rather frequently despite legislation criminalizing this behavior). Less serious crimes included theft and verbal abuse or threats of violence. Because perceptions of seriousness within this population may differ from more common (Western) categorizations, we devised our own ranking system. This was obtained by asking participants who reported more than one crime occurring in the last 5 years were to indicate which crime was the most serious. For example, violence occurred 97 times among the respondents, and was mentioned to be the most serious crime in 65 of those instances, which means that in 67% of cases it was perceived to be the most serious (65/97 = 67%). This percentage was also calculated for the other crimes, and then each crime was ranked by percentage. For each crime, if at least 50% of the respondents considered the crime to be serious, it was categorized as such.
- 33 These cases included crimes perpetrated by relatives, including (ex) husbands, (ex) wives, brothers, sisters, mothers, fathers, daughters, sons, uncles, aunts, and all in-laws.
- 34 For the multivariate analysis, a dichotomous variable was computed, categorizing each of the outcomes into those that were positive for the victim and those that were negative for the victim (1 = positive, 0 = negative).
- 35 To calculate this, a dichotomous variable was created from the item measuring the last step. The item was assigned a value of 1 (camp-level) if the sub-sector head, sector-head, counseling board, camp secretary, or gender focal point handled the case and a 0 (Nepali legal system) if the APF, Nepali police, Nepali Court or Chief District Officer handled the case.

Analyses

As noted above, we are interested in the exploration of previously determined justice preferences influencing satisfaction. The goal of the following examination is to determine what is important to Bhutanese refugee victims when accessing justice. First, descriptives were calculated for all of the variables. Second, chi-square tests for independence were conducted among the dichotomous control variables. Correlation analysis was then conducted on all of the variables to check for multicollinearity and assess the relationships with victim satisfaction. Third, we conducted independent samples t-tests to examine the association between any significant control variables and victim satisfaction. Next, a standard multiple regression was conducted to evaluate which of the independent variables and control variables predicted victim satisfaction. Such a method allows us to explore the interrelation of variables in order to test the theory presented earlier by assessing the relationship between one dependent variable and multiple independent variables (Tabachnick and Fidell, 2007). Consequently, we were able to investigate which variables predicted victim satisfaction. Each of the independent predictor variables was entered into the model simultaneously.

Results

The total sample consisted of 165 Bhutanese refugees residing in Nepal. Of the respondents, 24.2% are male and 75.8% are female. Victims were surveyed on the most recent crime they experienced³⁶. This choice also provided for the smallest possibility of memory bias. Violence or attempted violence was the most common crime (45.5%), followed by verbal abuse or threat of violence (34.5%), polygamy (12.7%) and theft (7.3%). Moreover, 52.1% involved a domestic case, committed by a direct relative of the victim. Additionally, 80.0% of the victims in the sample ended with camp-level means of conflict resolution (sub-sector head, sector-head, counseling board or the camp secretary), while the remaining 20.0% reached some formal level (armed police forces, Nepali police or the Nepali court system). Because of the use of the informal system, there were various outcomes that would not be familiar to the (western) formalized system. Of the respondents whose offender was apprehended, outcomes (more than one are possible) included that (1) the decision maker ruled in favor of the victim (53.7%), (2) the offender was incarcerated or there was some form of corporal punishment

36 Since the questionnaire also investigated the prevalence of crimes in the camps, victims were also asked about other crimes they experienced.

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(10.3%)³⁷, (3) the offender apologized (43.4%), (4) the victim received compensation (11.1%), (5) the decision maker ruled in favor of the defendant (2.9%) and (6) nothing was done after the crime was reported (15.8%). Results are displayed in Table 1.

Table 1. Percentages of Control Variables (n = 165)

Variable	Percent	Variable	Percent
Gender		Outcome	
Male	24.2%	Victim's favor	53.7%
Female	75.8%	Corp. punishment/incarceration	10.3%
Relationship to offender		Apology	43.4%
Domestic	52.1%	Compensation	11.1%
Non-domestic	47.9%	Defendant's favor	2.9%
Seriousness		Nothing done	15.8%
Very serious			
Violence (or attempted)	45.5%		
Polygamy	12.7%		
Less serious			
Theft	7.3%		
Verbal abuse/threat of violence	34.5%		
Level of decision-maker			
Camp level	80.0%		
Nepali legal system	20.0%		

The mean score for victim satisfaction was 3.21 ($SD = 1.24$), which denotes a score between a moderate and a large extent. The mean of the procedure variables was significantly more positive ($M = 3.22, SD = .86$) than the mean of the outcome of the procedure ($M = 2.44, SD = 1.15$), $t(164) = 27.23, p < .001$. The highest value of the independent variables was for respect ($M = 3.78, SD = .95$). This score was then followed by voice ($M = 3.66, SD = 1.20$) and information ($M = 3.31, SD = 1.10$). All of these variables fell within the “moderate extent” to a “large extent” range. The remaining independent variables fell within the small to moderate extent range. Voice towards the offender had a mean value of 2.84 ($SD = 1.35$) followed by repairing the harm ($M = 2.67, SD = 1.37$), deterrence ($M = 2.42, SD = 1.43$) and retribution ($M = 2.22, SD = 1.30$).

37 Some reported examples of corporal punishment included being beaten with bamboo, having to walk on rough stones, being forced to do squats and being forced to kneel down for five hours at a time.

Table 2. Means and standard deviation of satisfaction and independent variables

Variable	M	SD
Dependent variable		
Were you satisfied with the procedure/with the outcome?	3.21	1.24
<i>Procedure</i>		
Did the decision-maker treat you with respect?	3.78	.95
Did the decision-maker listen to what you had to say?	3.66	1.20
Did the decision-maker provide you with information?	3.31	1.10
Were you able to express your views to the offender?	2.84	1.35
Mean score for procedure variables	3.22	.86
<i>Outcome</i>		
Did the outcome repair your emotional harm?	2.67	1.37
Will the outcome keep the offender from doing it again?	2.42	1.43
Did the offender get the punishment he/she deserved?	2.22	1.30
Mean score for outcome variables	2.44	1.15

The correlations (Pearson's r) between the variables in the model are displayed in Table 3. All of the independent variables except the level of the decision-maker and whether the respondent received compensation are significantly correlated with victim satisfaction. Satisfaction was most strongly correlated with the extent to which the outcome repaired the harm ($r = .72$). Among the independent variables, correlations did not exceed $r = .62$ (between the extent to which respondents received information and the extent to which respondents were treated with respect). Multicollinearity was assessed by calculating the VIF and Tolerance values. These values met the standards of < 10 and $> .10$, respectively, indicating no multicollinearity.

Table 3. Intercorrelations among independent and control variables and victim satisfaction

Variable	2.	3.	4.	5.	6.	7.	8.
1. Satisfied	.34 ^a	.64 ^a	.40 ^a	.40 ^a	.55 ^a	.66 ^a	.72 ^a
2. Views offender	-	.37 ^a	.33 ^a	.33 ^a	.27 ^a	.31 ^a	.39 ^a
3. Voice		-	.57 ^a	.60 ^a	.36 ^a	.40 ^a	.50 ^a
4. Information			-	.62 ^a	.24 ^a	.23 ^a	.37 ^a
5. Respect				-	.16 ^b	.30 ^a	.33 ^a
6. Deservedness					-	.57 ^a	.54 ^a
7. Deterrence						-	.59 ^a
8. Repair harm							-

^a $p < .001$, ^b $p < .01$

To further examine the differences among the control variables, we used chi-square tests for independence to investigate significant associations. There were differences between gender and the domestic relationship category, $X^2(1, n = 165) = 17.95, p < .001$, indicating a medium effect size (Cohen, 1988) where males were significantly less likely to be the victim of a domestic crime. Victims in the domestic relationship category were also more likely to suffer from serious crimes, $X^2(1, n = 165) = 5.67, p < .01$, between a medium and large effect size.

We also examined the association between gender, victim-offender relationship, seriousness, level of decision-maker and each of the possible outcomes using chi-square tests. Whether or not the judge ruled in favor of the victim or the offender, incarceration or corporal punishment, an apology and nothing being done after reporting did not have a significant association with any of the remaining four control variables. Receiving compensation was also significantly related to the victim's gender and the victim-offender relationship. Males were more likely to receive compensation, $X^2(1, n = 165) = 4.05, p < .05$ and respondents who had a domestic relationship with their offender were less likely to receive compensation, $X^2(1, n = 165) = 8.58, p < .01$.

Independent samples t-tests were then conducted to examine the relationship between the control variables and victim satisfaction. Women ($M = 3.36, SD = 1.32$) were significantly more satisfied with their experience than men ($M = 2.74, SD = 1.32$). Victims of domestic crimes ($M = 3.45, SD = 1.27$) were significantly more satisfied than victims of non-domestic crimes ($M = 2.98, SD = 1.37$). Victims who received an outcome ruled in their favor ($M = 3.64, SD = 1.09$) were more satisfied than those who did not ($M = 2.49, SD = 1.41$). Furthermore, victims who received an outcome ruled in the offender's favor ($M = 1.20, SD = .27$) were less satisfied than those who did not ($M = 3.28, SD = 1.31$). Victims whose offenders received corporal punishment or prison time ($M = 3.97, SD = 1.08$) were significantly more satisfied than those which did not ($M = 3.11, SD = 1.34$). Victims who received an apology ($M = 3.59, SD = .99$) were more satisfied than victims whose offenders did not apologize ($M = 2.74, SD = 1.56$). Finally, when reporting led to no action, victims were less satisfied ($M = 1.67, SD = .61$) than when action was taken ($M = 3.55, SD = 1.14$). The remaining control variables were not significantly associated with the dependent variable.

Table 4. Means, standard deviations and significance testing of control variables and victim satisfaction

Variable	Satisfaction (M/SD)	Significance testing	Effect size
Gender		$t(162) = -2.60, p < .05$.05
Male	2.74 (1.32)	(two-tailed)	
Female	3.36 (1.32)		
Relationship to offender		$t(162) = -2.26, p < .05$.03
Domestic	3.45 (1.27)	(two-tailed)	
Non-domestic	2.98 (1.37)		
Outcome victim favor		$t(161) = -5.47, p < .01$.15
Yes	3.64 (1.09)	(two-tailed)	
No	2.49 (1.41)		
Outcome offender favor		$t(161) = 12.90, p < .01$.51
Yes	1.20 (.27)	(two-tailed)	
No	3.28 (1.31)		
Corp. punishment/incarc.		$t(161) = -2.43, p < .01$.04
Yes	3.97 (1.08)	(two-tailed)	
No	3.11 (1.14)		
Apology		$t(161) = -4.09, p < .001$.09
Yes	3.59 (.99)	(two-tailed)	
No	2.74 (1.56)		
No action taken		$t(160) = 14.22, p < .01$.56
Yes	1.67 (.61)	(two-tailed)	
No	3.55 (1.14)		

A standard multiple regression (Table 5) was conducted to assess the predictive power of the independent variables on victim satisfaction, as noted above. We included those variables that had a significant correlation with the dependent variable. After examining the results of the bivariate analyses, we condensed the outcome category. A dichotomous variable was created to measure whether the outcome was positive or negative for the victim (0 = negative, 1 = positive)³⁸. R for regression was significantly different from zero, $F(11, 163) = 31.79, p < .001$. The total variance explained by the regression model as a whole was 75.3%. We use the beta values to examine the contribution of each of the variables. First, for the control variables, only whether or not the outcome was positive for the victim was significant ($\beta = .25$). Of the independent variables, the extent to which the outcome repaired the harm had the largest impact on victim satisfaction ($\beta = .31$), followed by voice ($\beta = .28$) and deterrence ($\beta = .25$). Retribution, voice towards the offender, information and respect were not significant.

