

CHAPTER 7

Victim Perspectives on Court and Conference

This Chapter looks at the way victims of the offenders whose cases were randomly assigned to court or to a conference perceived the treatment they received. It should be noted that the victims themselves were not randomly assigned. Only two of the four RISE experiments had identified personal victims: Juvenile Personal Property and Youth Violence. Findings summarized in this Chapter are discussed at greater length in *Repair or Revenge: Victims and Restorative Justice* (H. Strang, Oxford University Press, 2002).

Juvenile Personal Property

In terms of the *financial harm* experienced by the victims in these cases, the two groups were comparable except that significantly more of the court group experienced damage to property, had somewhat higher costs associated with this damage and had lost more wages as a result of the incident. There was little difference between the groups when they were asked whether they should have received financial restitution: about half said they should have done, but a significantly higher percentage of the conference victims than the court victims actually received it. In terms of their *emotional harm*, the two groups were comparable: less than ten percent of both groups reported problems with fear of being alone, sleep problems, physical problems or loss of confidence or self-esteem, though a general increase in suspicion or distrust was reported by over half of both.

Less than eight percent of the court group reported that they had been notified ‘in good time’ about when their case would be dealt with, compared with almost three-quarters of the conference group. Most of the court victims were not notified at all as they were not required as witnesses in these guilty-plea cases. Court victims were in general given no information about what would happen in court or what possible outcomes there might, nor were any arrangements made to help them attend their case. Only one percent of court victims actually attended compared with 70 percent of the conference victims. When asked why they had attended, around three-quarters of conference victims said they had done so because they had felt a duty to do so, because they wanted to have a say in the way their case was resolved and to ensure that an appropriate penalty was imposed, so that they could talk directly to their offender and so that they could help their offender. Under half of conference victims said they attended in order to ensure they were repaid for the harm they had experienced.

Conference victims only were asked about their perceptions of *procedural justice* in their case (court victims were not asked because their lack of involvement in the processing of their case made the questions meaningless). On almost all dimensions more than 90 percent of them reported positively. These victims also reported feeling significantly higher levels of *sympathy* for their offender and the offender’s supporters after the conference than they remembered feeling beforehand and commensurately lower levels of *anger*; about a third felt *forgiving* afterwards, though most felt neither forgiving nor unforgiving. Two thirds of them said that the conference mad them feel they could put the offence behind them and that their *sense of security* had been restored.

A significantly higher percentage of court victims than conference victims said that the treatment had made them feel angry and significantly more of them anticipated that their offender would *revictimise* them. An important source of satisfaction for the conference victims was the significantly higher levels of *apology* forthcoming from their offenders than occurred in court. A significantly higher percentage of the conference victims also said that their experience had increased their *respect for the police and the justice system* and that they were pleased their case had been treated by conference rather than by court.

Youth Violence

Court and conference victims were very similar in the extent of *emotional harm* they had suffered: about one third of both groups reported fear of being alone, sleep difficulties, physical symptoms or a loss of confidence and self-esteem. More than two-thirds of both said that they felt a general increase in suspicion or distrust.

Although Youth Violence victims were more often notified 'in good time' of their court case than were the court victims of Juvenile Personal Property offences, this happened only in a little over a quarter of cases compared with the great majority of conference victims. When asked why they attended, more than three-quarters of conference victims said they had done so because they wanted to have a say in the way their case was resolved, to ensure that an appropriate penalty was imposed and because they felt a duty to attend. Just under half attended because they wanted to help their offender and just over half because they wanted to be repaid for the harm they had suffered.

Conference victims only were asked about their perceptions of *procedural justice* in their case (as with the Juvenile Personal Property victims, court victims of Youth Violence were not asked because their lack of involvement in the processing of their case made the questions meaningless). Although these victims responded positively, they were substantially less positive than the property victims on all the dimensions of procedural justice. Although they felt more *sympathy* towards the offender and supporters after the conference than they had done beforehand, they were less sympathetic than the property victims and also less *forgiving*, but they did report substantially lower levels of *anger* and of *fear* of their offender. Furthermore, about half said the conference made them feel more emotionally settled and that they could put the offence behind them; three-quarters said that their *sense of security* had been restored.

Although there was no significant difference between the court and conference victims when asked whether the treatment they had received made them feel angry, a significantly higher percentage of the court victims – almost half of them – said they would *harm their offender if they had the chance* to do so.

As with the property victims, an important source of satisfaction for violence victims who attended a conference was the significantly higher levels of *apology* forthcoming from their offenders than occurred in court. Conference victims also reported much higher levels of restitution than the court victims.