

## ABSTRACT

Title of Dissertation:       WHAT MATTERS: AN ANALYSIS OF VICTIM  
SATISFACTION IN A PROCEDURAL JUSTICE  
FRAMEWORK

Cortney Fisher, Ph.D., 2014

Dissertation directed by:   Professor Sally S. Simpson  
Department of Criminology and Criminal Justice

The discipline of criminology and criminal justice tends to focus on the offender. However, the victim's cooperation with authorities, which often begins with a willingness to report the crime, is central to a successful investigation and prosecution. Yet, the crime victim exists today on the outskirts of the criminal justice system, limited in their role by the same authorities that need them to help. Despite increasingly retributive policies toward offenders, victims remain as unsatisfied with the criminal justice system as they were prior to the policy changes.

This study explores the different policies and practices of criminal justice system actors that contribute to satisfaction for the victim. Using Ordinary Least Squares (OLS) regression, elements of procedural justice are examined to determine if providing victims with procedure and a consistent sense of process creates satisfaction. Procedural justice is then examined in conjunction with distributive justice to determine if there are independent or interactive effects between the two. Study participants included 1,308 victims of violent crime, who experienced a range of violent crimes. Victim satisfaction was measured as a scale variable, averaging the victim's level of satisfaction across four distinct periods of the criminal investigation and prosecution.

As expected, components of the system that granted the victim representation and a sense of accuracy in the process created a higher level of satisfaction for the victim. Also as expected, these variables remained important to the victim's satisfaction even when distributive justice variables were included. Unexpectedly, however, the variables that measured ethicality were unrelated to the victim's satisfaction, nor was sentence severity. Theoretical and policy implications, as well as directions for future research, are offered. Study limitations, including the limited generalizability of the sample, also are discussed.

***WHAT MATTERS:***

**AN ANALYSIS OF VICTIM SATISFACTION WITH THE CRIMINAL JUSTICE  
SYSTEM IN A PROCEDURAL JUSTICE FRAMEWORK**

by:

**Cortney Fisher**

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**Committee:**

Professor Sally S. Simpson, Chair  
Professor Laura Dugan  
Professor Michele Gelfand  
Professor Gary LeFree  
Professor Raymond Paternoster

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## **Dedication**

To all victims of crime-related trauma, those who I know, those who I've met, those in my family, and those who I've grown to love:

This dissertation is for you.

To the crime victim professionals that I've had the opportunity to work with through the years:

Your energy and passion are inspirations to me every day.

To the University of Maryland Office of the Victim Advocate staff:

I've never worked with a more professional and inspiring group of people. For all of the crazy that you managed while I was completing my coursework and all of the hope you gave to your fellow Terps, I dedicate this to you.

And

To every crime victim who walked this process alone, or who didn't have the chance to walk this process at all:

I work for you.

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## **Chapter 1**

### **The Victim in the Criminal Justice System: Are They Really Important?**

The role of the crime victim is important to the identification and investigation of crime. Even though justice depicted in the media portrays mostly the offender, the police, and the prosecutor, the reality is that the victim of the crime is often the party in control of whether or not the police are notified of the crime and the victim is often the only witness to the crime, even if he or she is only a witness to the impact of the crime, e.g. what items were stolen or what level of damage was involved. The victim may have a relationship with the offender, or information about the offender, that would significantly increase the possibility of a successful arrest and prosecution. The relationship between the criminal justice system and the victim is often an essential relationship for effective crime control and criminal justice. However, this relationship is often strained. And without the victim believing in the system—or at least believing that the system is legitimate—the victim will not be motivated to begin or to continue with the process that is needed for the American criminal justice process to work.

Crime victims tend to fall into two categories. The first category knows little about the criminal justice process beyond popular culture depictions, i.e. the function of police and prosecutors is to catch the bad guy, a goal that is almost always achieved swiftly and fairly. The other group contains victims who have a wealth of prior experiences with the system and have developed an understanding of the system based on these experiences. This group of victims tend to be more cynical and less trusting. What both sets of victims share is a fundamental belief that the system is supposed to work for the victim—identify and apprehend the offender, prosecute the defendant, and deliver an

appropriate punishment. The victim expects to be represented by and protected by the justice system. What the victim quickly learns is that the criminal justice system is fallible, as fallible for the victims as we have come to understand that it is for the offender. When the American Constitution was drafted, a crime (an action that violates a written statute or court-issued statement of law) was defined as a hostile act against the government, rather than the individual harmed (Ramsey, 2002). This decision was made for several important reasons. The drafters wanted to level a playing field that was almost always slanted in favor of wealthy citizens, and they wanted to grant the government a central role in prosecuting offenders and controlling crime. Prior to the Constitution, crime control and justice was largely a function of the victim's interests. If the victim could afford to do so, an offender would be subject to a warrant (that the victim paid to have issued) and brought before a magistrate for resolution of the crime. Punishment was focused on the restoration of the victim, and generally consisted of the offender returning the property or restoring the property lost. In the case of violent crime, the offender was subjected to the same type of punishment that mirrored the victimization suffered. Rape and murder were met with a sentence of death. Stolen property was met with a return of the property or a period of incarceration until the offender could raise the money to return the property. The victim and the victim's interests were central to the process (Ramsey, 2002; Cassell, 2012; Cassell, 1994). With that primitive system of justice, however, came many injustices—namely a system that favored the powerful and wealthy and disproportionately punished those with little power or wealth. The Constitution was designed to create a system in which all accused were

equal in the eyes of the law and all aggrieved had an equal opportunity to have the crimes against them addressed by an impartial system.

This new and novel concept of justice grew into what we know today as the American criminal justice system. The modern police, which developed from the rise of crime that accompanied the growth of American cities, have been imbued with the authority to determine which crimes are worth investigating. The public prosecutor has been granted the legitimacy to determine which crimes will enter into the public adjudication process. As a result, once the victim makes a decision to report the crime, the discretion to control the process and largely the ability to have input in the system, shifts irrevocably to “the system” and away from the victim (Cassell, 1994; Ramsey, 2002).

And yet, the American system of justice remains heavily reliant upon the victim to report the crime to authorities. Without the victim’s report, there is not likely to be a criminal justice process. No more than one half of all *violent* crimes that occur in the United States are ever reported to police (Truman and Rand, 2010). In one study of college students, 75% of all crime is not reported to the police (Hart and Colavito, 2011; Langton, et al, 2012). Since no more than one half of violent offenders and 25% of all offenders are ever reported to the criminal justice system, there is a shockingly small number of offenders that face accountability for their crimes. To be counted as effective, the American criminal justice system needs to know about the crime that is occurring. These studies show that the system may be aware of only a fraction of the crimes that they need.

Why the victim chooses to report a crime to the police is a topic that continues to attract attention from researchers. There are some basic facts that are somewhat settled about this question. Non-reporting victims often believe that the victimization is not important enough to report, or that the police cannot or will not help (Langton, et al, 2012). Due in large part to a greater level of trust in the system, affluent victims are more likely than victims of lower socioeconomic status to report to police (Langton, et al, 2012). And, more serious crimes, e.g. robbery or aggravated assault, are far more likely to be reported than less serious crimes, e.g. simple assault or larceny (Hart and Colavito, 2011; Langton, et al, 2012). All of these facts taken together lead to the conclusion that victims need to have trust in three basic assumptions before they make the decision to report. First, the victim must believe that the system is there to “fix” the wrong that was committed (Goudriaan, 2004). Second, the victim must feel that the system is “on their side,” since the victim is not the person who perpetrated a crime (Goudriaan, 2004). And third, the victim needs to believe that the system is going to act kindly and fairly (Goudriaan, 2004). If a victim believes that there is nothing that the system can or will do, that the system is going to act unfairly or on the behalf of another party, that the system is going to disenfranchise the victim, or that the actors in the system are going to treat the victim with less than dignity and respect, there is no rational reason for the victim to participate in the process. A decision to report the crime to police must feel worthwhile to the victim; the victim needs to feel that the report is going to be worth the victim’s time and that the result is going to be one of significance (Goudriaan, 2004). Compounding the importance of this issue is that the relationship between someone who is a victim and someone who is an offender, or a family member of a victim, is a fluid

relationship. Victims and offenders are not distinct sub-groups (Lansford et al, 2007; Sampson & Lauritsen, 1990; Jennings, et al, 2012; Lauritsen & Laub, 2007; Pyrooz, et al, 2014). A positive experience for a victim in one circumstance may impact the victim's decision to report another crime in the future, or a family member's decision to report a crime committed to them. If a victim is satisfied with the criminal justice process, legitimacy with the system builds, making them more apt to obey the law and respect the decisions of criminal justice authorities.

Neighborhood and community characteristics also have a correlation to a willingness of the victim to report crime. That is, a neighborhood or community that is high in social organization has a higher rate of crime reporting (Baumer, 2002). Drawing from this literature, Hart and Colavito tested this theory on a college campus, where students are far less inclined to report crime (Hart and Colavito, 2011). The authors theorized that, as the social cohesion and the social control on a college campus increased, the willingness of victims on that campus to report crime would also increase. Controlling for other factors commonly found to impact a victim's reporting decision, the authors found that social control was the only factor of significance. College victims were more willing to report given strong elements of social control, such as whether a respondent would feel comfortable intervening if they witnessed a crime or whether the respondent felt comfortable and safe on the campus (Hart and Colavito, 2011).

Similar findings were reported in a study which tested the role of community-oriented policing on the willingness of victims to report first hand or second hand accounts of crime to the police (Schnebly, 2008). The focus of community oriented policing is to increase the efficiency of policing and the amount of social control in an

area by increasing the citizens' direct cooperation with the police through targeted police presence in the community, linking the police with other community organizations, and decreasing the hierarchical nature of the police structure (Schnebly, 2008). Using the literature regarding social control and crime reporting, it would follow that the social control created by strong linkages between stable community residents and the police of the area would increase the willingness to report the crime to the police. In this particular study, the author found that the sense of safety that is created by a strong police-citizenry relationship does increase the likelihood that a crime victim will report to the police (Schnebly, 2008).

Given the prior literature, these neighborhood and community characteristics make sense—where there is a stronger connection between the community and the police, victims are more willing to report because their decision feels more rational, as if there is a higher likelihood that the victim's interests will be met. Other factors which tend to increase the victim's willingness to report correlate strongly with the factors that are included in a police officer's decision to arrest. Victims who suffer a more serious level of injury are more likely to report and the police are more likely to arrest (Brooks, 2005; Black, 1970).

Victim cooperation with the system only begins with the decision to report and often includes necessary participation throughout the adjudicatory and correctional process on behalf of the state. All states and the federal government have legislated a series of statutes, and in a majority of states, constitutional amendments, that mandate certain standards of treatment for victims. Thirty-three states have ratified a state-based Constitutional amendment guaranteeing some level of protection for victims in the

criminal justice process.<sup>1</sup> All states and the federal government have passed legislation allowing for some form of victim participation in the process, a right of notification for victims, some mechanism that enables the victim to be financially restored, and standards for ensuring that victims receive basic protection from the system in turn for their participation and cooperation. Statutory changes to the system are intended to ensure that the victim is treated as an equal, but separate, entity in the criminal justice process and to guarantee the victim a procedural place in the process, which has been ordinarily reserved only for the government and the defendant (Kilpatrick, et al, 1996). These statutes are intended to make reporting the crime, among other types of participation, a more rational decision.