38 Positive outcome included an apology, a ruling in the victim's favor and or incarceration/corporal punishment. Negative outcome included a ruling in the offender's favor or nothing being done.

Table 5. Determinants of victim satisfaction (N = 162)

Variable	Unstandardized Coefficient B	Standardized error	Standardized Beta Coefficient β
<i>Control variables</i>			
Female	-.07	.14	-.02
Domestic	.16	.12	.06
Serious	.07	.12	.02
Positive outcome	.88	.17	.25 **
<i>Procedure</i>			
<i>Procedural Justice</i>			
Voice to offender	-.03	.05	-.03
Voice	.31	.07	.28 **
<i>Informational Justice</i>			
Information	-.01	.07	-.01
<i>Interpersonal justice</i>			
Respect	.02	.08	.01
<i>Outcome</i>			
<i>Retributive justice</i>			
Deservedness	.07	.06	.07
<i>Behavior control</i>			
Deterrence	.24	.05	.25 **
<i>Restorative Justice</i>			
Repair harm	.31	.06	.31 **

*p < .01, **p < .001

Discussion

The mean score for victim satisfaction was 3.21, denoting a satisfaction level between a moderate and large extent. In general, the means of the outcome variables were low, each indicating a satisfaction level between a small extent to a moderate extent. The mean score for reparation of harms was 2.67, the mean score for deterrence was 2.42, and the mean score for retribution was 2.22. Victims were most positive about the item measuring respect ($M = 3.78$) signifying a satisfaction level between a moderate and large extent. The mean scores for voice (3.66) and information (3.31) also denoted satisfaction levels between a moderate and large extent. Univariate analysis also revealed several findings; most interestingly, domestic violence victims were more satisfied than victims of non-domestic crimes.

With regard to the independent variables, there were also several striking findings. The regression analysis revealed that voice towards the decision maker leads to satisfaction while the expression of views towards the offender is not a significant predictor. Respect and information did not qualify

as significant predictors. Furthermore, while victims were concerned with behavior control and repairing the harm, they were not retributive.

The univariate analysis revealed that domestic violence victims are more satisfied than victims of other crimes. As noted, the victim-offender relationship was included as a control variable because research generally shows domestic violence victims to be *less* satisfied with their justice experiences. In the multivariate analysis, however, the significance disappeared. It appears that after adjusting the model, other variables are involved in this association. Furthermore, victims were more likely to receive a positive outcome than the offender. While roughly the same number received compensation or incarceration of the offender, a much larger number received apologies, or a combination of these possibilities. Only in a minority of the cases was the outcome in favor of the defendant. Despite these outcomes, the outcome independent variables were all rated low (between a small extent and a moderate extent).

We first presented a theoretical framework on which to base our hypotheses. Justice preferences fall into two categories: procedural quality and outcome quality. Procedural quality refers to the treatment provided during justice proceedings and is highest when victims have voice towards the decision-maker, are able to express themselves towards the offender, are treated with respect and are provided with information throughout the procedure. Outcome quality refers to the fairness and usefulness of the legal outcome and may be obtained through behavior control, retribution and reparation of harms.

Based on this framework, we put forth four hypotheses for victims within a collectivist society. First, we hypothesized that this population may be less likely to value the opportunities to express feelings to the offender. Second, they similarly would not be concerned with voicing themselves towards the decision maker. Third, victim satisfaction for this population is not likely to be the result of retribution. Fourth, reparation of harms would be predictive of victim satisfaction. Each of these hypotheses was confirmed, except for the expectation that voice towards the decision-maker would not be a significant predictor of victim satisfaction.

We illustrated earlier that procedural justice literature is supported by research which concludes that voice is largely important to parties engaging in conflict resolution. In line with earlier research (Brockner et al., 2001), we hypothesized that a desire for voice may be less identifiable in non-western countries due to expectations of more vertical structures and higher levels of power distance. The research of Brockner et al. (2001), however, also found that it was power distance itself (rather than culture) that interacted with voice. The results here may also suggest that this need for voice transcends

cultural boundaries, and should be perceived as a more universal preference. The power distance literature, for example, does not preclude voice being important in non-western societies high in power distance, only that this relationship may be less accentuated in such cultures. Moreover, due to the nature of the setting under study, it is possible that the camp authorities are not perceived as hierarchical relationships, but may be perceived to be part of the in-group to an extent.

There are several limitations to the current study. First, while we can make several hypotheses for reasons behind certain justice preferences, the cross-sectional nature of the research design does not allow for causal inferences. There may be other variables which distinguish this group from western societies. Second, we are not able to directly compare the findings surrounding this population to similar research of other western populations. Though further research could set out to conduct such comparisons, it would still be difficult to find a comparable sample with similar features. A third limitation concerns some of the item measures. Collectivism is not measured at the individual level. Triandis (1995) has indicated that within societies, individuals differ on their level of collectivism. Variations within an individual's collective nature may be a cause for variations in justice preferences. Further research could integrate an individual-level variable. Though we recognize this limitation, we do agree that some cultures can indeed be more collectivistic than others. Fourth, the indicators were each composed of single item measures, where multiple-item scales may be preferable to increase reliability. Fifth, one characteristic of collectivism is that those behaviors associated with collectivism are primarily applied to members of the in-group. It would have been beneficial to measure how the victim perceived the offender and the decision-maker to get a greater understanding of their preferences.

Further research could include multiple item measures, focusing particularly on the research questions in this article. For example, retribution was measured with one item examining perceptions of deservedness. Multiple items, including preferences for punishment, would provide more accurate measures for such a concept. Moreover, cross-cultural research can offer comparative research, despite the limitation of an inherently different sample. Research may examine, for example, procedural justice (e.g., voice towards the decision maker) and the interacting effect culture plays in determining the importance of these justice preferences. This can include, as noted, measures of collectivism or power distance at the individual level, using a different design.

Conclusion

Despite the limitations of this research, the findings contribute to the body of knowledge on justice preferences at a cultural level. Although an abundance of research exists on victim preferences of justice, the added value of this study lies in the fact that it examines individuals living in a collectivist society. Furthermore, these preferences may be influenced by the near absence of a formal justice system. For this particular sample, the quality of the procedure appeared unimportant, with the exception of voice towards the decision maker. The results further indicate that restorative outcomes are more important to these victims than retributive ones. There are also many similarities between both types of societies, suggesting that cultural differences may not be as widespread as often thought, illustrated by a universal need for voice to the decision maker, behavior control and reparation of the harm. Such findings indicate the extent to which previous findings may be generalized to the current populations being examined. Indeed, this was only a first look at the justice preferences of Bhutanese refugee victims, yet it allows for much thought on further cross-cultural research.

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Chapter 8: Does the procedure always matter? The interaction of procedural quality and outcome favorability on self- esteem and trust in the legal system

Malini Laxminarayan, Antony Pemberton

Under review: *International Journal of Law and Psychiatry*

ABSTRACT:

Procedural quality is an important aspect of crime victims' experiences in criminal proceedings and consists of different dimensions. Two of these dimensions are procedural justice (voice) and interpersonal justice (respectful treatment). Social psychological research has suggested that both voice and respectful treatment are moderated by the impact of outcomes of justice procedures on individuals' reactions. To add to this research, we extend this assertion to the criminal justice context, examining the interaction between the assessment of procedural quality and outcome favorability with victim's perceived trust in the legal system and self-esteem. Hierarchical regression analyses reveal that voice, respectful treatment and outcome favorability are predictive of perceived impact of trust in the legal system and self-esteem. Further investigation reveals that being treated with respect is only related to perceived trust in the legal system when outcome favorability is high.

Keywords: procedural justice, interpersonal justice, outcome favorability, trust in the legal system, self-esteem

Introduction

It is well-established that participants in justice procedures not only value the outcome of the procedure, but that aspects of the procedure itself are also an important factor (Leventhal, 1980; Lind and Tyler, 1988; Thibaut & Walker, 1975; Tyler, 1988). In particular, procedural justice, the extent to which the decision-making process is based on fair behaviors (Lind and Tyler, 1988), and interpersonal justice, the extent to which people are treated with dignity and respect during the procedure, have been shown to impact people's assessments of justice processes (Bies & Moag, 1986). The importance of procedural justice, 'voice', and interpersonal justice, 'respectful treatment', have also been demonstrated for victims of crime in their assessment of criminal justice processes (Orth, 2002; Wemmers, van der Leeden & Steensma 1995). Moreover, the significance of these concepts is reflected in both national and international victims' rights mechanisms, for example the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. The underlying notion of these measures is that the (positive) experience of a fair process – which may be achieved through victim assistance – may undo the negative assessment of an unfavorable outcome – which is beyond the remit of victim assistance providers (Groenhuijsen & Letschert, 2008).

Victims' justice judgments

Outcome favorability or outcome satisfaction is undeniably an important part of victims' justice judgments (Elliot, Thomas & Ogloff, 2011; Orth, 2002). Outcome favorability refers to the extent to which an individual feels he or she has been benefited by a decision³⁹. The legal outcome may be favorable to the victim in different ways. It may deter the offender from committing further harm against the victim (Labriola, Rempel & Davis, 2008), may provide compensation (Erez & Bienkowska, 1993) or public recognition of victim status, and may satisfy one's sense of retribution by punishing the offender (Vidmar & Miller 1980).

In addition to the outcome, the quality of the procedure may also impact justice judgments. Two well-established conceptualizations related to procedural quality are procedural justice and interpersonal justice. Both concepts have been observed in research examining crime victims (Elliot et al.,

39 For a more in-depth discussion regarding the terminology, see Brockner and Wiesenfeld, 1996. The authors discuss the difference between outcome fairness and outcome valence, and how outcome favorability is an appropriate term for capturing both concepts. For the purpose of the present research, we use the term outcome favorability.

2011; Erez & Bienkowska, 1993; Erez & Tontodonato, 1992; Shapland, Willmore & Duff, 1985; Wemmers, et al., 1995). First, procedural justice refers to the extent that the outcome was derived using fair procedures (Lind and Tyler, 1988). A key concept in the literature is voice, where the theory of procedural justice holds that by providing victims with the opportunity to voice their concerns and express wishes with regard to decision-making, they are more likely to be satisfied and view the procedure as fair (Sumner, 1987; Wemmers, 1995). In fact, an abundance of research indicates that victims' grievances with the criminal justice system are often the result of their lack of involvement and standing (Erez & Bienkowska, 1993; Shapland et al., 1985; Wemmers, et al., 1995).

Second, interpersonal justice refers to the treatment given to individuals in conflict resolution procedures. Individuals should be treated with politeness, respect and propriety (Colquitt, 2001; Bies & Moag, 1986). Groenhuijsen (2005) argued that this is the most fundamental victim right, while disrespectful treatment is one of the main sources of secondary victimization (Symonds, 1980; Ullman, 1996).

Interaction effects

The impact of procedural quality and outcome favorability, though different, cannot be examined in isolation from one another (Brockner & Wiesenfeld, 1996). A positive evaluation of procedural elements may cushion a negative assessment of the outcome and vice versa (Lind & Tyler, 1988). Even when the stakes involved in legal proceedings are high, procedural quality has been found to be a significant factor in people's justice judgments (Lind & Tyler, 1988). However, the impact of procedural elements and outcome favorability on victims' experiences may be contingent on each other (Brockner & Wiesenfeld, 1996). To elaborate, the influence of voice and respect on reactions to a decision may be dependent on the level of outcome favorability: only with a sufficient level of outcome favorability will procedural elements impact the experience of justice.

Brockner and Wiesenfeld (1996) conducted a review of interactions including 45 independent samples. The review indicated that two patterns often emerge when exploring interaction effects. First, procedural justice has a greater association with individuals' reactions when outcome favorability is low. Second, outcome favorability has a stronger association with individuals' reactions when procedural justice is low.

It is unclear whether Brockner and Wiesenfeld's findings may be generalized to victims' experiences in criminal justice. Their review did not include any studies evaluating this particular group. Using findings from non-

victims, in for instance tort law and organizational justice processes, as a base for statements about victims of crime neglects the fact that both the criminal justice setting and the peculiar position of victims within these processes may be different. In addition, the victimization experience itself may influence the way justice is experienced. Consequences such as anger (Riggs, Dancu, Gershuny, Greenberg & Foa, 1992), post-traumatic stress disorder, a loss of sense or self or safety (Frieze, Hymer & Greenberg, 1987), self-blame (Baker & Peterson, 1977) and increased fear of crime (Weinrath & Gartrell, 1996) may, in different ways, impact victims' justice preferences. As a result, even a fair procedure may not always counteract an unfavorable outcome, as such an outcome may significantly affect the overall well-being of victims (Orth, 2002).

Various dependent variables (e.g., satisfaction, institutional commitment, or beliefs about authorities) have been the focus of study with regard to interactions. Previous research on the victim's legal experience has often focused on satisfaction (Elliot, et al., 2011; Shapland et al., 1985). The measure for satisfaction, however, is often operationalized differently among studies and does not provide consistent results (Laxminarayan, Bosmans, Porter & Sosa, 2012). Furthermore, satisfaction is a rather obscure term, requiring the need for more substantive measures.

To overcome the difficulties involved with using satisfaction as an outcome variable, this study reviews the perceived impact of the criminal justice process on victims' self-esteem and trust in the legal system. The former relates to the impact of the process on the way victims perceive themselves, while the latter relates to the way victims perceive the legitimacy of the criminal justice process (Tyler & Huo, 2002). First, self-esteem is often injured by the initial criminal victimization (Resick, 1987). The criminal justice system may be one means of improving or hindering a psychological change in one's self-esteem (Orth, 2002). Second, higher trust and confidence has repercussions on the cooperation of victims with the criminal justice system (Tyler, 2006). This in turn reflects the likelihood that victims will turn to the criminal justice system in the future. Though the majority of research appears to be conducted with the general population (Sherman, 2002; Tyler, 2006) rather than victims more specifically, there has been research using victims of crime and procedural and outcome variables. For example, not receiving restitution has been found to lead to lower perceptions of trust with the criminal justice system (Van Hecke & Wemmers, 1992). Fair treatment more generally also has an association with support – synonymous with trust and faith – for authorities (Wemmers, 1996).

Moreover, negative perceived impacts on self-esteem and trust in the law have been viewed as elements of secondary victimization (see Orth, 2002).

This refers to re-victimization due to societal responses to the initial victimization (e.g., victim blame or disrespect by criminal justice authorities) (Montada, 1994; Orth, 2002). Also known as a “second injury,” secondary victimization results when victims perceive rejection or a lack of expected support from family and society (Symonds, 1980). Examining these variables is therefore useful in understanding the extent to which secondary victimization occurs, which is relevant for the further development of criminal justice policy intended to reduce or mitigate this phenomenon. Many studies already exist that examine the effect of contact with the criminal justice system on psychological difficulties, finding both positive effects (Cluss, et al., 1983), no effects (Orth & Maercker, 2004) and negative effects on victim well-being (Campbell & Raja, 1999; Orth, 2002). Measures of secondary victimization in terms of perceived impact on self-esteem and trust in the legal system help gauge the psychological impact of contact with criminal proceedings on victims. Investigating these variables, then, provides a greater understanding of the effect of criminal justice procedures. It could also be the case that the legal process is actually detrimental to the well-being of victims, as may be illustrated by negative perceptions of the process’s impact on self-esteem and trust in the legal system.

The following investigation will examine the main effect of (1) voice, (2) respect and (3) outcome favorability on the perceived impact of the procedure on self-esteem and trust in the legal system for victim of serious crime in both New South Wales and the Netherlands. Furthermore, utilizing interaction terms, we examine the extent to which the effect of procedural elements (voice and respect) on the perceived impact of the process on the victim’s trust in the legal system and self-esteem is moderated by outcome favorability (the victim’s perception of the legal outcome of their case).

Method

Respondents and questionnaire

The questionnaire consisted of items measuring perceptions of the police, prosecutor and judge, perceptions of the procedure and perceptions of the outcome. The current study, however, was concerned with the procedural elements, outcome favorability and measures of the perceived impact of process on the victim’s self-esteem and trust in the legal system. The sample included victims from two jurisdictions, the Netherlands and New South

Wales (NSW), Australia⁴⁰. All victims had reported their victimization to the police.

In the Netherlands, a translation-back-translation was utilized to devise a Dutch version of the questionnaire. Victims were approached in cooperation with the Compensation Fund for Victims of Violent Crimes. The Fund is an independent organization, established in 1976 as a result of the Law for the Compensation Fund for Violent Crimes (*Wet schadefonds geweldsmisdrijven*). Targeting victims of serious crimes, the Fund assists individuals who experienced threat with bodily injury, assault, stalking, sexual violence, kidnapping and/or (armed) robbery. To qualify for compensation from this fund, the damage may not have been compensated elsewhere. Victims were sent structured questionnaires via the mail and could opt to complete a pen and paper version or use a link to a web version. Of the 700 questionnaires sent out to respondents, 151 were returned, yielding a response rate of 21.6%.

In NSW, victims were approached via victim support agencies, either in person or through a link they found on the website of the victim support agency. From the 20 agencies contacted by the researchers, 7 did not respond or were unable to assist. Of the remaining agencies, 6 were specialised in sexual assault and domestic violence cases. The other agencies targeted all types of victims. Those victims who were approached in person were told about the website or answers were noted on a pen and paper version by an employee at the agency. Victims found the call for participation in the study if they were searching for support. In the end, however, they did not all make use of the support services. Therefore, both victims who did and did not make use of victim support are included in the sample. In total, 112 victims of severe crime filled out the survey.

Only victims of violence were included in the sample. In the total sample (the Netherlands and NSW), the type of crime varied, including threat with bodily injury, assault, stalking, sexual assault, domestic violence, kidnapping and robbery.

Measures

A 5 point scale (1 = *very small extent/not at all* to 5 = *very large extent*) was used for the three independent variables: voice (procedural justice), respect (interpersonal justice) and outcome favorability. Voice was assessed with two

40 The original research was conducted at a comparative level; therefore, we aggregated the data of two comparable countries in terms of culture and level of development, though they vary greatly in the type of formal legal system they utilize and therefore may influence the dependent variables.

items: 'to what extent were you able to express your opinion?', and (2) 'to what extent were your views considered?' Cronbach's alpha was .87, indicating good reliability (Murphy & Davidshofer, 2002). Respect was measured with the following two items: (1) 'to what extent did the police treat you with respect?', and (2) 'to what extent did the police take you seriously?' Cronbach's alpha was .90, indicating good reliability. Outcome favorability was measured with a single item, 'to what extent was the outcome favorable for you?' Victims were first asked to indicate the outcome which may have been a decision by the court (e.g., community service for the offender), an acquittal, or a dismissed case. The perceived outcome is important in this analysis and therefore all victims were included despite the outcome.

Two dependent variables, the extent to which the process impacted the victim's trust in the legal system and the extent to which the process impacted the victim's self-esteem, were included in the study. Both of these items were measured on a 5 point scale (1 = *very negative*, 2 = *negative*, 3 = *neutral*, 4 = *positive*, 5 = *very positive*). To measure these variables, we adapted the single-item measures from Orth's (2002) scale. First, trust in the legal system was measured by "what effect did the process have on your trust in the legal system?" Second, the self-esteem item was measured by "what effect did the process have on your self-esteem?"

Measures were included for six control variables: (1) gender, (2) legal system (Netherlands or Australia⁴¹), (3) employment, (4) whether the case was dismissed or went to trial, and (5) type of crime. First, a dichotomous variable was used for gender (1 = *female*, 0 = *male*). Second, a dichotomous variable was used based on the residence of the victim (1 = *NSW*, 0 = *Netherlands*). Third, a dichotomous variable was used for the respondent's employment status (1 = *currently employed*, 0 = *currently unemployed*). In the Netherlands, employment was measured by asking if victims were currently employed. In Australia, victims were asked their employment status and could choose from 5 categories: none, home-maker, part-time, full-time, student, retired and other. If victims indicated part-time or full-time, they were categorized as 1 for employed in a new dichotomous variable. If victims indicated none, home-maker, student, retired or other, they were categorized as 0 for unemployed. Fourth, a variable was created for whether or not the case was

41 This variable was created separately by the researchers, based on the two different studies that were conducted in the Australian and Dutch legal systems.

dismissed or went to trial (1 = *case went to trial*, 0 = *case dismissed*)⁴². Fifth, a variable was created to distinguish between domestic and non-domestic crimes. Respondents were asked if they knew the offender and if so, what his or her relationship with the offender was. When victims indicated that the offender was an (ex) husband/wife, (ex) boyfriend/girlfriend or relative, the crime was classified as domestic (1 = *domestic*, 0 = *non-domestic*). Sixth, a dichotomous variable was used to differentiate between sexual and non-sexual offenses (1 = *sexual offense*, 0 = *non-sexual offense*).

Analytic plan

First, frequencies of the control variables (gender, employment, legal system, whether or not there was a trial, domestic offense and sexual offense), means and standard deviations of the independent variables (voice, respect and outcome favorability) and dependent variables (process's perceived impact on self-esteem and process's perceived impact on trust in the legal system), and correlations among the independent and dependent variables will be presented. Then, independent samples t-tests and ANOVAs will be conducted to examine the relationship between the categorical control variables and the dependent variables.