As legislation has progressed, the debate has shifted from the procedural rights of the victim, which are intended to make cooperation a rational decision, to the “right” of the victim to receive a conviction and harsh sentencing of the offender. This framework has been encapsulated by the “truth-in-sentencing” movement, using the plight or “right” of the victim as justification for harsher sanctioning systems in the criminal justice process, mandatory minimum penalties, three strikes legislation, and the abolition or limitation on parole (Zimring, et al, 2001; Beck, 2010; Ohear, 2008). Rather than maintaining a focus on the process-oriented legislation which launched the victims’ rights

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<sup>1</sup> States that have a constitutional amendment ensuring the rights of crime victims include: Alabama, Alaska, Arizona, California, Colorado, Connecticut, Florida, Idaho, Illinois, Indiana, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin.

States that do not have a constitutional amendment include: Arkansas, Delaware, Georgia, Hawaii, Kentucky, Iowa, Maine, Massachusetts, Minnesota, New Hampshire, New York, North Dakota, Pennsylvania, South Dakota, Vermont, West Virginia, and Wyoming.

The federal Victim’s Rights Amendment was last introduced on April 23, 2013 in the House of Representatives. State Victims’ Rights Amendments (2014). Retrieved September 27, 2014, from <http://www.nvcap.org>.

movement, advocates of a harsh, retributive criminal justice system have used the political environment surrounding victims' rights to their advantage, claiming in widespread literature that harsh and retributive sentencing is a right of the victim, and is essential to promoting victim satisfaction.

Despite the retributive policy changes, victims continue to report dissatisfaction with the adversarial process, indicating that the process often feels like an extension of the crime (Herman, 2005). Research suggests that the goal of interpersonal crime is dominance over the victim. During the crime, the victim feels disempowered by the offender's behavior; after the crime, the victim struggles to regain their sense of empowerment and psychological balance (Herman, 2005). Often, the adversarial design of our criminal justice system, which promotes aggressive argument, selective and formalized presentation of the facts, and attack on the credibility of the victim, serves to reinforce the dominance over the victim. Unlike during the crime, however, the dominance and aggression comes from and is condoned by the criminal justice system that the victim has turned to for help (Herman, 2005). Despite the legislative remedies—both process-oriented remedies and retributive remedies—crime victims have continued to report a lack of police sensitivity, the failure of the police to identify and recognize basic signs of trauma, the failure of police to provide any information about resources available or significant events related to the case, and the police unwillingness to take seriously victim reports of harassment or intimidation by the defendant (Campbell, 2006; Campbell, 2012; Martin and Powell, 1994). Victims also report insensitivity and disinterest by the prosecutor and other legal agents (Martin and Powell, 1994). In short, many victims remain disenfranchised and unsatisfied.

The change in policy regarding intimate partner violence over the past twenty-five years is an example of the complicated needs of victims through the criminal justice process. Since the mid-1980s, and accelerated by the highly publicized murder of Nicole Brown Simpson, criminal justice policymakers have responded to intimate partner violence by implementing new policies directed at limiting police and prosecutorial discretion, removing the burden of arrest and prosecution from the victim, and increasing the severity of punishment for offenders who victimize an intimate partner. The increase and modification of these policies did result in some positive effect on the recidivism rates of domestic violence offenders where the offender was employed, but the effect on the victims have not been as notable (Paternoster et al, 1997; Sherman and Beck, 1984). While many victims report feeling somewhat satisfied with the police response, many more victims also report frustration with the police response, noting that the police did not believe the victim, minimized the crime, or exhibited arrogance toward the victim (Potter, 2010; Sherman and Beck, 1984). Even when the victim reported satisfaction with the police intervention, i.e. the arrest of the offender, the victim reported a high degree of dissatisfaction with the way in which the police interacted with them (Robertiello, 2010). In general, these studies suggest that victims aren't interested in the increased severity of intervention, but the kind and quality of intervention (Robertiello, 2010). From a victim's perspective, arrest is a narrow and simplistic reaction to a difficult and complicated problem; mandatory arrest policies—policies largely based on the original findings of the Minneapolis Domestic Violence Experiment—do not address the complicated dynamics of domestic violence and therefore, are not as effective as they could be for the needs of victims. Arrest, largely seen as the primary aim of a crime

reporting victim, does not in actuality increase the victim's satisfaction (Potter, 2010; Robertiello, 2010; Simpson and Hickman, 2003).

A final, and powerful, example of the disconnect between harsh criminal justice policy and victim satisfaction lies in the debate surrounding the death penalty. As a research question, isolating the victims' satisfaction with the process specifically because the offender received the death penalty would be difficult, if only because the death penalty cannot be taken in isolation from the victim's other experiences with the criminal justice system. However, many victims who have faced the issue of capital punishment have written on the subject. In the Afterward to her book about the murder of her cousins and the ensuing criminal justice process, Jeanine Cummins wrote eloquently about the prospect of capital punishment for victims, concluding that it is not the paradigm of justice for the victim's family that some might expect.

“I've had many moments when all I wanted in the world was five minutes alone in a room with a butcher knife and my cousins' rapists. But I also faced the moment, worse even than those vengeful ones, when Richardson's execution was imminent. There was no peace in that impending death for me...[T]he sad fact is that death row keeps these men present in our lives...I can't argue against the death penalty out of compassion for these men because I haven't really managed to find any compassion for them yet. Maybe if I thought they were sorry—if they expressed any real remorse for what they've done. I can only say that capital punishment hasn't solved anything for me. It hasn't helped me heal...Maybe the death penalty is wrong, not just because of the humanitarian issue, but because it further alienates the families who have already suffered so much. Because it rubs salt in the wounds of grief. Because it trivializes the people who should matter the most. Because it allows the murderers the opportunity to wear a badge they don't deserve—the badge of victim.” (Cummins, p. 301, 2004).

In her 2006 book, *Shattered*, Debra Puglisi Sharp also shared her ambivalence about the death penalty for the man who raped and kidnapped her, and murdered her husband.

“What now? I still believe that Nino deserves the ultimate retribution, and I console myself by remembering that this is a death qualified jury. During jury selection, they all pledged that they could recommend capital punishment if the crime was warranted...I think I gasp before I hear the words. Then I close my eyes, fast. It’s life. The jury has voted seven to five for life for Donald Flagg...This must be how soldiers feel when they leave the battlefield. Sad and fatigued. Even if the jury had recommended death, it would still have been no cause for triumph. Suddenly, all I want is to go home.” (Puglisi Sharp. P. 261, 2003)

A focus on the victim satisfaction as it is related to harsh criminal justice policy is synonymous with arguing that compliance with the law is related only to the jurisdiction’s severity of punishment, a tenet that has been unsupported by the literature (Tyler, 1990). Rather, there has been an increasing focus by many researchers on the process by which laws are created and laws are enforced (Tyler, 1990; Tyler and Fagan, 2008; Tyler, 2009). In short, does the defendant believe in the law and the legal system behind the law? Is there a sense of legitimacy and fairness which underlies the legal process? Does the belief in the system, a sense of legitimacy, create a motivation to obey the law? The same can be applied to victims. Does a fair and balanced process, in which a sense of balance is observed, create a motivation for the victim to cooperate? And, if they cooperate, will that process lead to satisfaction? If the experience of victims can be analogized to the experience of offenders, without that sense of legitimacy, the victim will likely not be motivated to initiate him or herself into the process, and will not be motivated to continue with the process that is needed for the American criminal justice process to work (Tyler, 1990). And, if they do, they will not be satisfied.

This dissertation will explore Tom Tyler’s procedural justice framework, but will apply the framework to the experience of victims in the criminal justice process rather than offenders. I will explore how the different components of procedural justice impact

the victim and are related to the victim's level of satisfaction with the justice process. In addition, this project broadens the type of victim typically studied in the victim satisfaction literature. Here, the experiences of both male and female victims are examined and expanded beyond domestic and/or sexual violence. I anticipate this project will significantly contribute to the literature on procedural justice by developing support for the theory as it is applied to victims. Specifically, I anticipate that victims will be more satisfied when the process includes efforts to provide the victim opportunity for input, accurate information, and high-quality representation (or voice).

To examine this question, I will use data collected in 1994 for a study conducted by Beatty, Howley, and Kilpatrick, in collaboration with the National Center for Victims of Crime and the National Institute of Justice, hereinafter referred to as the NCVC data. The original data were collected for the purpose of assessing the extent of victims' rights implementation in "weak states", i.e. those states without a constitutional amendment protecting victims' rights, and "strong states", i.e. those states with a constitutional amendment protecting victims' rights. I will assess the impact of procedure on the victim's level of satisfaction with the criminal justice system. Using variables that measure points of victim engagement during the criminal justice system, this study will assess whether victims are more satisfied with the criminal justice process when there is process and participation for the victim resembling that of the offender. Chapter 2 will establish the theoretical framework of this dissertation, exploring the role of the victim in the process as well as the role of procedural justice as applied offenders and victims. Chapter 3 will review the relevant literature, both theoretical and empirical, as it relates to the victim in the criminal justice system and the application of procedural justice to the

victim's satisfaction with the system. Discussion of how process and the criminal justice system impact people of different gender, status, and crime type will be explored. In Chapter 4, I describe the data, variables, and analytic strategy used to test specific research hypotheses. In particular, I anticipate that the level of the victim's participation in the system and the victim's sense of legitimacy in the system will impact the victim's level of satisfaction. Rather than frame victim satisfaction as an issue that can be resolved through harsher penalties and mandatory sentencing, I hypothesize that procedural justice will have a positive impact on the victim's satisfaction. Chapter 5 presents the findings of this analysis and final conclusions, as well as directions for future policy and research.

## **Chapter 2**

### **Victims and Process: Will Procedural Justice Matter?**

#### **Including the Victim in the System: The Emergence of Victims' Rights**

In the early 1980s, President Ronald Reagan convened a task force to study crime victims' experiences in the United States. Seeking to understand the concerns of a small group of emerging advocates in the aftermath of his own attempted murder, President Reagan appointed Lois Haight Herrington to staff a task force, hold hearings, gather testimony, and produce a report to explain the current experience of crime victims when they participated in the criminal justice system (Herrington, 1982). The result was the *President's Task Force on Victims of Crime: Final Report*, published in 1982. The Final Report issued a total of sixty-eight recommendations intended to improve the experience of crime victims, ranging from a review and reform of the criminal justice system to a review and reform of America's health care system (Herrington, 1982). The final recommendation of the Task Force was an amendment to the United States Constitution. Citing a lack of balance in the criminal justice system, the Task Force wrote, "in applying and interpreting the vital guarantees that protect all citizens, the criminal justice system has lost an essential balance" (Herrington, 1982). In the words of one victim interviewed, "they explained the defendant's constitutional rights to the nth degree. They couldn't do this and they couldn't do that because of his constitutional rights. And I wondered what mine were. And they told me, I haven't got any" (Herrington, p. 114, 1982).