Four separate hierarchical regression analyses will then be carried out (Aiken and West, 1991). The analyses will examine (1) the main effects of the independent variables and (2) the interaction effects. First, the effects of voice, respect and outcome favorability on the dependent variables will be explored. Second, the interactions of outcome favorability by voice and outcome favorability by respect will be regressed on the dependent variables (Aiken & West, 1991). The interactions were computed by multiplying (1) voice by outcome favorability and (2) respect by outcome favorability. The first analysis will examine if the effect of voice on the process's perceived impact on the victim's self-esteem is moderated by outcome favorability. The second analysis will examine if the effect of respect on the process's per-

42 To dichotomize this variable, victims were first asked to indicate what the outcome of their case was. Dutch victims could choose from the following options: (1) they abandoned their case themselves, (2) the police did not file charges, (3) the prosecutor dismissed the case, (4) the offender received a sentence of community service, (5) the offender was incarcerated, (6) the offender was fined, (7) the victim received compensation and (8) the victim received an apology from the offender. Australian victims had similar options, and could additionally indicate if (1) the offender pleaded guilty, (2) the offender was found guilty or (3) the offender was found not guilty. For both groups, respondents were categorized as 'case dismissed' if the police or prosecutor dismissed the case or if they chose not to proceed themselves and 'case not dismissed' if they received any of the remaining outcomes, including a plea bargain.

ceived impact on the victim's self-esteem is moderated by outcome favorability. The third analysis will examine if the effect of voice on the process's perceived impact on the victim's trust in the legal system is moderated by outcome favorability. The fourth analysis will examine if the effect of respect on the process's perceived impact on the victim's trust in the legal system is moderated by outcome favorability.

Each predictor variable was converted into a deviate score to increase the interpretability of the interactions and to prevent multicollinearity (Aiken & West, 1991). The first step will enter the control variables in all four analyses. In a second step, the independent variables will be introduced into the regression analyses. In the third step, the interaction terms will be entered.

Results

Table 1 displays the percentages of the control variables. Males made up 37.1% of the sample. Just over half (53.2%) of the respondents were currently employed. Furthermore, 42.8% of respondents were from the Australian sample, while 57.2% of respondents were from the Dutch sample. Approximately two-thirds (67.2%) of the victims' cases did reach the prosecution,

Table 1. Frequencies of control variables

Variable	N ^a	%
Gender		
Male	92	37.1%
Female	156	62.9%
Employment		
Employed	116	53.2%
Unemployed	132	46.8%
System		
NSW	113	42.8%
Netherlands	151	57.2%
Case dismissed		
No	162	67.2%
Yes	79	32.8%
Sexual		
No	176	68.5%
Yes	81	31.5%
Domestic		
No	205	85.8%
Yes	34	14.2%

^aN values differ due to missing values

while the remaining cases (32.8%) were dismissed and not pursued by either the police or the prosecutor. Almost one-third of the participants (31.5%) were victims of sexual offenses. Furthermore, 14.2% of respondents were victimized by an (ex) husband/wife, (ex) boyfriend/girlfriend or relative.

Means and standard deviations of the independent and dependent variables are displayed in Table 2. Respect was scored the highest ($M = 3.68$, $SD = 1.33$), indicating that victims felt they had been treated with respect between a moderate to large extent. The mean score of voice ($M = 2.74$, $SD = 1.26$) and outcome favorability ($M = 2.15$, $SD = 1.24$) indicated somewhere between a small to moderate extent. Both the process's perceived impact on self-esteem ($M = 2.49$, $SD = 1.18$) and process's perceived impact on trust in the legal system ($M = 2.29$, $SD = 1.28$) indicated between a negative impact and neutral impact. The majority of the victims indicated somewhere between a very negative impact to neutral impact (77.8%) while only a small percentage of victims indicated the process had a positive or very positive impact on their self-esteem (22.2%). Similarly, the majority of victims indicated the process had somewhere between a very negative impact to neutral impact (76.8%) on their trust in the legal system, while 23.2% indicated there was a positive or very positive effect.

Table 2. Means and standard deviations of independent and dependent variables

Variable	Mean	SD
1. To what extent were you able to express your opinion To what extent were your views considered? (voice) ^a	2.74	1.26
2. To what extent did the police treat you with respect? To what extent did the police take you seriously (respect) ^a	3.68	1.33
3. To what extent was the outcome favorable for you? (outcome favorability) ^a	2.15	1.24
4. To what extent did the process impact your trust in the legal system?(trust in the legal system) ^b	2.29	1.28
5. To what extent did the process impact your self-esteem? (self-esteem) ^b	2.49	1.18

^a Scale: 1 = very small extent, 5 = very large extent

^b Scale: 1 = very negative, 5 = very positive

The two dependent variables, the process's perceived impact on trust in the legal system and the process's perceived impact on the victim's self-esteem were highly correlated, $r(201) = .62$, $p < .01$. With regard to the independent variables, outcome favorability showed the strongest correlation with trust in the legal system, $r(185) = .59$, $p < .01$. Table 3 presents the correlations among the dependent and independent variables.

Table 3. Correlations of dependent and independent variables

Variable	1.	2.	3.	4.	5.
1. Voice	-	.45*	.45*	.46*	.39*
2. Respect		-	.51*	.46*	.47*
3. Outcome favorability			-	.59*	.50*
4. Trust in legal system				-	.62*
5. Self-esteem					-

Independent samples t-tests and ANOVAs were conducted to investigate the relationship between the categorical control variables and (1) the process's perceived impact on self-esteem and (2) the process's perceived impact on trust in the legal system (Table 4). First, with regard to the process's perceived impact on self-esteem, women ($M = 2.35$, $SD = 1.18$) reported significantly lower means when compared to men ($M = 2.73$, $SD = 1.15$), Cohen's $d = .35$. Employed victims ($M = 2.69$, $SD = 1.21$) had significantly higher scores when compared to unemployed victims ($M = 2.26$, $SD = 1.11$), Cohen's $d = .37$. Australian victims ($M = 2.24$, $SD = 1.14$) also reported more negative perceptions when compared to Dutch victims ($M = 2.63$, $SD = 1.18$), Cohen's $d = .34$. Respondents whose cases proceeded to trial ($M = 2.64$, $SD = 1.16$) and those with dismissed cases ($M = 2.08$, $SD = 1.01$) also significantly differed, Cohen's $d = .51$. Victims of domestic crimes ($M = 2.00$, $SD = .93$) significantly differed from victims of non-domestic crimes ($M = 2.59$, $SD = 1.23$), Cohen's $d = .54$. There were no differences between victims of sexual offenses and victims of non-sexual offenses, $p = .14$.

Second, with regard to the process's perceived impact on the victim's trust in the legal system, the correlation with gender reached marginal significance, $t(200) = 1.76$, $p = .08$. There were no differences, however, between employed and unemployed victims. Australian victims ($M = 1.99$, $SD = 1.29$) reported more negative perceptions when compared to Dutch victims ($M = 2.45$, $SD = 1.25$), Cohen's $d = .36$. Respondents whose cases proceeded to trial ($M = 2.47$, $SD = 1.32$) generally held higher perceptions when compared to respondents with dismissed cases ($M = 1.86$, $SD = 1.03$), Cohen's $d = .52$. Victims of domestic crimes ($M = 1.83$, $SD = 1.28$) were more negative when compared to victims of non-domestic crimes ($M = 2.35$, $SD = 1.29$). The association with sexual offenses reached marginal significance, $p = .06$.

As noted above, separate hierarchical regression analyses were then conducted for both outcome variables. There was no multicollinearity among the independent variables (Tolerance $> .10$ and VIF < 10). The first analysis (Table 5) investigated the interaction term of voice and outcome favorability on the process's perceived impact on self-esteem. The first step of the regression analysis entered the control variables (gender, employment status,

Table 4. Results of the independent samples t-tests and ANOVAs for the control variables and (1) perceived impact of the process on victim's self-esteem, and (2) perceived impact of the process on victim's trust in the legal system

Variable	Perceived impact of the process on self-esteem		Perceived impact of the process on trust in legal system	
	Mean (SD)	Sig. testing	Mean (SD)	Sig. testing
Gender		$t(200) = 2.21, p < .05$		$t(200) = 1.76, p = .08$
Male	2.73 (1.15)		2.49 (1.29)	
Female	2.35 (1.18)		2.17 (1.26)	
Employment		$t(199) = -2.58, p < .05$		$t(199) = -.20, p = .84$
Yes	2.69 (1.21)		2.30 (1.25)	
No	2.26 (1.11)		2.36 (1.32)	
Legal system		$t(201) = 2.32, p < .05$		$t(201) = 2.50, p < .05$
Netherlands	2.63 (1.18)		2.45 (1.25)	
Australia	2.24 (1.14)		1.99 (1.29)	
Trial status		$t(194) = -2.99, p < .01$		$t(194) = -3.32, p < .01$
Trial	2.64 (1.16)		2.47 (1.32)	
Dismissed	2.08 (1.01)		1.86 (1.03)	
Domestic		$t(184) = 2.44, p < .05$		$t(184) = 2.01, p < .05$
Yes	2.00 (.93)		1.83 (1.28)	
No	2.59 (1.23)		2.35 (1.29)	
Sexual		$t(184) = 1.49, p = .14$		$t(184) = 1.89, p = .06$
Yes	2.28 (1.37)		2.00 (1.30)	
No	2.59 (1.11)		2.39 (1.28)	

legal system, trial status, domestic offense, and sexual offense). The second step entered the main effects (outcome favorability and voice). The third step entered the interaction term of voice by outcome favorability on the process's perceived impact on one's self-esteem. Of the control variables, having a trial ($\beta = .27$) and suffering domestic violence ($\beta = -.20$) were significant predictors. The control variables explained 11.0% of the variance, $F(6, 148) = 4.18, p < .01$. The second step indicated that the main effect of outcome favorability was the strongest predictor ($\beta = .44$), followed by voice ($\beta = .17$). Adding outcome favorability and voice in the second step accounted for 36.1% of the total variance, $F(8, 146) = 11.87, p < .001$. In the third step, the interaction term was not significant, $p = .42$.

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The second analysis (Table 5) observed the interaction term of outcome favorability and respect on the process's perceived impact on the victim's self-esteem. Again in the first step, having a trial ($\beta = .27$) and being a victim of domestic violence ($\beta = -.26$) were significant predictors. Step 1 explained 12.1% of the variance, $F(6, 158) = 4.76, p < .01$. Respect and outcome favorability were entered at Step 2, both appearing to be significant predictors ($\beta = .29$ and $\beta = .43$, respectively). After the second step, 43.1% of the variance was explained, $F(8, 156) = 16.52, p < .001$. The interaction term of outcome favorability and respect was not significant in the third step, and did not add any additional variance to the overall model, $\Delta R^2 = .00$.