Paul Cassell, a professor of law at the Quinney College of Law at the University of Utah, has written several papers and testified in front of several committees and

commissions describing the legal justification for the inclusion of crime victims' rights in both state constitutions and the federal Constitution (Cassell, 1994; Cassell, 2012). "Under the prevailing approach, it has been enough for the system to respond to prosecutors and particularly defense attorneys and to hope that crime victims were not dissatisfied with the process. Victims, however, have not been satisfied. Increasingly they have come to believe that the criminal justice system is out of balance, that their voices are not heard..." (Cassell, p. 1375, 1994). The "institutionalized disinterest" regarding crime victims in the American criminal justice system does not come from an intentional act of any legislature, or the interpretation of any one reviewing court. Rather, the "un-balancing" of the scales was a gradual development that occurred over time. It then stands to reason that the founding fathers never intended the current state of affairs (Ramsey, 2002; Cassell, 1994; Cassell, 1999; Hong, 2005; Twist, 1999).

Since the Task Force's Final Report, every state has passed numerous pieces of legislation to reincorporate the victim back into the criminal justice process by ensuring that crime victims have certain basic rights. As stated previously, thirty-three states have passed amendments to their state constitution which are intended to codify some procedural standard for victims. The failure to pass a federal victims' rights amendment is due to opposition to an amendment that would elevate the victim's role in the criminal justice process to that of the offender, even if only in a procedural way. The first cited argument against a victims' rights amendment is that it is unnecessary because the same objectives could be achieved through well-enforced statutes (Mosteller, 1999). The argument follows that the current state of non-compliance is due to the failure to enforce statutes that have already been legislated (Mosteller, 1999; Hong, 2005). Proponents

argue that victims' rights would be more thoroughly implemented if there was a federal Constitutional amendment that balanced the amendments protecting defendants' rights. In the absence of an amendment protecting the victim, statutes will always yield to amendments protecting defendants.

After implementation of many statutes and state amendments, the National Center for Victims of Crime conducted a national research project to study the effectiveness of those statutes and amendments in re-balancing the scales of justice. The NCVC data described previously evaluated the implementation of victims' rights statutes and found, overall, that legislation alone was not creating increased implementation within the criminal justice system. Specifically, the study's authors set out to test the hypothesis that "the strength of legal protection for crime victims' rights has a measurable impact on how victims are treated by the criminal justice system and on their perception of the criminal justice system."<sup>2</sup> (Kilpatrick, et al, p 1). The study's authors were trying to determine if the legislation and amendments were working to provide victims with the rights and services that they were promised. Secondarily, the authors assessed whether greater implementation led to greater trust in the criminal justice process (Kilpatrick, et al, 1996). The researchers found support for Cassell and his colleagues' argument in favor of constitutional amendments. In states where there was a constitutional amendment, the implementation of victims' rights was more widespread and compliance was higher than in states in which there was no constitutional amendment (Kilpatrick, et al, 1996). Additionally, where there were higher levels of compliance, victims' trust in the system also increased (Beatty, et al, 1996). While these results contribute an

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<sup>2</sup> The "strength of legal protection" was measured by the extent to which victims' rights were implemented in states with and without constitutional amendments.

important finding for the field, i.e. that constitutional amendments made a significant difference in whether victims were afforded their rights, left unexamined is a bigger question: given the fact that in certain areas crime victims *are*, in fact, granted their statutory rights, why does victim satisfaction with the system remain low in all states?

The second argument against a victims' rights amendment is that elevating the rights of the victim will inevitably decrease the rights of the defendant, rights upon which the American criminal justice system is based (Mosteller, 1999; Hong, 2005). In a hearing in front of the House of Representatives Judiciary Committee Subcommittee on the Constitution held on April 26, 2012, American Civil Liberties Union (ACLU) Senior Legislative Counsel argued that a victims' rights amendment would alter the balance of power that was specifically written into the Constitution and would also deprive the defendant of the presumption of innocence (McCurdy, 2012). Until the defendant has been convicted beyond a reasonable doubt, argues opponents of the amendment, there is no legal victim. By allowing the victim of crime into the criminal justice process in the earliest stages, the criminal justice system is assuming that the defendant is guilty of the crime against the victim before he or she has been convicted (McCurdy, 2012).

A third argument in opposition to an amendment is that such procedures would institutionalize overly emotional victims in a process which is designed to be based on valid evidence and an unbiased judge and jury (Hong, 2005; McCurdy, 2012). Including the victim would create, according to opponents, a situation where the criminal justice system is used for the victim's own personal vengeance rather than the fair adjudication of facts (Hong, 2005). The purpose of the American criminal justice system—a system that was revolutionary when it was established and remains the system most revered for

protecting the rights of the accused—was to create a barrier to the state punishing people without due process and adequate evidence. Those barriers were intended to protect the defendant from the imposing power of the state. The victim does not require such protection since they do not face a loss of life, liberty, or property, and therefore should not be included as a protected party (Mosteller, 1999; Hong, 2005; McCurdy, 2012).

Opponents of an amendment also cite to an area of empirical research that supports the belief that there are harsher sentences associated with victim input. One study, which analyzed the role of victim impact statements at parole hearings, found support for the hypothesis that victim testimony at parole hearings leads the defendant to be far less likely to be granted parole (Beck, 2010).<sup>3</sup> A victim impact statement is a written or oral narrative to a judge or jury at sentencing that usually includes a statement about the character of the victim, the effect of the crime on the victim and the victim's family, and the victim's thoughts about the nature of the crime and recommendations on sentencing (Wolf and Miller, 2009). Largely used as a mechanism to grant the victim "voice" in the criminal justice system, victim impact statements are controversial because they are seen as bringing emotion and bias into a system that is designed for neutrality and fact (Wolf and Miller, 2009).

Of particular concern is when a victim impact statement is delivered in the sentencing of a defendant in a capital case. The United States Supreme Court case of *Payne vs. Tennessee* (1991) settled the issue of whether victim impact statements are

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<sup>3</sup> Research into victims' rights has tended to center around how the victims' rights legislation has impacted the defendant and/or the defendant's interests. See Manikis and Roberts, 2011; Paternoster, et al, 2011 (discussion of the role that victim impact statements have had on offender's sentencing)

constitutional in a capital case. In *Payne*, the court held that states are permitted to allow the victim to have a voice in the process, particularly since the offender has been convicted, but the victim may not recommend a sentence to the jury (*Payne vs. Tennessee*, 1991). With victim impact statements in place as a tool to enable voice, the question remains as to whether the statements are unfairly prejudicial to the jury or judge. One experimental study in Australia found that jurors were more punitive when the defendant was a female and a victim impact statement was delivered, but there was no effect if the defendant was a male (Forsterlee, et al, 2004). In other studies, mock jurors expressed an increased likelihood of imposing harsher punishment (including capital punishment) if there was a victim impact statement; however, the decision was not necessarily based on the amount of harm expressed by the victim delivering the statement (Myers, et al, 2006; McGowan, et al, 2004). Literature in the psychology discipline furthers this argument by finding that a victim's impact statement may serve to mitigate or ignore the defendant's narrative (Minot, 2012). Research suggests that greater retributive emotions such as anger, hostility, and vengeance toward the defendant were present after a victim impact statement (Paternoster, et al, 2011). Taken together, it cannot be ignored that opponents of an amendment have valid concerns regarding whether the use of victim impact statements—or the inclusion of the victim generally—will lead to a more punitive system. The question that remains is whether that increased punitiveness increases the victim's satisfaction and willingness to cooperate. Do victims intend for the impact statement to result in harsher sentencing? Or, is harsher sentencing a consequence of the judge and jury hearing a full depiction of the crime, from all parties to the crime?

## **The Justice System and the Psychology of Victimization**

In addition to the legal difficulties that arise when crime victims are disengaged from the process, there are psychological concerns for the long term health of criminal trauma survivors who do engage with the system. The American justice process is designed as an adversarial process (Herman, 2005). That adversarial process is predicated on the assumption that a defendant will receive vigorous advocacy (Herman, 2005). From a victim's perspective, the formalized rules of the process result in a selective presentation of the facts, psychological attack on the victim, and aggressive argument (Herman, 2005). From a psychological perspective, a survivor of criminal trauma needs community validation, psychological support, reintegration into the community, a sense of empowerment over their lives, and a sense of distance from their offenders (Herman, 2005). The American legal system is designed in a way that is diametrically opposed to the psychological needs of the victim. Even if, as the American Civil Liberties Union argues, there is no legal victim until there is a conviction, there is still a person who is reporting that they are traumatized by the actions of another person.

Herman's qualitative study of the violent crime experiences of twenty-two victims explored the actual needs and wants of victims within the process (Herman, 2005). When asked, victims of violence in the study reported several factors of the traditional criminal justice system that caused additional trauma. First, the victim felt disenfranchised from the system at the very beginning, noting that the only party that mattered to the process was the defendant and that the aggression of the process was reminiscent of the original crime (Herman, 2005). Second, victims overwhelmingly reported that the process was unfair, and could be bent and molded toward those participants with power, money, and

influence (Herman, 2005). Third, victims felt that the community often sided with the offender (Herman, 2005). When the offender did confess to the crime, or when the offender accepted a plea agreement, the confession felt to the victim like a legal maneuver that did not result in an apology or community validation. From the victim's perspective, the confession or plea was instead designed to satisfy abstract community goals, ignoring the victim's need for accountability to the victim for the harm caused (Herman, 2005).

Adding to this literature is research by Rebecca Campbell who studies how a person's neurobiological systems are impacted by trauma, and how those responses can affect the criminal justice process. Campbell attempts to assess how the immediate interaction with the criminal justice system can impact the victim's overall experience (Campbell, 2006; Campbell, 2008; Campbell, et al, 2012). Campbell found that, in sexual assault victims, many of the concerns and complaints that the victim had about moving forward with reporting the case and cooperating with police could be attributed to the neurobiology of trauma, i.e. the way in which the victim's brain chemistry interacts with a traditionally adversarial process (Campbell, et al, 2012). For example, when a person is sexually assaulted, the trauma of the assault affects the functioning of several brain activity centers which makes it difficult, if not impossible, to provide a cohesive and chronological account of the incident to the police (Campbell, et al, 2012). The police interpretation of this disorientation is that the victim is not providing all of the details or telling the truth (Campbell, et al, 2012). Either due to the police officer's failure to move the case forward, or because the victim feels that further cooperation would be fruitless, the victim's experience with the criminal justice system often ends

after that first contact with the police (Campbell, 2006; Campbell, 2008; Campbell, et al, 2012). This early and immediate experience with the police is likely to have a significant impact on whether the crime victim feels that the criminal justice process is fair, impartial, consistent, or that the process is providing a sense of ethicality to the victim (Tyler, 1990; Tyler and Lind, 1992; Tyler and Wakslak, 2004).

To date, the only method of incorporating the victim into the criminal justice system in a way that is palatable to victim and offender advocates has been the rise of restorative justice. Restorative justice is not going to limit the victim's exposure to the offender in the way that Herman suggests reveals that the victim needs, but it does provide the engagement and enfranchisement that is analogous to the procedural goals of a victims' rights amendment. It does not generally come with the same sense of accountability and exposure of the offender's wrongdoing (which the victim often wants), but it does enable the victim to have the voice that victim impact statements try to accomplish. While the restorative process is often criticized as being impractical for widespread use, as explained in the following section, it is the only system thus far to successfully engage the victim.

### **Toward Participation, Information, and Satisfaction: Is Restorative Justice the Answer?**

Soon after its modern introduction into the field of criminal justice, the concept of restorative justice was applied to the problem of victim satisfaction, largely by those who sought to popularize the alternative system of justice. In writing his seminal book on restorative justice, *Crime, Shame, and Reintegration*, Braithwaite advocated for a reconceptualized criminal justice system (Braithwaite, 1989). Braithwaite's reforms

argued for a less adversarial and more cooperative system, intended to reintegrate the defendant into the community after he or she has been held accountable (Braithwaite, 1989). Restorative justice, as set forth by Braithwaite, is a criminal justice system that involves the victim, the offender, and the community, working together to develop a punishment for the offender and reintegrate the offender in a way that is acceptable to all three parties (Strang, 2002). Drawing largely from the victim's central position in the restorative process, restorative justice advocates embraced the work of the victims' rights movement, citing the Task Force and the work of victims' rights advocates as yet another reason to widely adopt restorative justice processes in lieu of the traditional, adversarial, retributive processes which have largely failed to reduce crime or increase victim satisfaction (Strang, 2002; Zehr, 2002).

Restorative justice requires the victim's active participation in the process. One of the key themes of the Task Force Final Report was that victims of crime were effectively disenfranchised from the traditional criminal justice process; the restorative process creates a central role for the victim's interests. Some research has lent support to the hypothesis that the victims' inclusion in the process leads to higher levels of victim satisfaction and higher perceptions of fairness by the victim (Umbreit, 1994; McCord and Wachtel, 1998). As the victim is consulted and given more contact with the criminal justice system—both of which are central components of restorative justice—the victim has a more favorable view of how he or she is treated by the system actors (Strang, 2002).

In the Canberra Reintegrative Shaming Experiments (hereinafter RISE Experiments), researchers Sherman, Strang, and Wood sought to build on these early

studies to elicit additional information about the victims' experience. The RISE Experiments evaluated the outcomes of diversionary restorative justice conferences as opposed to traditional court processing of offenders (Sherman, et al, 2000). All cases studied involved the offender pleading guilty, whether there was an assignment to the restorative justice or the traditional process (Strang, 2002).<sup>4</sup> All cases permitted the victim to speak directly to the offender about the material and psychological injury caused by the victimization (Strang and Sherman, 1997).

Preliminary evaluations of the RISE Experiments offer a promising path for the future of improving victim satisfaction and participation in the criminal justice system. Of the victims who participated in the restorative conferences, a majority reported that the process helped them to regain their sense of security, decreased their anger toward the offender, increased their sympathy for the offender, increased their feeling of being informed in a timely manner, and increased their feeling of being happy or satisfied with the way that the case was handled (Strang, 2002; Strang, et al, 2006)<sup>5</sup>. While components of restorative justice provide a sense of enfranchisement and inclusion that is missing in the traditional American justice system, many limitations of restorative justice prevent its use as a solution to the problem of victim satisfaction on a large scale.

First, the restorative justice system requires a high level of participation from victims who may be experiencing the debilitating impact of trauma. Several studies have

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<sup>4</sup> The cases in both the traditional process and the restorative process that were permitted into the RISE Experiments all required that the offender in the case plead guilty, which automatically excluded a significant number of victims, i.e. those where the offender was not willing to admit guilt.

<sup>5</sup> Other evaluations of a restorative process have also revealed positive outcomes for victims. *See* Angel, 2009 (victims in a restorative process have lower levels of Post-Traumatic Stress Disorder than victims in the traditional process).

found that a large number of victims choose not to participate in the processes with the offender (Strang, 2002). When the process is loosely structured, as a conference usually is, the victim may feel as if the more intimate setting reenacts the power and control dynamics that occurred during the crime (Strang, 2002; Stubbs, 2002; Daly, 2002; Morris, 2002; Busch, 2002). While advocates of restorative justice argue that the process can be accommodated to any power imbalance, it remains that victims may be hesitant to engage in such an intimate process with the offender.

Second, a restorative process may, in actuality, negate some or all of the satisfaction that results from a public and clear statement of accountability for the offender's actions (Stubbs, 2002; Daly, 2002; Busch, 2002). Particularly in gendered crimes (or crimes that are traditionally and predominantly committed against women, such as domestic violence and sexual assault), women have struggled to have these crimes treated as criminal matter rather than as a private family concern. Restorative conferences may unintentionally reinforce that these crimes are best handled through mediation and reconciliation, rather than serious punishment. Additionally, the negotiation process inherent in a restorative proceeding may force the victim into accepting some responsibility for the crime, which is detrimental to the victim's psychological recovery and is unfair to hold victims accountable for behavior of the offender. Victims of gendered crimes and their advocates argue for an appropriate reconstruction of the adversarial process rather than a full-scale incorporation of the restorative process (Stubbs, 2002; Daly, 2002).

Finally, the restorative process does not permit the natural psychological needs of the victim to be met (Herman, 2005). A restorative process has an agenda of consensus,

reconciliation, and forgiveness which requires that the victim be in a place psychologically to accept that agenda. Many survivors of criminal trauma are not in a place psychologically to accept the restorative agenda (Herman, 2005). A trauma-informed justice system would have no specific agenda, but would allow each case to unfold based on the facts relevant to the victim and offender (Herman, 2005).

In yet another important criticism of the restorative process, Allison Morris identifies the unique complications that are inherent in restorative processes when children are the primary victims of the crime (Morris, 2002). If a child is very young, the child is unable to participate in the process and will rely on others to represent their interests, which is contradictory to the core principles of restorative justice (Morris, 2002). Even if the child is of an age where participation is possible, if the child is under the age of majority, the child will have an advocate. Many children report that they feel as if “people are talking about them and decisions are being made about them but that people are not talking to them and decisions are not made with them,” which defeats the purpose of victim participation (Morris, 2002). Children will also likely suffer from a power imbalance, often inherent in the relationship between the victim and the offender, making the restorative process ill-advised. And finally, there are examples in which children have suffered physical harm by the offender-parent after the restorative process was complete, largely due to the process’ failure to recognize future danger in favor of promoting immediate reconciliation (Busch, 2002).

### **The Alternative: A Procedural Justice Framework**

For all of the reasons discussed, restorative justice is not a likely solution to the problem of victim dissatisfaction and disenfranchisement; however there are components

of restorative justice, such as providing the victim with a voice, providing the victim with accurate and timely information, and a sense of system balance, that show promise and adaptability to other models. As applied to the question of why people obey the law, Tyler's procedural justice is predicated on the assumption that people care equally and independently about the fairness in the process as about the outcome of the process. In other words, the outcome of the process is not the motivating factor in making individuals law-abiding. People follow the law because the system has legitimacy, the process is fair, the laws are moral, and there is a buy-in to society (Paternoster, et al, 1997; Tyler, 1990). Tyler outlines six structural elements of procedural justice: *representation, consistency, impartiality, accuracy, correctability, and ethicality* (Tyler, 1990). When these six elements are included in the justice process, Tyler argues that subjects to the process are more likely to feel a part of the process, and respect the laws.

*Representation* refers to the ability of parties in the criminal justice process to have a legitimate opportunity for meaningful participation in decision making, either through their own voice or through third party representation on their behalf. Traditional distributive justice theories assume that parties to a criminal process are primarily self-interested, i.e. the victim to the process wants a harsh outcome and the defendant in the process wants a lenient outcome. Proponents of procedural justice argue alternatively that people are at least equally concerned with their ability to participate in the process, to be represented. The ability of a party to present his or her case and state his or her opinion gives the party a sense of being a valued member of society. Knowing or believing that they are valued ultimately leads to an increased view of legitimacy in the

system, greater motivation to obey the law, and a willingness to accept the verdict of decision makers (Tyler, 1990).

The second element of procedural justice, *consistency*, refers to the similarity of treatment across time, people, and geography. A system is legitimate only when it is predictable, i.e. a person can accurately or within a range of possibilities predict the consequences for their infractions. A person seeks to be treated similarly to other people in same or similar circumstances in the same geographical area, and seeks to be treated similarly from one time to the next. That is, if two different people violate the same societal norms, a consistent system would ensure that that the two people are treated similarly. Further, consistency would require that a person be treated similarly if they committed an infraction now and then committed the same infraction a year from now. The consistency of the system gives the system legitimacy (Tyler, 1990). *Impartiality*, significantly related to consistency, assumes that a system views each party to a process without bias. When people believe that their age, gender, ethnicity, religion, race, or national origin is going to influence the substantive deliberations of a dispute, the person is less likely to see the system as legitimate (Tyler, 1990).

*Accuracy* is the fourth element of procedural justice. Accuracy refers to the ability of the system and the people within the system to make correct and competent decisions. For there to be accuracy, the system and the people working on the system's behalf need to be open, honest, and transparent about the process. Openness and honesty theoretically lead to better decision making and therefore, more accuracy within the system. The more open and transparent the system is, the more belief people have in the system and the more likely people are to accept the system as accurate (Tyler, 1990).

*Correctability* is the other side of accuracy. Correctability assumes that the system, when it does err, is fixable. Part of a legitimate system involves a procedure for fixing errant findings if errant findings are delivered. An appellate body should be able to review and revise a decision, if the decision making was flawed or in violation of standing procedures. Correctability creates a system “escape hatch” in which a person is able to ensure the other elements of procedural justice are upheld (Tyler, 1990)

The final element of procedural justice is *ethicality*, or *status recognition*. Ethicality refers to the level of dignity and respect which is afforded to parties within the criminal justice system. The extent to which a person is treated with dignity and respect is equal to the extent of value that the person has within the system. For example, if a person is valued, they are necessarily going to be treated well by the system. It follows then that if a person is not valued they are not treated well. Therefore, a person’s treatment in any particular instance leads that person to ascertain their value to the system. Respectful treatment by the system then leads to a perception of the system as just, fair, legitimate, and deserving of adherence (Tyler, 1990).

The procedural justice paradigm has been applied to criminal justice to explain higher levels of legal compliance by the defendant or potential defendant. People will respect the laws, which they perceive were legitimately developed, and will accept the decisions of law enforcement and the courts, because they believe that the decisions were legitimately made (Tyler, 2006). Legitimacy, along with trust (or the belief that the justice authority will act in a way that fairly serves all parties) is the foundation of procedural justice. When trust in the system is high, procedural justice variables become most pronounced and have a stronger impact on the potential defendant’s likelihood of

obeying the law. When trust in the system is low, the effects of procedural justice variables are moderated, because the elements of procedural justice were not perceived to have been implemented fairly (DeCremer and Tyler, 2007). Without legitimacy, Tyler argues there will be a failure of the society's institutions to govern its people effectively, without revolt, riot, or mass law breaking (Tyler, 2006). Legitimacy can be measured by the level to which the society believes in the quality of decision making procedures and the quality of treatment experienced by the individual (Gonzalez and Tyler, 2008).

Since penning his classical treatise on procedural justice in 1990, Tyler has continued to develop his theory and test its application to intergroup relations and the ability of governing authorities to maintain control over diverse groups within one society. This extension of procedural justice assumes that modern pluralistic societies are comprised of diverse sub-groups who identify in some ways as a member of the larger group but in other ways as members of a distinct sub-group. Tyler argues that in such pluralistic societies, a governing authority needs to convince all sub-groups that their identity with the larger group is worthy and that the larger authority engages in control processes that are neutral among all sub-groups, and treat all sub-groups with dignity and respect (Tyler, 2009; Barry & Tyler, 2009; Tyler, 2001).