Table 5. Hierarchical multiple regression predicting the process's perceived impact on self-esteem

		B	SE B	B	T
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Voice					
Step 1	Female	-.33	.22	-.14	-1.53
	Employed	.19	.17	.09	1.13
	NSW	-.03	.22	-.01	-.12
	Domestic	-.65	.30	-.20	-2.16 *
	Sexual	-.25	.24	-.10	-1.03
	Trial	.76	.23	.27	3.39 **
	R ²	.11 **			
Step 2	Female	-.32	.18	-.13	-1.77
	Employed	-.02	.14	-.01	-.14
	NSW	-.05	.19	-.02	-.26
	Domestic	-.48	.26	-.15	-1.84
	Sexual	-.14	.21	-.06	-.69
	Trial	.40	.20	.14	2.02 *
	Voice	.17	.07	.17	2.37 *
	Outcome favorability	.42	.07	.44	6.30 ***
ΔR^2	.25 ***				
Step 3	Female	-.33	.18	-.13	-1.79
	Employed	-.01	.14	.00	-.06
	NSW	-.04	.19	-.02	-.22
	Domestic	-.49	.26	-.15	-1.87
	Sexual	-.12	.21	-.05	-.58
	Trial	.40	.20	.14	2.01 *
	Voice	.18	.07	.18	2.41 *
	Outcome favorability	.43	.07	.45	6.34 ***
	Interaction voice by outcome favorability	-.04	.05	-.06	-.82
	ΔR^2	.00			
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Respect					
Step 1	Female	-.30	.21	-.12	-1.45
	Employed	.14	.16	.07	.91
	NSW	.13	.21	.06	.63
	Domestic	-.83	.28	-.26	-2.97 **
	Sexual	-.40	.23	-.16	-1.71
	Trial	.76	.21	.27	3.56 ***
	R ²	.12			
Step 2	Female	-.21	.17	-.09	-1.28
	Employed	-.09	.13	-.04	-.66
	NSW	.10	.17	.04	.59
	Domestic	-.61	.23	-.19	-2.65 **
	Sexual	-.36	.19	-.14	-1.93
	Trial	.26	.18	.09	1.43
	Respect	.27	.06	.29	4.40 ***
	Outcome favorability	.40	.06	.43	6.85 ***
ΔR^2	.31				
Step 3	Female	-.21	.17	-.09	-1.27
	Employed	-.07	.13	-.04	-.57
	NSW	.10	.17	.04	.59
	Domestic	-.60	.23	-.19	-2.59 *
	Sexual	-.37	.19	-.15	-1.99 *
	Trial	.26	.18	.09	1.44
	Respect	.28	.07	.31	4.32 ***
	Outcome favorability	.39	.06	.41	5.98 ***
	Interaction respect by outcome favorability	.04	.05	.05	.69
	ΔR^2	.00			

^a Standardized beta values are reported at the step which they are entered

* $p < .05$, ** $p < .01$, *** $p < .001$

The third analysis (Table 6) examined if the interaction term of voice and outcome favorability was a significant predictor of the process's perceived impact of trust in the legal system. In a first step, having one's case go to trial ($\beta = .30$) and being a victim of domestic violence ($\beta = -.23$), were significant predictors. In total, all of the control variables entered in the first step explained 11.3% of the variance, $F(6, 148) = 4.26$, $p < .01$. The second step introducing the two independent variables, voice ($\beta = .35$) and outcome favorability ($\beta = .54$), indicated that both variables were strong predictors of perceived impact of trust in the legal system. The second step led to a total adjusted R² of 47.0%, $F(8, 146) = 18.11$, $p < .001$. The interaction term was entered in the third step, $F(9, 145) = 16.20$, $p < .001$, and was not significant, $p = .33$.

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The fourth analysis (Table 6) examined the interaction term of outcome favorability and respect on the process's perceived impact on trust in the legal system. Having one's case go to trial ($\beta = .31$) and being a victim of domestic violence ($\beta = -.22$), were again significant predictors. Step 1 explained 11.5% of the variance, $F(6, 158) = 4.56, p < .001$. In the second step, the main effects of both outcome favorability ($\beta = .52$) and respect ($\beta = .27$) were again significant. After entering the independent variables in the second step, the model accounted for 49.6% of the variance, $F(8, 156) = 18.19$. The interaction term of outcome favorability and voice was significant in predicting the process's perceived impact on trust in the legal system, ($\beta = .16$). The model as a whole after all three steps were entered explained 51.2% of the variance, $F(9, 155) = 20.15, p < .01$.

Table 6. Hierarchical multiple regression predicting process's perceived impact on trust in the legal system

		B	SE B	B	T
Voice					
Step 1	Female	-.16	.24	-.06	-.68
	Employed	.02	.18	.01	.11
	NSW	-.06	.25	-.02	-.25
	Domestic	-.83	.33	-.23	-2.52 *
	Sexual	-.35	.27	-.13	-1.33
	Trial	.94	.25	.30	3.82 ***
	R ²	.11			
Step 2	Female	-.15	.18	-.06	-.84
	Employed	-.25	.14	-.11	-1.73
	NSW	-.10	.19	-.04	-.53
	Domestic	-.62	.26	-.18	-2.40 *
	Sexual	-.21	.21	-.08	-1.01
	Trial	.48	.20	.15	2.43 *
	Voice	.20	.07	.18	2.72 **
	Outcome favorability	.56	.07	.54	8.43 ***
ΔR^2	.36				
Step 3	Female	-.15	.18	-.06	-.82
	Employed	-.26	.14	-.11	-1.82
	NSW	-.11	.19	-.04	-.58
	Domestic	-.61	.26	-.17	-2.34 *
	Sexual	-.23	.21	-.08	-1.13
	Trial	.48	.20	.16	2.44 *
	Voice	.19	.07	.18	2.67 **
	Outcome favorability	.55	.07	.53	8.12 ***
	Interaction voice by outcome favorability	.05	.05	.06	.98

		ΔR^2			
		.12			
<hr/>					
Respect					
Step 1	Female	-.12	.23	-.05	-.54
	Employed	-.05	.18	-.02	-.31
	NSW	-.04	.23	-.02	-.19
	Domestic	-.79	.31	-.22	-2.53 *
	Sexual	-.42	.26	-.15	-1.63
	Trial	.96	.24	.31	4.01 ***
	R ²	.15			
Step 2	Female	-.03	.17	-.01	-.16
	Employed	-.34	.14	-.15	-2.48 *
	NSW	-.10	.18	-.04	-.54
	Domestic	-.55	.24	-.16	-2.30 *
	Sexual	-.37	.20	-.13	-1.90
	Trial	.38	.19	.12	1.97
	Respect	.27	.06	.27	4.29 ***
	Outcome favorability	.53	.06	.52	8.67 ***
	ΔR^2	.38			
Step 3	Female	-.02	.17	-.01	-.12
	Employed	-.30	.13	-.13	-2.20 *
	NSW	-.09	.17	-.03	-.52
	Domestic	-.51	.24	-.15	-2.16 *
	Sexual	-.42	.19	-.15	-2.18 *
	Trial	.38	.19	.12	2.01 *
	Respect	.34	.07	.33	4.98
	Outcome favorability	.47	.07	.45	7.08
	Interaction respect by outcome favorability	.14	.06	.16	2.49 *
	ΔR^2	.02			

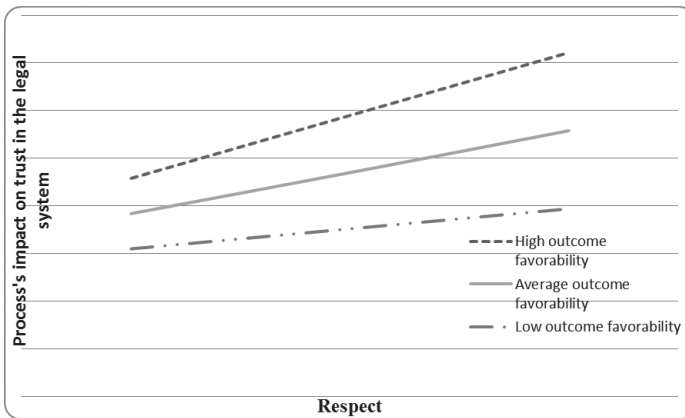
^a Standardized beta values are reported at the step which they are entered

* $p < .05$, ** $p < .01$, *** $p < .001$

From the above hierarchical regression analyses, the only significant finding for the interaction terms was the combined influence of respect and outcome favorability on the process's perceived impact on trust in the legal system. Regression lines were plotted between respect and trust in the legal system for high (i.e. one standard deviation above the mean), average (i.e. mean score) and low (i.e. one standard deviation below the mean) perceptions of outcome favorability. We also conducted simple slopes analyses (Aiken and West, 1991) to probe the interaction between outcome favorability and respect on the process's perceived impact on trust in the legal system. From the plots and simple slopes analyses, it is possible to conclude that for

victims with high outcome favorability (1 SD above the mean), respect is significantly related to the process's perceived impact on trust in the legal system ($\beta = .20, t = 2.99, p < .01$) However, for victims with low outcome favorability (1 SD below the mean), the slope was not significant, suggesting there is no significant relation between respect and the process's perceived impact on trust in the legal system ($\beta = -.14, t = -.82, p = .42$).

Figure 1. Associations between respect and process's perceived impact on trust in the legal system for high, average and low outcome favorability



Discussion

The investigation examined two psychological effects of the victim's experience in the criminal justice system: the process's perceived impact on self-esteem and the process's perceived impact on trust in the legal system. In all four analyses, the relative strengths of the associations among the main effects with the dependent variables were similar, in addition to the relationship with the control variables. Moreover, whether or not the case was categorized as domestic and having one's case go to trial were significantly associated with perceptions of the process's perceived impact on self-esteem and trust in the legal system.

The analyses resulted in three general findings. First, the majority of victims reported that the process had a negative perceived impact on their self-esteem and trust in the legal system. Second, there was a moderation effect for one analysis – the interaction of outcome favorability and respect on trust in the legal system. Only for victims with high outcome favorability was there a significant association between respect and the process's perceived impact on trust in the legal system. Third, and particularly important to note where the interactions were not significant, the effect of outcome

favorability was greatest, indicating the strongest association between the legal outcome and the dependent variables.

First, both mean scores for the variables indicated that the process had between a negative to neutral effect on the victim's well-being (2.49 for self-esteem; 2.29 for trust in the legal system). Such a finding supports the abundant literature suggesting that the criminal justice system can be harmful to victims of crime (Campbell & Raja, 1999; Orth, 2002; Ullman, 2010). This result also questions the possibility of voice or respect offsetting a negative outcome, when the average score does not even reach a positive rating. Negative psychological effects may suggest that voice, respect and outcome favorability are not sufficiently addressing the needs of victims.

Second, the main research goal was to investigate if voice and respect would predict the process's perceived impact on trust in the legal system and self-esteem when outcome favorability was high as well as low. Hierarchical regression analyses investigated four separate interactions. The interaction of outcome favorability by voice was examined with regard to its impact on the two dependent variables. Similarly, the interaction of outcome favorability by respect was examined with regard to these two dependent variables. Only one interaction, however, was significant after adjusting for the control variables: the influence of outcome favorability by respect on the process's perceived impact on one's trust in the legal system.

Based on prior literature (Brockner & Wiesenfeld, 1996), the examination looked to extend previous procedural and interpersonal justice research to crime victims. Brockner and Wiesenfeld's review asserted that procedural justice has a greater association with individuals' reactions when outcome favorability is low. Positive perceptions of voice and respect may be moderated by unfavorable outcomes. After plotting the regression lines and conducting simple slope analyses, the findings indicated that for victims receiving a favorable outcome, the relationship between respect and the process's perceived impact on trust in the legal system was significant. For victims with unfavorable outcomes, respect did not have an effect on the process's perceived impact on one's trust with the legal system. This finding is in contrast to the assertions of Brockner and Wiesenfeld, who, when analyzing individuals other than victims, found that low outcome favorability would imply a stronger relationship between procedural justice and individual reactions.