This dissertation is primarily predicated upon Tyler's classical theory of procedural justice which assumes that all members of a society are seeking *consistency, ethicality, correctability, accuracy, representation, and impartiality* in their interactions with the criminal justice system. While this analysis is based on the classical theory, it is understood that victims and offenders modern American society are also members of different sub-groups who hold different views of the criminal justice system prior to a

crime. Some victims may have no experience with the criminal justice system other than a popular culture perception of what happens. Other victims may have been offenders in the past, or have family who are offenders, and have an attitude of mistrust with the system before even engaging with the police (Jennings, et al, 2012; Pyrooz, et al, 2014; Lauritsen, et al, 2007). For this dissertation, I assume that victims of crime, perpetrators of crime, and the government are not distinct sub-groups within society. In modern American life, people who are victims of crime may easily become perpetrators (Lansford et al, 2007; Sampson & Lauritsen, 1990; Jennings, et al, 2012; Lauritsen & Laub, 2007; Pyrooz, et al, 2014). Perpetrators of crime, or the families of perpetrators, are able to easily become crime victims, or have a role in government as the controlling authority (Jennings, et al, 2012; Pyrooz, et al, 2014; Lauritsen, et al, 2007). To rely too much on Tyler's extended version of procedural justice would be to "box" the sub-groups too rigidly for the realities of modern American criminal justice. However, victims of crime may identify differently prior to their victimization, based on their race, ethnicity, or gender, or may identify differently after their victimization, based on crime type. Any of these sub-groups may impact the victim's overall level of satisfaction with the criminal justice system.

While people in the United States do not generally have an overwhelming sense of trust in the criminal justice system as a whole, levels of confidence and feelings of trust vary along racial, ethnic, and gender lines (Tyler & Lind, 1990; Kulik, et al, 1996). It is commonly known that different sub-groups in modern American society do not view the criminal justice system in the same way. For example, women are likely to think differently than men about the criminal justice system based upon commonly held

perceptions of society related to crimes traditionally committed against women, e.g. rape and sexual assault. African-American victims are likely to think differently about the criminal justice system based upon their (almost universal) perception that the criminal justice system treats African-American perpetrators more harshly than white perpetrators (Brooks, 2009).

An example of racial and gender disparities in perceptions of criminal justice is highlighted by the research into the experiences of African-American women. African-American women tend to be less satisfied with the police even when their arrest preferences were met (Potter, 2010; Hickman and Simpson, 2003). Even when there is an arrest (the presumed goal of the victim), the victims remain dissatisfied with the police, and believe that their chances of getting help are greater without the criminal justice system (Kruttschnitt and Carbone-Lopez, 2009). This is one example of how group identity prior to victimization may impact the victim's overall level of satisfaction with the criminal justice system once victimized.

Proponents of restorative justice argue forcefully that victim advocates within the criminal justice process should advocate for a restorative rather than a traditional court process because the restorative process has been shown to demonstrably mitigate the impact of the trauma on the victim (Strang, Sherman, et al, 2006). Despite some support for that argument, restorative justice is not likely going to be a serious widespread alternative to the traditional American justice system. To "fix" the problem of victim dissatisfaction with the American criminal justice process, policymakers have to focus on a system, or fixes to a system, that can be embedded within the existing system of justice and the constitutional framework. Procedural justice offers policymakers the ability to

integrate the principles of *fairness, consistency, ethicality, representation, accuracy, and impartiality* into a system that already exists and that is already accepted by the majority of Americans. The American system of justice is predicated on the Constitutional premise that all people are created equal and the promise that an accused defendant remains legally innocent until the government can prove, beyond any reasonable doubt, that the defendant is guilty of the offense. A restorative process which requires an acknowledgement of guilt by the offender does not. The question for this dissertation is whether a model of procedural justice, if applied to the victim's role in the criminal justice system, would increase the victim's sense of legitimacy and trust in the system. In other words, will procedural justice make the victim feel more satisfied? Research finds that only 23-25% of participants in the criminal justice system have confidence in the system's ability leading scholars to cite the lack of victims' rights and participation in the system as one reason (Sherman, 2002). Following that, an increase in satisfaction for victims may lead to an increase in the number of people with confidence in the system's ability.

The secondary question of this dissertation is whether the increase in procedural justice will decrease the victim's interest in justice outcomes—in particular a harsh sentence, i.e. does procedural justice decrease the victim's interest in distributive and retributive justice. It is well-settled that procedural and distributive justice are psychologically related (Brockner and Wiesenfeld, 1996; Hauenstein, et al, 2001; Tyler, 1994; Lind, et al, 1990; van Prooijen, et al, 2002). In many studies, the relationship between the two types of justice are so correlated that it is difficult to separate the effects of each from the other (Hauenstein, et al, 2001). However, there is research that suggests

that low levels of procedural justice increase the need for distributive justice (Brockner and Wiesenfeld, 1996). When levels of procedural justice increase, the need for distributive justice decreases. This dissertation will explore that relationship with regard to crime victims.

The principles of the restorative process that have received positive support are the fact that the victim is represented equally to the defendant, the victim is treated equally to that of the defendant (impartiality), the victim is treated with dignity and respect (ethicality), the system is transparent, and there is a sense of consistency in the process. In the RISE Experiments, the victims who attended stated that they participated in the process because he or she felt that the conference would allow them to have a say in the process and in the punishment (60%), would allow them to express their feelings (56%), would allow them to ensure that the harm was repaired (31%), and would allow them to ensure that the penalty was appropriate to the crime (48%) (Strang, 2002). Of the victims who participated in both the court and the conference processes, the single biggest issue causing them discontent with the process, and the single biggest issue impacting their feelings about the process was the timely notification or communication from criminal justice officials (Strang, 2002). Where there was appropriate communication and timely notification, there was very often a sense of satisfaction. Where there was no communication, or delayed notification, the victim had a strong tendency to be dissatisfied (Strang, 2002).

The legislation and state amendments that followed the publication of the Task Force Report have procedurally included the victim into certain aspects of the traditional criminal justice system. The use of the victim impact statement provides a mechanism

for the victim to have a voice in the process and there is support for the hypothesis that it is a useful and successful tool in providing voice and therefore representation (Wolf and Miller, 2009). Most states have laws that require the system actors to share information with the victim and to permit the victim to attend critical proceedings. Information sharing and attendance indicate a sense of balance—or impartiality—to the process, while also sending a fairly clear signal about the victim’s status within the process (ethicality). Information sharing and permitting the victim to be present at proceedings where the defendant is present promotes a sense of transparency, and leads the victim to feel that there is accuracy. And, finally the routine implementation of these laws and amendments provides a sense of consistency.

Notably, however, there has been a significant failure to consistently implement the rights of the victims. Victims routinely report not being informed—or being misinformed—about case status or hearing dates and locations despite the legislation (Kilpatrick, et al, 1994). This misinformation and lack of information leads to the inability of the victim to deliver a victim impact statement (exercise their voice), and the victim’s inability to be in attendance at a proceeding. When the victim is absent from proceedings due to lack of notice or misinformation, it often feels to the victim that the officials in the criminal justice system do not respect the victim’s importance in the process; there is a loss of status recognition. Additionally, it may feel that there is a loss of transparency that the victim is not able to observe the process. This loss of transparency may lead to a sense that there is no system accuracy.

For the crime victim, the system remains dissatisfying. At best, the system’s failures are an annoyance or inconvenience. At worst they are retraumatizing (Campbell,

2012; Campbell, 2006). The widespread failure to implement victims' procedural rights and consistently provide a fair process forces crime victims to rely on distributive justice for a sense of satisfaction. If procedures for victims were routinely and consistently implemented, increasing the representation, status recognition, sense of impartiality, and sense of consistency in the process and sense of accuracy, would victims of crime be more satisfied? Would the outcome of the process be unimportant? Or, will distributive justice remain significant even when the components of procedural justice are fulfilled? These are the questions that this project seeks to answer.

## **Chapter 3**

### **Review of the Literature**

#### **Literature Review**

There are two central theses to this dissertation. First, I hypothesize that when agents of the criminal justice system provide the victim with procedural justice, the victim's satisfaction with the criminal justice system increases. Second, I hypothesize that the level of procedural justice that the victim receives will interact with the level of distributive justice and retributive justice that the victim experiences. That is, when there is an increase in the level of procedural justice, the importance of distributive and retributive justice to the victim will decrease. If the process of treatment is as important, if not more so, than the outcome of the treatment, for a crime victim, the process experienced by the victim would be as important as or more important than the outcome, i.e. a finding of guilt or the sentence for the defendant. As described at length in Chapter 2, the most successful justice model, to date, to incorporate the victim into the criminal justice process has been restorative justice. While restorative justice is not advanced as an alternative to the traditional justice process in this dissertation, the manner in which the victim experiences the principles of *correctability, consistency, ethicality, representation, accuracy, and impartiality* in the restorative model support the argument to incorporate procedural justice into the traditional model.

**Procedural Justice.** Tyler's central argument in favor of procedural justice is that providing fair procedures to people is the equivalent of providing that person, or that person's identity group, with status recognition in the community. Status recognition cements that person's, or that person's identity group, into the social order. Valued

membership in the social order brings legitimacy and trust to society's rule making process and encourages compliant behavior (Tyler, 1990; Paternoster, et al, 1997; Tyler and Lind, 1992). People assume an obligation to obey the law out of morality and respect for the system rather than self-interest (Paternoster, et al, 1997).

In his 1990 book, Tyler based the hypotheses of procedural justice on four separate studies testing core procedural concepts in two different justice arenas: courts and policing. Each study included a sample of participants with numbers ranging from 346 to 1,575. Participants were asked about their confidence in and support of the police and the courts in their jurisdiction, his or her feelings of obligation to obey the law, and their help-seeking behavior if they became a victim of a crime or witnessed a crime. In all four studies, the quality of treatment that the participants received by the police and the courts emerged as the primary factor affecting the participant's confidence in legal authorities and the participant's feelings of obligation to obey the law. Participants who had previous experiences with the legal authorities stated that they were less concerned with the criminal justice system's performance as a crime control institution and more concerned with the treatment of the people in the system (Tyler, 1990).

Procedural justice also has empirical support in studies conducted by other researchers. For instance, people who believe the process to be fair demonstrate a higher level of satisfaction with the justice outcome and a greater sense of responsibility to accept and comply with it (Lind, et al, 1993; MacCoun, 2005; Tyler and Fagan, 2008). Tyler argues that this level of compliance and acceptance is related to the psychological attribute of legitimacy (Schulhofer, et al, 2011). While legal compliance may be motivated by self-interest (e.g. people don't commit crime because they don't want to be

arrested), people also refrain from criminal behavior because they view the laws as moral, and the authorities as legitimate (Tyler and Fagan, 2008; Schulhofer, et al, 2011). People who feel that the authorities are legitimate comply with the law and accept decisions of authorities because they don't want to be shunned by the authorities that they admire (Tyler, 2009). Application of this model has been supported in policing and court research, as well as research in corrections, negotiation, and organizational psychology (Hollander-Blumoff and Tyler, 2008; Tyler, 2006; de Cremer and Tyler, 2005; de Cremer and Tyler, 2007).

Similar to Tyler's argument about ethicality, research from the psychology literature suggests that procedure is important because it is intricately tied to a person's status in their community (van Prooijen, et al, 2012). If a person is afforded fair and consistent procedures, that person is likely to assume that the authority has deemed the person worthy of fair procedures. This same explanation is relevant when discussing the importance of representation, or "voice" (Lind, et al, 1990). People in a system value voice because that voice permits a sense of control and inclusion in the process. Even if the person's voice was not a consideration in the decision-making process, people felt that the allowance of voice created a sense of status and importance to the process (Gonzalez and Tyler, 2008; Lind, et al, 1990).

The role of procedural justice has been routinely cited as key to increasing the success of local police. In one study of the role of procedural justice and policing, Paternoster, Bachman, Brame, and Sherman (1997) found that procedural justice, or more specifically the defendant's perception that there was fairness and legitimacy in the police decision making for domestic violence cases, led to a lower level of recidivism than in

cases where the defendant did not have a sense of fairness or legitimacy attached to the process. In another study, the role of procedural justice was used to test whether a public perception that the police were engaged in profiling affected the ability of the police to be effective (Tyler and Wakslak, 2004). The authors found that profiling is a significant factor in whether the police has the support of the community, even if there is only a belief by the citizens that profiling is occurring. Actual proof of profiling isn't necessary to decrease a sense of police legitimacy; a perception of profiling has the same effect (Tyler and Wakslak, 2004). However, when people have an interaction with the police that they believe is fair and consistent across other anecdotal experiences, people in a community tend to attribute a greater sense of legitimacy to the police and tend not to believe that the police are profiling at all (Tyler and Wakslak, 2004). In short, evidence of actual negative behavior on the part of the police isn't necessary for the community to develop a lack of trust in the police, but actual experiences are critical to developing a sense of trust within the community.

Another important body of research on procedural justice connects emotional response to a sense of justice. Findings suggest that a person's emotion influences a person's sense of justice within a process. In one study, the authors found that if a participant in a process perceived that both the process and the outcome was unfair, the participant was likely to have negative emotions about the process (Cropanzand and Folger, 1989). However, feelings of injustice may also be based on a person's pre-existing mood. Someone who is in a positive mood prior to experiencing the process would be more likely to assess the process as positive (van den Bos, 2003). Someone with a negative mood is more likely to assess the process negatively. In yet another

study, it was identified that people often feel anger when they feel that both the process is unfair and the outcome is unfair (Weiss, et al, 1999). Guilt was most prevalent as an emotion if the outcome was favorable to the participant but the participant felt that the process was biased in their favor. Pride was the prevalent emotion when the participant felt that both the outcome and process was fair. One possible conclusion from this research is that people are able to feel positive emotions about the process only when the process is fair. Given the high level of emotion that is intrinsically related to being a victim of crime, it is essential that the psychological impact of the crime on the victim is taken into account when determining a level of satisfaction. The interplay between emotion, and the victim's psychology, are likely to impact the victim's satisfaction with the criminal justice system (Weiss, et al, 1999; van de Bos, 2003).

**Procedural Justice Across Race and Gender.** “Public order successes have been achieved at great cost to politically powerless communities” (Schulhofer, et al, 2011). When discussing perceptions of fairness with the criminal justice system, it would demonstrate ignorance to act as if the perceptions of fairness and justice are equal across race and gender. One recent—and high profile—example of this dichotomy is the case of Professor Henry Louis Gates of Harvard University. The middle-aged African-American professor was arrested at his home on a suspicion of burglary. In the controversial aftermath of the arrest, one study indicated that less than 20% of African-Americans considered the American legal system fair or legitimate (Brooks, 2009). In another study, twice as many White Americans as Black Americans disapproved of President Obama's comments criticizing the law enforcement response (Schulhofer, et al, 2011). While research suggests that an individual's willingness to obey authorities is similar across

racial groups; what is different across racial groups is the extent to which individuals feel that system is legitimate and trustworthy (Tyler, 2005).

While most procedural justice literature focuses on the individual's willingness to comply with the law, willingness to cooperate is also essential to the justice process. Cooperation is also threatened in racial minority communities where there is a perception that the criminal justice system is biased (Schulhofer, et al, 2011). Cooperation, like compliance, is strongly linked to a feeling of trust and legitimacy in authority. High incarceration rates of young minority men, profiling tactics of law enforcement, and recent DNA analysis that has resulted in many overturned convictions of minority men have severely impacted the trust in the system, and willingness to cooperate, for marginalized racial groups (Lyons, 2002; Tyler, 2005; Lee, et al, 2010; Schulhofer, et al, 2011).

The effect of gender on perceptions of justice is a bit more complicated because gender is confounded by class and race. Many evaluations have been conducted on the differences between perceptions or satisfaction with outcomes between men and women in organizational contexts with mixed results; fewer evaluations have been conducted on the differences in a justice context (Kulik, et al, 1996). It is well-established that women are treated differently than men in the criminal justice system (Albonetti, 1987; Albonetti, 1997; Mustard, 2001; Engen, et al, 2003). It then follows that a woman's perception of justice is likely to be different as well. One theory posits that the criminal justice system has a chivalry bias, which results in lower rates of arrest for women, more lenient sentences for women who are arrested, and increased use of alternative sentences (Engen, et al, 2003; Albonetti, 1997; Mustard, 2001; Zatz, 2000); however, it is not necessarily

the case that the more lenient treatment results in greater perceptions of justice. Given the research that finds that women tend towards equality, social harmony, and neutrality in the distribution of outcomes, there are some that theorize that women are more likely to base their perceptions of justice on distributions that are equal and neutral rather than harsh or retributive (Kulik, et al, 1996). Group value theory suggests that women would be more sensitive to procedures that mitigate their status recognition since women have less status generally in society (Tyler and Lind, 1990). In the context of this analysis, it is likely that women will be more impacted by the procedural justice component of ethicality than men.

An underlying distinction between the justice perceptions of men and women is inherently related to the previous experiences of women within society. Women are more likely than men to define success in terms of the process, rather than the outcome. Women are also less likely, in an organizational setting, to have access to informal mechanisms that lead to success like mentoring and networking. Therefore, women tend to rely on formal structures and formal processes to achieve success (Sweeney and McFarlin, 1997). Procedural justice is predicted to be more important to women, and in research by Sweeney and McFarlin, the hypothesis is supported. Women are more likely to evaluate the totality of their experience by whether or not the procedures were fair. Men were more likely to evaluate the totality of their experience by the outcome, whether it was fair or not (Sweeney and McFarlin, 1997). In the context of this dissertation, it is then likely that procedure will have a stronger effect on women's satisfaction than on men's satisfaction. While men may consider both procedural and distributive justice to

be significant indicators of satisfaction, women are more likely to be satisfied only when measures of procedural justice are high.

**Procedural Justice and Distributive Justice.** As mentioned earlier, a discussion of procedural justice isn't complete without also a discussion of distributive justice. The two concepts are inextricably linked as evidenced by a meta-analysis of compiled studies from the reward allocation literature and dispute resolution literature (Hauenstein, et al, 2001). In the context of dispute resolution, which is most relevant to criminal justice, the "types" of justice, i.e. procedural and distributive justice, are highly correlated. When there is an attempt to predict outcomes using either procedural justice or distributive justice without controlling for the other, there is almost always an overestimation of the relationship between the measure of justice and the outcome (Hauenstein, et al, 2001). Controlling for either procedure or distributive justice, however, often leads to underestimation. Rather than treat distributive and procedural justice as separate constructs, more accurate relationships can be estimated by testing components of each, e.g. representation of the victim, victim's perception of accuracy of the process, and the victim's perception of fairness of the process (Hauenstein, et al, 2001). This suggestion will be implemented later when this dissertation seeks to predict the victim's level of satisfaction based on procedural and distributive justice components.

The important question of procedural and distributive justice is how the two concepts interact. According to referent cognitions theory, if both procedural justice and distributive justice are perceived to be unfair, a negative reaction to both the process and the outcome will result (Folger and Martin, 1986). There is also support for the hypothesis that either form of justice is impacted by dissatisfaction with the other (Folger

and Martin, 1986; Brockner and Wiesenfeld, 1996). When procedures are fair, individuals' needs for esteem and status are fulfilled, and fairness of procedures in this instance will allay the individual's fear that the procedures will be inconsistent in the future (Brockner and Wiesenfeld, 1996). Distributive outcomes are not likely to disrupt the perception of fairness. However, when there is a lack of perceived fairness in the procedures, there is a threat to the individual's status in the group. Therefore, the outcome of the decision assumes a much greater significance (Brockner and Wiesenfeld, 1996).

As demonstrated in the paragraph above, status seems to be the component that links procedural and distributive justice (Tyler, 1994; van Prooijen, 2002). When asked about the definition of status, people point to the regard and approval that they receive from others, either due to internal characteristics, i.e. morals and values, or external characteristics, i.e. what people demonstrate to others (van Prooijen, 2002). Procedural justice is important to people when they are seeking to maintain high status within their group (Tyler, 1994). Distributive justice, on the other hand, matters when an individual is trying to maximize his or her allocation of resources or when a person's status in the group is threatened (Tyler, 1994). When accepting third party decision-making, as in the criminal justice system, individuals look to fairness in the procedures (Tyler, 1994). However, when it appears or it is perceived that someone is losing status within the system, distributive justice becomes important.

**Victim Experience.** Despite the early interest in the impact of victims' rights legislation in reintegrating the victim into the traditional criminal justice system, there is

a paucity of research into the general level of the victim's satisfaction with the process.<sup>6</sup> Among the few studies in this area, one was an evaluation conducted of North Carolina's victim notification system. North Carolina adopted the use of an automated system designed to help keep victims informed and notified of the status of their criminal case and the location of the offender. After a period of implementation, the North Carolina Governor's Crime Commission and the North Carolina Criminal Justice Analysis Center conducted a study to determine if the automated system had been successful in increasing the participation of victims in the criminal justice system and if that participation increased the victim's sense of safety and satisfaction with the criminal justice system. The theory was that, by increasing the number of notifications that were provided in a timely manner, the victim would be more likely to participate in the process by attending proceedings and delivering a victim impact statement. Although the study lacked a control group, was limited to one state, and included only victims who knew of and were utilizing this automated system, the results were positive. The greatest benefit that victims in the study cited was an increased sense of safety and an increased sense of participation in the criminal justice system. This in turn led to a slight increase in the victim's satisfaction with the system. For the first time, the victim's mere participation and sense of safety were linked to an increase (albeit small) in the victim's satisfaction (Larsen and Yearwood, 2004).