Third, all three independent variables showed significant main effects on the dependent variables. The strongest main effect was for outcome favorability for both the process's perceived impact on self-esteem and the process's perceived impact on trust in the legal system. For victims of crime the outcome of the case is clearly the most predictive factor of well-being.

As noted earlier, procedural justice research has found that the procedure is often as or even more important than the outcome itself (Lind, Kulik, Ambrose & de Vera Park, 1993). The experience of the victim, however, is different, and the seriousness of the harm they have suffered undeniably calls foremost for a favorable outcome.

As noted, victim legislation has recognized the need for inclusion and respectful treatment of the victim when he or she encounters the criminal justice system. A guiding belief behind such legislation is that the victim, who earlier was cast as 'the forgotten party,' should be included in the resolution of his or her own case. By offering this option for participation and respecting the victim's dignity throughout the procedure, the victim is likely to react more favorably. Unfortunately, the findings indicated that interpersonal justice (in terms of respect) is only predictive of the process's perceived impact on the victim's trust in the legal system when outcome favorability is high. It may be the case that in very serious cases, such as criminal justice, this particular aspect of interpersonal justice does not carry sufficient weight. Unfavorable outcomes, then, are often central in determining an individual's justice judgments, giving less regard to treatment leading up to the decision-making stage.

When interpreting the results, several limitations should be addressed. First, the sample size was not very large. Such a small sample size may entail the loss of statistical power, and will have consequences for the generalizability of the findings. Furthermore, the NSW sample used a convenience sampling method which required further caution in generalizability of the results. Particularly for the detection of interactions, the small sample may be problematic. A greater N value may show that there are other interactions among the procedural and outcome variables. Second, the dependent variables were made up of single item measures. To increase reliability, multiple-item scales could be used for the outcome variables, trust in the legal system and self-esteem. Third, moderated regression analysis must be interpreted with caution. Interactive models may underestimate the amount of variance that interactions effects account for (Cohen & Cohen, 1983). Authors have indicated the need to be cautious in interpreting theoretical and practical significance of interactions based on amounts of variance (Pedhazzer, 1982).

The findings in this article have repercussions on interpersonal justice theory, which asserts that respectful treatment is in fact indicative of certain outcomes. At least for victims of crime, outcome favorability can in a sense overrule the impact of interpersonal justice. Understanding under what conditions interpersonal justice is relevant is useful in theory building. Further research could examine those features of criminal justice that may boost trust in the legal system (e.g., privacy measures or obtaining infor-

mation about one's case), even for those victims who receive unfavorable outcomes. This may be conducted through more analyses examining interactions, incorporating these other possible variables. Understandably, we cannot make generalizations about what is important to victims without first gauging the conditions under which these findings may hold true.

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Chapter 9: Conclusions

As has been noted, victim experiences with justice have been a widely studied area in the last 25 years. The rise of the victims' rights movement has put the position of the victim at the fore of the agenda, arguing for better treatment and rights during criminal proceedings. Now in 2012, the progress made may be viewed as commendable, at least when examining the victims' rights mechanisms that have been put in place at both the international and national level. Furthermore, attention for the legal position of the victim has grown, as evidenced by research studies in the fields of psychology, sociology and law. We know which factors may lead to satisfaction with the criminal justice system, and which practices may negatively impact the psychological well-being of victims (outlined in Chapter 2). Yet the findings of prior research partly remain inconclusive as a result of ambiguous results. Subsequently, it has become clear that more specified research may be necessary that differentiates between groups of victims based on individual characteristics.

The added value of the preceding chapters will be elaborated upon. In short, the findings throughout the chapters contribute to the victimological literature by reviewing and confirming previous findings on victims' procedural and outcome preferences. Furthermore, building upon this research, the studies investigated several outcome variables, including satisfaction in addition to psychological variables such as the process's impact on the victim's self-esteem and trust in the legal system. More generally, the findings provide support for the notion that victims should not be considered one homogenous group when referring to their procedural preferences.

As has been seen, the preceding chapters covered a wide range of topics within the field of victimology: satisfaction, secondary victimization, vulnerable victims, cultural differences, national comparisons, procedural justice, restorative justice and retributive justice. To structure these findings, the conclusions will be organized in the following way: First, the findings from individual chapters will be reviewed. Second, these findings will be investigated in a more general manner, examining the implications on theory and the field of victimology. Third, inferences with regard to policy and victim rights will be discussed based on the empirical findings.

Summary of chapter findings

A systematic review was carried out in Chapter 2 on victim satisfaction with criminal justice to investigate which factors related to the quality of the procedure and the quality of the outcome contribute to victim satisfaction. There is currently an abundance of research on victim satisfaction, though no systematic view of the perceptions of victims with regard to criminal justice. Those within the criminal justice system can better understand the overall impact of criminal justice through the findings of more systematic research. The findings, however, were not always in agreement, suggesting that with the research that currently exists, it is difficult to make any concrete generalizations to victims and their preferences with regard to criminal justice. Mixed findings resulted for voice, accuracy and information. Interpersonal treatment and fairness, however, were less vague, indicating higher levels of both indicators were likely to lead to satisfaction. Furthermore, retribution was almost always related to satisfaction, in addition to deterrence and the ability to solve the problem. There were more varied findings concerning compensation. It becomes evident that future research needs a somewhat different goal. First, this research may consider the need to rethink the concept of victim satisfaction. Satisfaction generally is a vague concept and could benefit from more uniformity in measurement, or the use of other possible reactions to the criminal justice system. For example, perceptions of psychological changes resulting from contact with the criminal justice process are one concept that also is capable of gauging the experience of the victim. Second, as was noted in Chapter 1, despite the heterogeneity of the samples under study, victims are often considered to be one single generalizable group. Consequently, it is not surprising that the findings vary with regard to criminal justice preferences. Research in the future should continue to take a differential perspective by recognizing the possibility that differences among victims and their victimizations may warrant different procedural and outcome preferences. This second goal guided two of the chapter (Chapter 6 and Chapter 7).

Chapter 3 compares three groups (victims of sexual assault (including domestic crimes), victims of domestic violence (non-sexual) and victims of other serious crimes) on their perceptions of interpersonal justice, informational justice and the process's perceived effect on their ability to cope. The existing legislation in many countries focuses on the interpersonal treatment of victims of sexual and domestic assaults, suggesting there may exist a need to examine this concept more closely. The Netherlands has also enacted legislation targeting these vulnerable victims. Analyses indicated that victims of sexual assault, however, still perceived interpersonal justice as significantly lower than victims of other serious crimes. Furthermore, victims of domestic violence reported significantly lower perceptions re-

garding the procedure's effect on one's ability to cope when compared to victims of other serious crimes. Informational justice did not differ among groups. The findings for victims of sexual assault may be explained by their possibly higher expectations regarding their treatment or by the particularly intrusive investigative methods required in such sensitive cases. Alternatively, they simply may be treated poorly by the police due to the concepts of victim-blame and disbelief. Victims of domestic violence are likely to differ with regard to their coping mechanisms when compared to other victims of stranger assaults. They may have higher expectations or need more from criminal justice, likely as a result of the chronic abuse they often suffer. It may also be the case that it is not the *procedure* that is influencing one's ability to cope; rather, this may simply be a reflection of the effect of the type of crime (e.g., one consisting of chronic victimization) on one's ability to cope and the inability for the criminal justice system to accommodate the victim.

Chapter 4 provides a comparative examination from the perspective of the victim (comparing the Netherlands and New South Wales, Australia), and how the legal systems are performing in comparison to one another in terms of the quality of the procedure (namely procedural and interactional justice). As has been noted, there is an abundance of research on aspects of the procedure and victims' perceptions. Less research, however, has been carried out at a comparative level, examining two legal systems (inquisitorial and adversarial). Research that previously has compared inquisitorial and adversarial systems has largely been conducted outside the criminal justice setting, and often concluded that perceptions by individuals regarding process-control, decision-control and accurate proceedings were higher in adversarial systems. The findings of Chapter 4, however, did not support these previous conclusions. Rather, the inquisitorial system, the Netherlands, performed generally better as perceived by victims. Differences between systems were tested in terms of procedural justice (process-control, decision-control, and accuracy) and interactional justice measures (interactional justice with the police, interactional justice with the prosecutor, respect by the judge and behavior of the defense counsel). Multivariate analyses indicated that there were differences in perceptions between victims from both countries with regard to process-control and decision-control. Furthermore, univariate analysis indicated that poor interpersonal treatment by the defense counsel was also significantly less common in the Netherlands. These findings suggest that though both legal systems have incorporated legislation and protections in favor of the victim, the structure of the legal system in terms of adversarial and inquisitorial is likely to impact the perceptions of victims with regard to their procedural experiences.

Chapter 5 focused solely on the legal outcome of criminal proceedings, concluding that compensation from the offender was associated with psy-

chological effects of criminal proceedings. Not only the procedure, but also the outcome of legal proceedings is important in predicting psychological effects. Again the Orth (2002) scale was used to measure psychological effects of contact with the justice system. Past research has suggested that compensation is related to positive justice judgments, though much of this research does not focus on the victim but rather the general public, and also fails to distinguish between compensation from the State and compensation from the offender. Furthermore, a retributive sanction (incarceration) was included in the analysis, and it was found that this was not significantly linked to the dependent variable. Both restorative and retributive theories have been placed in a competing manner, where theorists argue for one or the other. Compensation from the offender may be one example of a more punitive solution to dealing with the harm caused to the victim.

Chapter 6 more closely investigates procedural justice and its effect on psychological effects of criminal proceedings, comparing victims of sexual assault and victims of non-sexual assault. Victims of sexual violence have experienced particularly traumatic events. Victims further may risk not being believed by legal authorities, and may themselves possess feelings of self-blame. Therefore, a need for recognition may be required for victims of sexual assault to a greater degree. This recognition may be obtained through procedural justice. Analyses indicated that procedural justice was associated with less negative psychological effects to a greater extent for victims of sexual assault when compared to victims of non-sexual assault, indicating that type of offense moderated the relationship. The finding may illustrate the need for more validation among sexual assault victims, which may be met through voicing one's opinions and providing perceptions of accuracy and respectful treatment. Such validation that recognizes they have experienced immense suffering could counter the perceptions of blame that arise for victims of sexual assault.