In other studies of the victim's satisfaction in the criminal justice system, there is support for the idea that the victim's perceived control within the system will lead to

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<sup>6</sup> Research into victims' rights has tended to center around how the victims' rights legislation has impacted the defendant and/or the defendant's interests. *See* Manikis and Roberts, 2011; Paternoster, et al, 2011 (discussion of the role that victim impact statements have had on the offender's sentencing).

higher levels of satisfaction (Zweig and Burt, 2007; Fleury-Steiner, et al, 2006). That perception of control has been linked to two components of the system: voice and whether the victim's desired outcome matched the actual outcome of the case (Hotaling and Buzawa, 2003; Fleury-Steiner, et al, 2006). In both studies, where the victim felt that there was control over the system, the victim was satisfied enough to say that they would participate in the system again (Hotaling and Buzawa, 2003). Similarly, a recent study by Greenman (2010) found that perceived procedural justice early in the justice process resulted in increased participation by victims at later stages. However, greater inclusion earlier in the process resulted in lower levels of victim participation in the prosecution phase of the process, perhaps due to the victim's belief that the prosecutor is well-representing their interests (Greenman, 2010). The victim's early experiences with the system may lead to an increase in trust throughout the entire process.

These findings tend to support the conclusions of the Reintegrative Shaming Experiments (Strang, 2002). Strang argues that the satisfaction of victims increases in response to the value that the victim feels that he or she has to the system. When the victim is consulted, and the victim is given more contact with the criminal justice authorities working the case, the victim is increasingly satisfied with the process. Because the police, or law enforcement, tend to "need" the victim for evidence collection and information more than other components of the system, the victim generally has a more favorable perception of the way that they are treated by the police (Strang, 2002).

Similarly, victims of crime are often excluded from the process because it is assumed they will create a more punitive system. While there are studies that support that, there are also studies that find that victims do not seek a more retributive system. A

study conducted in Germany of a victim's needs in the criminal justice system, found that only 13% of all victims stated that punishment was their primary priority (Buerskens & Boers, 1995). Wholly different than the argument that victims will seek retribution, the victims in the Buerskens & Boers study cited the desire for community service from the offender (26%), an apology from the offender (17%), and restitution (33%) as their primary sources of relief (Buerskens & Boers, 1995).<sup>7</sup> Although it is risky to extrapolate from a study conducted in Germany, such findings may indicate that a similar conclusion is possible in the United States.

The primary tenet of procedural justice is that the process of treatment is as important, if not more so, than the outcome of the treatment itself. For a crime victim, this would mean that the process experienced by the victim would be as important as or more important than the outcome, i.e. a finding of guilt or the sentence for the defendant. Research of intimate partner violence and sexual assault victims have found that the way that the victim is treated within the system has a more significant impact on the victim's well-being than the outcome (Cattaneo & Goodman, 2009; Cattaneo, et al, 2010). If the victim feels coerced, blamed, or ignored within the criminal justice system, the victim's well-being is likely to be negatively impacted, even if the outcome (distributive justice) was positive. In these circumstances, not only is the victim dissatisfied in this instance but they are not likely to engage in the system again (Cattaneo & Goodman, 2009; Cattaneo, et al, 2010).

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<sup>7</sup> While there is evidence that the system becomes more punitive with strong victim participation, there is no empirical support for the hypothesis that victims are requesting that punitiveness.

Tyler and Lind have also found that the perception of justice experienced by a person speaks to that person's status within the group or system. Therefore, in addition to the victim's experience of justice, the way in which the victim feels that he or she is treated in the system may make a larger statement about the value of the victim in the larger process and may have a ripple effect (Tyler and Lind, 1992). If the victim perceives a sense of injustice throughout the system, the victim is likely to conclude that the injustice is related to his or her value to the system. Since research does suggest that victims do not universally identify as a "victim" status, but rather identify as members of a class, race/ethnic, or gender group, the manner in which victims are treated may make a dual statement about their racial or ethnic sub-group as well as their status of victim. Increasing a victim's perception of value in the system will likely help to increase satisfaction and cooperation, not only from the victim in this instance, but on a larger scale from victims who identify with the same racial or ethnic sub-group (DeCremer and Tyler, 2007).

In addition to the support for procedural justice, there is some support for the premise that distributive justice will impact the victim's willingness to reengage with the police in the future. For a crime victim, the concept of distributive justice would require that the offender receives the amount of punishment that the victim feels is just, or "equal to the crime". Even when distributive justice is important, however, procedural justice also remains important as an element for victim satisfaction. Domestic or intimate partner violence victims are an area of particular concern because the rate of reporting incidents of violence ranges from 7-14%. And, for this group, there is a high likelihood of future abuse, and a high likelihood of the need re-engage the criminal justice system

(Hickman and Simpson, 2003). Hickman and Simpson tested the hypothesis that a first encounter with the police will influence the victim's willingness to engage with the police when a second incident occurs (Hickman and Simpson, 2003). Hickman and Simpson tested both distributive and procedural justice outcomes using a sample of 594 interviewed domestic violence victims out of a total eligible sample of 907 cases in Florida. In this sample, the authors found that both procedural justice (fairness of the process) and distributive justice (preferred outcome) impacted the victim's level of satisfaction with the police, but that only distributive justice, i.e. the victim getting the preferred outcome, was the influencing factor of whether the victim would call the police again (Hickman and Simpson, 2003).

Another study which focused on the experiences of Black, female, intimate partner violence victims, revealed reluctance on the part of the women to call the police and engage the criminal justice system against a Black defendant, thereby calling negative attention to the Black community (Potter, 2010). On the other hand, the women reported higher levels of satisfaction if the offender was arrested, which supports the findings in Hickman and Simpson's study (Hickman and Simpson, 2003; Potter, 2010). Even where there was an arrest, however, victims tend to report that they felt that the police did not care about their victimization, were arrogant, did not believe them, or minimized the situation (Potter, 2010). Presumably, even when there are multiple arrests, if these victims remain dissatisfied with the police, and believe that their chances of getting help are greater without involving the criminal justice system, the probability of continuing to engage with the police may decrease (Kruttschnitt and Carbone-Lopez, 2009). The implications of these studies are that justice system reforms are necessary to

increase victim satisfaction with the American system and, in turn, increase the efficiency with the system.

### **Research Hypotheses**

Drawing from the theoretical constructs outlined by Tyler, and the empirical literature, I derive several research hypotheses that are outlined below. The principal hypothesis of this dissertation is that victims' satisfaction is positively related to the level of procedural justice experienced by the victim throughout the criminal justice process. For a victim to feel satisfied with the process, a victim needs to feel that it is consistent, correctable, accurate, impartial, representative of their interests, and ethical. In short, the victim needs to feel as if the procedure is fair and representative of all parties involved.

**Hypothesis 1:** Victim satisfaction with the criminal justice process will be positively related to the level of procedural justice that the victim receives throughout the process.

Victims will report greater satisfaction with the criminal justice system if they have been afforded procedural justice throughout the criminal justice process. To test this hypothesis, I will test components of procedural justice against the victim's level of satisfaction in the criminal justice system, similar to the process suggested by Hauerstein, et al, in the meta-analysis discussed previously. Procedural justice will be operationalized by whether the victim received information from the police about the investigation (accuracy and ethicality), whether the police were polite to the victim (ethicality), whether the police provided the victim with information about services available (representation and ethicality), and whether the police notified the victim of an arrest (accuracy and ethicality). On the prosecution side, procedural justice will be operationalized by whether there was a trial (accuracy and correctability), whether the

victim delivered a victim impact statement (representation and ethicality), and whether the victim was consulted on the sentence (representation and accuracy). I will also be measuring procedural justice with the system generally by including whether the victim believed that services provided were adequate (ethicality and representation), whether efforts to give the victim input into the system were adequate (accuracy and representation), whether efforts to keep the victim informed were adequate (accuracy and ethicality), and whether the victim advocate provided was adequate (representation and ethicality). Just as the state and the offender are able to participate, the process of allowing the victim to participate in the process and receive information will increase the victim's sense of the process's accuracy, impartiality, and ethicality. Notification to the victim of process, consulting with the victim on process decisions, and treating the victim with dignity and respect represent the procedural justice system concepts of accuracy, ethicality, impartiality, and representation. The trial process represents the accuracy and correctability of the system. Recognizing that the victim is a party to the process is a clear statement to the community and the victim that the system is impartial, i.e. is treating both the victim and the defendant equally, and that the victim is granted the same status recognition as the defendant.

**Hypothesis 2a:** Victim satisfaction with the criminal justice system will be positively related to the level of distributive justice included in the process.

**Hypothesis 2b:** Procedural justice measures and their impact on victim satisfaction will remain significant when distributive justice measures are included in the equation.

**Hypothesis 2c:** Distributive and procedural justice will have an interactive effect on victim satisfaction. When procedural justice is high, distributive justice will have less influence on the victim's satisfaction than when the measures of procedural justice is low.

The sentence that the offender receives has long been thought to impact the victim's sense of justice with the criminal justice system. That long held notion has been the vehicle behind "truth-in sentencing" legislation, as well as the abolition of parole and mandatory minimum sentencing in many jurisdictions. While many of those policies have been predicated on victim advocacy for harsher sentencing and stricter procedures for offender processing, no research has evaluated the victim's desire for harsher sentencing against a backdrop of procedural justice. If the victim is afforded desired process, and feels as if the system is balanced and fair to all parties, this hypothesis suggests that the victim will be less interested in the severity of the sentence or the "fairness" of the outcome, as fairness is a measure of distributive rather than procedural justice. However, I hypothesize that measures of distributive justice, i.e. sentence, arrest, and the victim's perception of "fairness" of the trial, verdict, and sentence will remain a significant and positively related variables (Hauerstein, et al, 2001).

**Hypothesis 3: Procedural and distributive justice will have differing impacts on victims based on race, gender, and crime type.**

Tyler's later extension of procedural justice assumes that modern pluralistic societies are comprised of diverse sub-groups who identify in some ways as a member of the larger group but in other ways as members of a distinct sub-group. Tyler argues that in such pluralistic societies, a governing authority needs to convince all sub-groups that their identity with the larger group is worthy by engaging in control processes that are neutral among all sub-groups, and treat all sub-groups with dignity and respect (Tyler, 2009; Barry & Tyler, 2009; Tyler, 2005). It is commonly known that different sub-groups in modern American society do not view the criminal justice system in the same way. For example, women are likely to value different components of the criminal

justice system than men (Kulik, et al, 1996). When examining perceptions of both distributive and procedural justice, women tended to view outcomes of distributive justice more fairly than men and tended to rank procedure of higher importance than men (Kulik, et al, 1996). In addition, victims of intimately-based crimes, that were and continue to be stigmatized by society, may value distributive justice over procedural justice because of the stigma and shame associated with the crimes (Melton, 2010; Potter, 2010). African-American victims are likely to think differently about the criminal justice system based upon the perception that the criminal justice system treats African-American perpetrators more harshly than white perpetrators are treated (Kochnel, et al, 2011). For African-American victims then, distributive justice may matter more since it can be seen as a reflection of the victim's status recognition in the community.

As stated earlier by Potter, Simpson and Hickman, African-American women tend to value an arrest (or distributive justice) (Potter, 2010; Hickman and Simpson, 2003). In short, one's status as a member of a distinct sub-group(s) or as a victim of gender-based crimes, may impact victims' overall level of satisfaction with the criminal justice system. Based on this literature, the following hypotheses will be tested.