Chapter 7 explored the procedural and outcome preferences of Bhutanese refugees residing in a refugee camp in Nepal, who suffered from victimization and went to either the informal or formal legal system for assistance. Examining this group tested the applicability of previously reported findings, both in this book and elsewhere, of preferences in a different culture. This group is distinguished from their Western counterparts, primarily due to their collective status and use of an informal legal system within the camp. Consequently, their need for voice, respectful treatment and restoration may be hypothesized to differ when compared to the bulk of previous research finding these aspects to be important. Using regression analysis, voice towards the decision maker, reparation of harm and behavior control were significantly associated with satisfaction, while proper treatment (receiving information and respect), retribution and expressing views towards

the offender were not significantly associated with satisfaction. The results indicate that the importance of voice may be extended to other cultures, at least the one under study, when examining victims of crime. Similarly, deterrence and restoration are important, providing support that these may in fact be universal outcome preferences among victims of crime. More surprising was the lack of a significant association between proper treatment and satisfaction. Research often shows this indicator to be an important predictor of satisfaction. One explanation may be related to the difference in interpersonal relations within this group when compared to other Western populations.

Chapter 8 investigated the extent to which the effect of outcome favorability on the impact of the process on the victim's trust in the legal system and self-esteem is moderated by procedural elements, namely voice and respect. Based on prior procedural justice research conducted outside the criminal justice system, the hypothesis was that even where an outcome may be negative, the procedure may compensate and result in positive overall perceptions for the individual. Noting that victims are a unique group in conflict resolution, this chapter investigated whether such a finding would also hold true for individuals who experienced particularly traumatic events (victims of serious crimes). The results indicated that only when outcome favorability was high did a significant relationship result between respect and the process's impact on trust in the legal system, indicating that the level of outcome favorability moderated the relationship. In instances of unfavorable outcomes, respect was not predictive of one's trust in the legal system. While the remaining findings suggested that voice and respect were important indicators of victim reactions, the significant interaction term would suggest caution should be taken when generalizing findings.

Implications for victimological research

The contentions already noted in the introduction to this book – and confirmed in the systematic review in Chapter 2 – asserted that the victim satisfaction research must account for moderating variables. This notion is not limited to victim satisfaction, but also to other concepts affecting the victim, for example psychological effects of proceedings. Four themes will now be discussed with regard to victimological research: procedure/outcome division, comparative research, differences between victims of sexual and non-sexual crimes and how procedural preferences are influenced by the legal outcome.

Quality of the criminal justice procedure

Procedural justice research has often asserted that the procedure is as important, if not *more* important to the justice user, when compared to the legal outcome (Lind & Tyler, 1988). Initial social psychological research on the topic, however, did not focus on victims of crime, suggesting a need for caution when applying this statement to this group. At the same time, there is undoubtedly an abundance of research indicating the importance of procedural elements (e.g., respectful treatment, information, accurate information in proceedings and voice) for the victim of crime (Brathwaite & Yeboah, 2004; Chandek & Porter, 1999; Elliot, Thomas & Ogloff, 2011; Shapland, Willmore & Duff, 1985). Both satisfaction and other psychological effects were associated with elements of the procedure. The procedure in terms of voice, accuracy and respect are undoubtedly important, at least in the Western countries under study. Though there were differences among victims based on varying characteristics (e.g., culture or type of crime), there was further support for the importance of procedural preferences. While the focus of the preceding chapters was most often on the procedure, outcome variables were included in most analyses. The findings were always in concurrence; outcome favorability played an important role in justice judgments, whether this referred to overall satisfaction or psychological effects of proceedings. In fact, this indicator appeared to be most significantly associated with satisfaction and the psychological effects under study, indicating just how essential a positive legal outcome is to victims of serious crime. Such findings illustrate the importance of understanding what victims want with regard to the outcome. Chapter 5 provided support for one particular option, compensation from the offender. While this victim mechanism is used to a large extent in some systems, particularly those making use of the adhesion procedure, other options should be considered for implementing similar measures within the criminal justice system.

Focus should also be given to the theoretical implications of the quality of the procedure. The abundance of research on procedural and interactional justice has been developed and carried out outside the criminal justice setting, or failed to use victims in the studies. Wemmers et al. (1995) has been mentioned throughout the book as one exception, concluding that a model consisting of 2 factors (respect and neutrality) is indicative of procedural preferences in criminal proceedings. The goal of the current research was not to test this theory, yet this does not mean that findings from the preceding chapters may not be linked to the previous findings of procedural justice for victims. Some of the chapters examined theory in terms of victim rights, adopting a normative approach of what victims should be receiving from criminal justice. Undoubtedly, theory and victim rights overlap, and are largely in tune with victim satisfaction research regarding what is im-

portant to victims. As a result, Chapter 3 looked at informational justice and interpersonal justice separately. As noted, the goal was not to test the theory, but the findings may suggest that further research (using larger samples) should conduct more sophisticated analyses, such as factor analysis or structural equation models, to make concrete conclusions regarding a theoretical framework. Chapter 6, however, also reported on the findings of procedural justice as a single factor, yet again testing the model was not given any further attention. Furthermore, there is also a possibility that perceptions of the criminal justice experience tend to be placed together, which would be supported by the analysis in Chapter 6 examining accuracy, respect and voice as procedural justice.

Sexual assault versus non-sexual assault victims

The chapters found that, at least to an extent, victims of sexual assault differ in their procedural preferences when compared to victims of non-sexual assault. Suffering sexual assault is one form of vulnerability requiring special attention in criminal proceedings. This distinct status is illustrated by the abundance of research illustrating the violating nature of sexual crimes, in addition to the rights' mechanisms protecting victims of sexual assault in court and during pre-trial stages. One finding in the preceding chapters was that procedural justice had a greater association with psychological effects of criminal proceedings for victims of sexual assault. Enough previous research exists examining the extent to which procedural elements may impact the victim's well-being, yet this research does not tend to distinguish between types of offenses, as the current investigations do. In future research, other moderating variables should also be considered, for example the relationship with the offender (e.g., domestic violence), other vulnerable statuses (e.g., victims of trafficking, child victims) or the seriousness of the offense (e.g., property versus personal crimes). Moreover, while the current research examined psychological effects of criminal proceedings, other variables may be of interest in understanding the differences among victims and their preferences. For example, is greater voice more strongly associated with less feelings of revenge for victims of sexual assault? Is the association between post-traumatic stress disorder and respect stronger for victims of sexual assault?

Interaction of process and outcome

Outcome favorability served as a moderating variable in Chapter 8. This research recognizes the possibility that the association between the quality of the procedure and dependent variables such as satisfaction or other psycho-

logical variables may be dependent on the level of outcome favorability. Research has suggested that the legal outcome and the procedure should not be perceived independently from one another (Brockner & Wiesenfeld, 1996). Chapter 8 focused on two dependent variables more specifically, namely the process's impact on the victim's self-esteem and the process's impact on the victim's trust in the legal system. Indeed, there was a finding regarding *when* the procedure (in terms of respectful treatment) may be important to victims of crime in determining trust in the legal system; namely, only when outcome favorability is high. This finding adds to the victimological research suggesting that procedural preferences are not always as straightforward as might be suggested. At the same time, there were other findings of main effects (and a lack of an interaction effect suggesting moderation), indicating that respect and voice were associated with the two dependent variables (regardless of level of outcome favorability).

Policy implications

While the above discussion on the implications for victimological research and theory examined those chapters exploring the importance of differing victim preferences, there were also chapters exploring the evaluative nature of the same aspects. The descriptives reported in the chapters also illustrate the general experience of the victim. Chapter 6 reported that the mean score for voice indicated a small to moderate extent ($M = 2.80$, $SD = 1.24$) while the mean score for accuracy indicated a moderate to large extent ($M = 3.16$, $SD = 1.51$). Chapter 4, examining both the Netherlands and New South Wales, found that process-control and decision-control (voice) were rather low in both legal systems, between a small to moderate extent (though significantly higher in the Netherlands). In general, treatment (e.g., respect and information) by the police, prosecutor and judge scored higher than the other variables (i.e., accuracy and voice). Furthermore, Chapter 6 indicated the negative perceptions of victims with regard to psychological effects of criminal proceedings ($M = 2.38$, $SD = .98$).

Consequently, much of the research in this book has implications for policy with regard to the victim's position in criminal justice proceedings. The rather negative perceptions of victims noted in the paragraph above would suggest that much still needs to be done for victims of crime in criminal proceedings. Factors such as accurate proceedings, voice and respectful treatment have continuously been found to be associated with satisfaction and other concepts such as secondary victimization. Clearly, advancements have been made in this area leading to less harmful experiences for the victim, for example (varying by legal system) the use of victim impact statements, *in camera* proceedings, rights to information and privacy, conversations with

the public prosecutor, compensation claims, examination of witnesses, or the role as auxiliary prosecutor. Some of the findings, however, may suggest that these advancements are not fully being implemented, or more is needed to obtain higher perceptions of voice and accuracy. Before further examining the rights mechanisms and protections in a more general sense, we should be exploring the variables that impact the performance and need for these mechanisms. Understanding these variables offer more efficient solutions to the issues victims face. Namely, if the type of legal system leads to differences in perceptions of justice, can one system be modified to meet the preferences of victims? Can New South Wales learn from other legal systems in order to compensate for low perceptions of process-control and decision-control. This may be achieved by offering the possibility for the victim to tell their story in a narrative manner at some other point of proceedings, as cross-examination is likely to deny such a practice. If the type of offense is associated with differing levels of interpersonal justice, can greater respect be obtained for victims of sexual violence through changing the beliefs of officers or sensitivity training? If there are differences in the intensity of procedural and outcome preferences based on type of crime, how can these intensified preferences of sexual assault victims be met?

Legal system structure research and policy implications

As was observed in Chapter 4, the legal system is a factor influencing perceptions of voice and proper treatment by the defense counsel. If one advantage of cross-national research is to help countries learn from each other, the study conducted in Chapter 4 comparing New South Wales, Australia and the Netherlands would suggest – in an ideal world - the implementation of Dutch practices into the NSW criminal justice system. But as has been noted, the structure of a legal system is not easily altered, particularly in such concrete terms as changing from inquisitorial to adversarial structures and vice versa. The very fact, however, that systems have been cited as changing over the years, seems reason to believe that the same may be true with regard to treatment of victims in criminal proceedings. Furthermore, scholars continuously note how no system can be considered purely adversarial or purely inquisitorial. Similarly, the structure itself does not have to change in a systematic sense; rather, introducing mechanisms and protections that may counter the harmfulness of a given practice also provides a solution.

Based on the findings of Chapter 4, let us take an example. Victims reported negative experiences with the defense counsel in NSW, while this was not the case (at least to a lesser extent) in the Netherlands. This finding may be explained by differences in procedures. Rigorous cross-examination is characteristic of adversarial systems including NSW. In the Netherlands,

however, examination of the witness by the defense counsel also occurs, yet the findings of this chapter indicate that in most cases the experiences of the victim in terms of improper questioning is not common. Assuming that these practices are comparable (to an extent), it is necessary to question what causes the differences between the two systems. One may speculate that the variations in victim perceptions may be the result of the restrictions placed on questioning as may be dictated by the rules of evidence. Regarding rules of evidence, there have been exceptions made in the past, for example with regard to the sexual history of a rape victim. Furthermore, New South Wales, as noted in the Evidence Act, does require the court to prohibit certain questions that may be confusing, intimidating or insulting. Recognizing that the Evidence Act is rather vague in its instructions, one may conclude that the judge has sufficient control to interfere to a greater extent when improper questions are posed. This, however, would require a change in the legal culture in the courtroom, which would undoubtedly be a transformation of criminal proceedings. Amending the Evidence Act to more specifically lay out the “certain disallowable questions” could result in less improper questioning. Moreover, victims in the Netherlands benefit because the use of hearsay evidence is admissible, which cannot be transferred to the adversarial systems where the use of lay people in juries requires strict rules of evidence. If NSW is not able to change the manner of questioning victims, there may be other options for compensating for this norm. For instance, enhancing respectful treatment by other officials, such as the judge, may be one option. Further research could examine if this treatment would mitigate the negative consequences of cross-examination. Furthermore, in most systems, the rules themselves are in contradiction to the principles of a system. For example, the Netherlands, adhering in theory to the orality principle, relies heavily on the pretrial investigation stage, thereby restricting the examination conducted in court (Brienen & Hoegen, 2000). It may also be argued that protections for vulnerable victims (e.g., *in camera* proceedings) can infringe on the adversarial notion of the ability to cross-examine the witness. These mechanisms, though contradicting the principles of the system, have been argued to benefit victims, while still respecting the rights of the defendant.

Interpersonal justice for victims of sexual assault and policy implications

An evaluative study (Chapter 3) examined the perceived differences in informational justice, interpersonal justice and ability to cope as influenced by the legal process for different groups of victims. Particularly concerning the first two variables, much can be said with regard to victim policy. As no-

ted in the chapter, both the recent Law on the Strengthening of the Position of the Victim in Criminal Proceedings and the relevant guidelines focusing on sexual and domestic assault illustrate the recognition given to these vulnerable victims by Dutch victim policy. Yet the empirical results show that progress still needs to be made, particularly with regard to victims of sexual assault. While interpersonal justice was perceived as high for victims of domestic violence and other serious crimes ($M = 4.41$ ($SD = .51$) and $M = 4.13$ ($SD = .89$), respectively) interpersonal justice for victims of sexual assault, though above the mean score, scored substantially lower ($M = 3.39$ ($SD = 1.60$)). The reporting of positive experiences with the police in terms of interpersonal justice for some victims would also suggest that some cases may be perceived as successful in terms of police treatment of victims. Yet the significantly lower perceptions of victims of sexual assault suggest a need for more attention towards the treatment of this group. Furthermore, the informational justice scores were generally rather low, ranging from 2.52 to 3.51 among the groups. Acknowledging that the right to respectful treatment and information would by no means infringe on the rights of the defendant, this right seems worthy of focus and improvements in practice. The question then remains, what can be done in terms of policy developments to address these shortcomings?

What distinguishes victims of sexual assault from their non-sexual counterparts? Is there something intrinsic of this group that causes the police to ignore or give less attention to their plight? A common response would be to suggest victim sensitivity training, helping police officers understand the difficulties these victims face while communicating the extra care they may require. Furthermore, though research on the topic is scarce, there appears to be support that police training is in fact effective in changing beliefs held by police officers regarding sexual violence and associated myths, which in turn may influence victim perceptions (Kinney, Bruns, Bradley, Dantzler, & Weist, 2008). Other research has shown that while beliefs remain hard to change, behaviors are susceptible to modification (Lonsway, Welch, & Fitzgerald, 2001). Research has shown that supplementary follow-up training leads to officers feeling more prepared to deal with sexual assault cases and less uncomfortable in their interactions with victims, in addition to conducting more thorough investigations before making any decisions on the legitimacy of the case (Kinney et al., 2008). Perhaps more importantly, these officers have also been found to more often deal with victims who are willing to cooperate.

In the Netherlands, the required training schemes and expertise of the officer dealing with sexual assault is rather extensive. Detectives specialized in sexual assault who have already followed basic training on sexual assault and began their service before 2005 are required to follow the 'refresher course'

(*opleiding nascholen*) on sexual assault cases. A course on the treatment of sexual assault cases (*handelen in zedenzaken*) is available to those detectives beginning after 2005. Furthermore, at least 50% of their time per week must be spent dealing with sexual assault cases. The findings may be a reflection, however, of the first officer to take the report, which may not always be a specialized detective. The basic training for all officers then may be in need of improvement, in order to deal with those officers who are not specially trained at later stages. Reprimands resulting from victim complaints may be influential on police treatment towards victims. In the Netherlands there is a complaint procedure that may allow the complainant to meet with the officer (*klachtenprocedure*). Examining this system more closely may also provide insights into the possibilities of reprimanding police officers as a deterrent of poor behaviors.

If it is in fact the case that detectives are receiving a lot of pressure to understand and properly approach the dynamics of sexual assault, changing or increasing training may not be sufficient. As has been noted in the chapters, the data were cross-sectional, and therefore causal relationships cannot be interpreted. Perhaps officers in the Netherlands are doing all that is possible, while the expectations of these victims are simply difficult to meet. Research on the perceptions of officers dealing with these cases regarding their beliefs about sexual assault (e.g., myths and blameworthiness) should be conducted to attempt to understand the underlying causes of police treatment. Where research points to strong values within the legal culture, sensitivity training may be insufficient in changing the views of officers.

Varying preferences and policy implications

Exploring the different procedural preferences of victims may also drive policy changes. The research findings presented in this book have suggested that the differences among crime victims (namely sexual versus non-sexual assault) may call for a more offense focused response. The idea that victimological research findings lead to changes or developments in policy is by no means new (e.g., think of protections for victims of rape in court, who may have particularly traumatizing experiences by providing testimony). The findings of Chapter 6, for example, found that victims of sexual assault benefited more from procedural justice when compared to victims of other serious crimes.

Providing victims of sexual assault with mechanisms to voice themselves could improve their experience with the criminal justice system. In the NSW sample, many victims were not informed of their right to a victim impact statement. This trend is likely to occur in many other countries. Not only informing the victim but also explaining the benefits to the victim, particu-

larly for victims of sexual assault, may prove to be fruitful to his or her well-being. Furthermore, practices such as cross-examination that limit the voice of victims should be given more consideration in cases of sexual assault. This argument, however, may be too ambitious, requiring drastic changes to the structure of the legal system. At the same time, sweeping changes have been made, for example rape shield laws protecting the publicity of a victim's past sexual history. Improvements in the victim's legal position such as these illustrate the possibilities that exist in the future. This is not to say that cross-examination should be abolished or even conducted to a lesser extent. Rather, victims should be able to speak more freely, which is in stark contrast to the findings surrounding rape victim testimony and courtroom language (Matoesian, 1993). A system's structure that allows the defense counsel to control the flow of the dialogue, even managing to manipulate silences, should reconsider the power given to the defense counsel. To the greatest extent possible, victims should be prepared for the examination they are about to face, either by the prosecution itself or victim support representatives who are accompanying the victim to court. Additionally, the investigation stage should follow similar protocols, providing the victim with enough room to make a statement (which also relates to the need for victim training regarding sexual victimizations).

As noted, accuracy is also an element of procedural justice. Though less studied when compared to voice and respectful treatment, accuracy has been associated with satisfaction (Brandl & Horvath, 1991; Robinson & Strohshine, 2005). The behaviors related to accuracy in other studies include questioning witnesses, searching for evidence, searching the crime scene, and questioning the victim separate from the offender. Particularly victims of sexual assault may need recognition that they suffered a serious victimization and that they are believed, which can be communicated through thorough investigations. Moreover, for those victims whose cases reach the trial stage, and who may be required to give testimony, perceptions of accuracy may be compromised when the courtroom language is controlled by the defense counsel (Matoesian, 1993). Here accuracy may largely be associated with perceptions of voice. Preparation is again another way in which perceptions of accuracy may remain high, despite the confusing and 'battling' nature of criminal proceedings. Such preparation could be the responsibility of the prosecution or victim support agencies. For example, explaining to the victim that the accused may deny everything in court could cushion the surprise or pain victims face when they witness this denial themselves. As it has become custom to provide victims of serious crime with these conversations with the prosecutor in many legal systems, integrating this sort of preparation – to the extent that it is not already the case – would be beneficial to

the victim. Other mediums for reaching the victim may need to be explored in cases where the victim does not wish to meet with the public prosecutor.

Outcome favorability and policy implications

Finally, a note should be made on the findings regarding outcome favorability. Each of the studies indicated that outcome favorability was perceived negatively, where means ranged between a negative to moderate extent. Moreover, the importance of outcome favorability was illustrated in the studies, showing that it was strongly associated with dependent variables such as negative psychological effects. Procedural justice has been cited as a means of buffering the effect of outcome favorability on victim responses, yet this may not always be achieved. Unfortunately, at least until now, it seems that there is little that can be done to counteract unfavorable outcomes (more research is needed to argue that procedural justice may play a compensating role). Understandably, changing legal outcomes is also not an option. Where the legal system is unable to provide the victim with the outcome he or she desires, for example due to too little evidence or the practice of lenient sentencing, one may wonder if there are other possibilities. For example, could explaining the likelihood of unfavorable outcomes to the victim beforehand help soften the negative impact? Would acknowledging the crime in other ways, possibly by the judge, be sufficient in communicating recognition of the victim's plight, thereby making the unfavorable outcome more acceptable? Do these associations exist for some victims but not others? Could simply improving the procedure for filing compensation claims result in a greater number of successful outcomes, at least in terms of receiving compensation?

Concluding remarks

Almost 30 years ago, Shapland (1984) remarked that a victim centered system would require a realistic appreciation of the plight of the victim, rather than the black and white perception of the deserving or innocent victim. The article also pointed to a 'plethora of research' as early as 1984 examining the victim's experience with criminal justice. Now, thirty years later, we must ask whether substantial progress has been made in terms of both the existence of a victim centered system and a growth in empirical victimological research on the position of the victim in criminal proceedings. As has been the case since the beginning of the victims' rights movement, the plight of the victim has been acknowledged to a greater extent, though whether the true suffering of victim harm is understood by most is yet to be shown. Moreover, reviewing the policy suggestions noted above, has there

been substantial progress? Were these suggestions not similarly being made 20 years ago? Of course we have learned from research. Victim impact statements, for example, are widespread. They emerged in response to the need for more participation for victims particularly hailing from the common law countries. More current research suggests that the possibility for this mechanism is not reaching all victims who may qualify. In general, there may be a somewhat large leap from the research findings in this book to the policy implications, suggesting more specific research that pinpoints possibilities for improving the victim's experience.

More specific to the current research, what differs from the pre-existing plethora of research referred to by Shapland (1984) when compared to research of the last 30 years? Undoubtedly, progress has been made in the field of victimology and the victim's legal position. Much research exists on topics such as victim impact statements, the link between criminal justice system participation and psychological well-being, procedural justice, vulnerable victims and concepts such as restorative justice and victim-offender mediation to name just a few. There do seem to be repetitive assertions regarding the procedural and outcome preferences of victims that now may be regarded as fact. Subsequently, new questions should be welcomed. This book proposes that the new questions to be asked when exploring the legal position of victims include *under what conditions* do victims have given procedural and outcome preferences when encountering the criminal justice system? As evidenced by the systematic review, this focus appears to be the next step for this area of research. The field of victimology indeed continues to grow, and therefore it is vital not to stay static when there is a clear need for further research that examines the experience of the victim under more specific conditions.

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