**Hypothesis 3a: Ceteris paribus, procedural justice measures will have a greater effect on female victim satisfaction than male victim satisfaction.**

**Hypothesis 3b: Ceteris paribus, distributive justice measures will have greater effect on male victim satisfaction with the criminal justice process than female victim satisfaction.**

**Hypothesis 3c: Ceteris paribus, procedural justice measures will have greater effect on White victim satisfaction with the criminal justice system than it does on Non-white victim satisfaction.**

**Hypothesis 3d: Ceteris paribus, distributive justice measures will have greater effect on Non-white victim satisfaction with the criminal justice system than it does on White victim satisfaction.**

## **Chapter 4**

### **Data and Methods**

#### **Statistical Methods and Analytic Plan**

This analysis will use an Ordinary Least Square (OLS) regression model to analyze the data.

#### **Figure 1**

$$y = \beta + \beta_1 X_1 + \beta_2 X_2 + \beta_3 X_3 + \dots + \varepsilon$$

Ordinary Least Squares (OLS) allows the researcher to predict the value of the dependent variable ( $y$ ) for a given set of independent variables ( $X$ s), to determine the direction and strength of the relationships and to determine which independent variables ( $X$ s) are important to the outcome (Hoffman, 2004). As described in more detail below, three different measures will be used as dependent variables in this analysis. Two of the three are ordinal variables, measured on a scale from 1-4. The third variable is a continuously measured ordinal variable, measured on a scale from 1-4.

I will test the first hypothesis by building a series of three models. The first model will test whether procedural justice variables influence victim satisfaction with the police. The second model will test whether procedural justice variables positively affect victim satisfaction with the prosecution. The third model will test whether procedural justice variables are positively related to the victim's overall experience with the justice process, using a scaled variable of victim satisfaction as the dependent variable. Further information about the data and the assumptions of OLS are discussed below.

The next set of models focuses on tests of hypotheses 2a and 2b. Here I will examine whether distributive justice impacts victim satisfaction independently and whether it remains important when procedural justice variables are included in the model. Again, using OLS, I will regress distributive justice variables on victim satisfaction and then then add procedural justice elements to the model. I will compare the effects of variables in the model and examine the adjusted r-squared of both models to determine whether the addition of distribution justice variables increases the explained variance beyond the model including procedural justice variable alone.

For the third hypothesis (Hypothesis 2c), which tests the interaction of procedural and distributive justice on the victim's level of satisfaction, I will again use OLS regression. First, I will create a scale consisting of the three variables in the model that measure perceived fairness (proxy measures of distributive justive). That scale variable will be multiplied by each of the procedural justice variables in the equation to create eleven (11) interaction terms. In addition, I will create eleven (11) additional interaction terms by multiplying an outcome measure of distributive justice (incarceration) by each of the procedural justice variables. All twenty-two interaction variables will be included in a model with the main effects variables, as well as the demographic and control variables. I will compare the adjusted r-squared of the interaction model to the other models to determine the better model fit.

For the final set of hypotheses (Hypotheses 3a, 3b, 3c, and 3d), I will test whether procedural and distributive justice matter differently based on the victim's race and gender. To conduct these tests, I will first run separate regressions for White and Non-white victims, as well as Male and Female victims. Once I have established the

important predictors in each model, I will test for slope differences of the coefficients for each procedural and distributive justice variable (Paternoster, et al, 1998). As previously states, the dependent variable in this analysis is an ordinal variable measured on a scale from 1-4. The scale is based on 911 observations. Ordinal variables are generally measured by using either ordered logistic, ordered probit regression models, or an Ordinary Least Squares (OLS) regression model. Due to the normality of the error term in this data set, and the fact that the dependent variable is measured at twelve distinct points on the scale between 1-4, with a point of measurement at each quarter of a point (Hoffman, 2004), OLS regression is appropriate.

OLS depends on the data meeting seven assumptions for the equation to be appropriate as a predictor or estimator (Hoffman, 2004). The first five assumptions of OLS are met. Specifically, the observations in the dataset are independent of each other;, the mean value of the dependent variable at each combination of the independent variable is a linear function; the residual error terms have a constant variance across the dependent variable; there is no serial correlation among the error terms; for each independent variable the correlation with the error term is zero; and the error term is normally distributed. The sixth assumption of OLS is that the error term is normally distributed. To test this assumption, I ran a histogram of the error term which reveals that the error term is normally distributed. See Figure 4 for a histogram of the error term.

The seventh assumption of OLS is that there is no multicollinearity, i.e. the – predictor variables are not highly correlated with one another. To test for multicollinearity, I first calculated the correlations among all of the independent

variables. Correlations range from .002 to .810, with very few correlations at above .6<sup>8</sup>. However, there were three sets of variables that were highly correlated (above .6). The variable measuring whether there was a plea agreement and the variable measuring whether there was a trial were correlated at a level over .6. To correct for potential multicollinearity in the models, I removed the variable indicating whether there was a plea agreement from the analysis because, from a procedural justice point of view, a trial is more relevant than a plea agreement because it offers the victim a transparent and public formal process in which the offender is adjudicated. The plea agreement is the counter process, in which there is little transparency and virtually no formal procedure.

Additionally, the variable measuring whether the verdict was fair was highly correlated with the variables measuring whether the victim believed that the trial was fair and whether the victim believed that the sentence was fair. To correct for the potential of multicollinearity, I eliminated the variable that measured whether the victim felt that the verdict was fair. While the sentence and the trial variables are correlated at .536, the correlation does not meet the threshold used in this analysis to suggest multicollinearity (Hoffman, 2004; Belsley, et al, 1980).

The third pair of variables that were highly correlated in the model were the variables that measured whether the respondent was a primary victim, i.e. the crime occurred to the respondent, and whether the respondent was a homicide victim. This was an expected correlation because all respondents to the survey who survived the homicide

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<sup>8</sup> While there is no standard correlation cut-off for variables to be considered collinear, some sources have used a correlation of .8 or higher to justify testing for multicollinearity using other methods, e.g. variance inflation factor (VIF) (Hoffman, 2004; Greene, 2000; Belsley, et al, 1980). However, for this analysis I used a correlation of .6 or higher between two independent variables to be the cut-off for testing for multicollinearity.

of a family member are necessarily secondary victims. However, because of the potential that there are secondary victims in the sample who are representing primary victims otherwise unable to participate in the survey, i.e. minor children, I kept both variables in the model and ran all models with and without the variables. All correlations are reported in Appendix A.

### **Study Population**

As stated previously, the data used in this analysis were collected by Beatty, Howley, and Kilpatrick in their analysis of victims' rights implementation. The population from which the data were drawn is a convenience sample of crime victims identified by corrections agencies and crime victim compensation agencies in four states. Authorities from both agencies in each of the four states provided 4,474 names and telephone numbers of victims who had been served by the agency. It is not clear how the original sample of crime victims was chosen, except for the fact that the crime victims were victims of violent crimes and had engaged with the system at some point. Two thousand two hundred forty-five (2,245) victims were chosen by the researchers to be interviewed about their experience with the criminal justice system. One thousand three hundred eight (1,308) victims agreed to participate in the survey, a response rate of 50%. Interviews were conducted between April and October, 1995 (Kilpatrick, et al, 1996).

While the information gathered in this study is twenty years old, it is the best data available for an analysis of procedural justice and victim satisfaction. This dataset contains information about victims of all types of violent crime and measures of victim satisfaction at every step of the criminal justice system. Additionally, there are important

differences in victim experiences captured in the data. Some offenders were arrested, others were not; some offenders were convicted and sentenced; others were not. Taking into consideration that the evolution of victims' rights implementation has stalled over the last fifteen years, it is likely that there has been little overall change in victim perceptions of the justice system. Corroborating this impression is a 2009 report commissioned by the Office for Victims of Crime that found victims' rights clinics across the country have had some success dealing with a range of victims' rights issues. However, across all states, the victims' rights clinics have had consistent difficulty ensuring that crime victims are treated equally in the criminal justice process (Davis, et al, 2009). Thus, while the evaluation concedes some successes, system-wide implementation of victims' rights has not changed significantly since the beginning of the rights movement (Davis, et al, 2009).

It is important to note that the sample of victims in this study represents a sample of victims somewhat different from the general population of all crime victims. The population of crime victims in this study have had at least police involvement in the criminal victimization. Theories about the "dark figure of crime," i.e. crime that is unreported to the police, have consistently noted that much of the crime committed in the United States does not become known to the police because the victims of that crime do not report the criminal victimization to the police. While the rate of unreported violent crime has decreased from 50% to 42% from 1995-2010, there is still a significant percentage of victimizations that are never known to the police (Langton, et al, 2012). This truth is particularly important for victims of intimately-based and sexually-based crimes, where approximately 65% of crimes never come to the attention of the police

(Langton, et al, 2012). Therefore, this population sample is likely to be inherently different from crime victims who choose not to engage the criminal justice system. As stated previously, the decision to report the crime is influenced by socioeconomic status, crime type, and the individual victim's trust in the system (Hart and Colavito, 2011; Goudriaan, 2004). The victims in this sample have not only identified the crime, they have identified the crime as serious enough to report, identified themselves to the authorities as a crime victim, and made continued decisions to participate in the criminal justice system and then in the research process. Therefore, conclusions for this project may not be extrapolated to all victims, but it is useful to set policy for those victims who do report. Additionally, friendlier and more inclusive victim-related policies may encourage future victims to report, increasing the percentage of offenders that are potentially held accountable.

### **Data Description**

Of the 1,308 victims who participated in the survey process, 24.5% of the sample were victims of physical assault, 24.2% robbery, 10.9% sexual assault, 30% homicide<sup>9</sup>, and 10.3% other violent crimes. Other crimes for the purpose of this sample include kidnapping, stalking, and motor vehicle-precipitated crime. Because the crimes in the sample were violent crimes, all victims reported some impact of the crime, either physical, psychological, or financial. Over 40% of the sample reported being threatened

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<sup>9</sup> For homicide victims, the next of kin (who is identified in the victim services field as the survivor of homicide) participated in this research as the victim/respondent. This type of victim is referred to as a secondary victim, or a victim who was harmed not directly by the offender but through their relationship to the primary victim. For those victims who are of minor age or who were murdered, the respondent to the survey was the victim's next of kin. In the case of minor children, the respondent was a parent or guardian. In the case of a deceased primary victim, the respondent was a spouse, parent, or child

with death by the offender, approximately 57% of the population reported feeling in danger of being killed (if they were not killed as the result of the crime), and 32.9% of the population reported being physically injured in the crime.

The sample participants reported significant psychological injury. Just over 30% of the population reported having flashbacks, about 37% of the population reported feeling anxious, panicky, or fearful after the crime, 29% of the population reported feeling less emotion after the crime than before the crime, 57% of the population reported experiencing unpleasant memories since the crime, 45% of the population reported feeling numb or empty inside, 54% of the population reported losing interest in activities, 63% of the population reported staying on guard after the crime, and 41% of the population reported having problems with their family after the crime occurred.

From a financial perspective, most victims in the sample experienced some type of financial and/or property impact as well. 10.8% of the population had their insurance premiums increased or their insurance cancelled as the result of the crime, 62.9% of the population reported losing money as the result of the crime or having property stolen, 46% of the population reported having property damaged or destroyed as the result of the crime, and 40.7% of the population reported losing time from work or school as the result of the crime.

Because crime victims were identified by both correctional agencies and crime victim compensation agencies, there are a range of data points that describe components of the crime or the victim's experience. In terms of time since victimization, 7.3% of the victims experienced their victimization within the past year of when the survey was

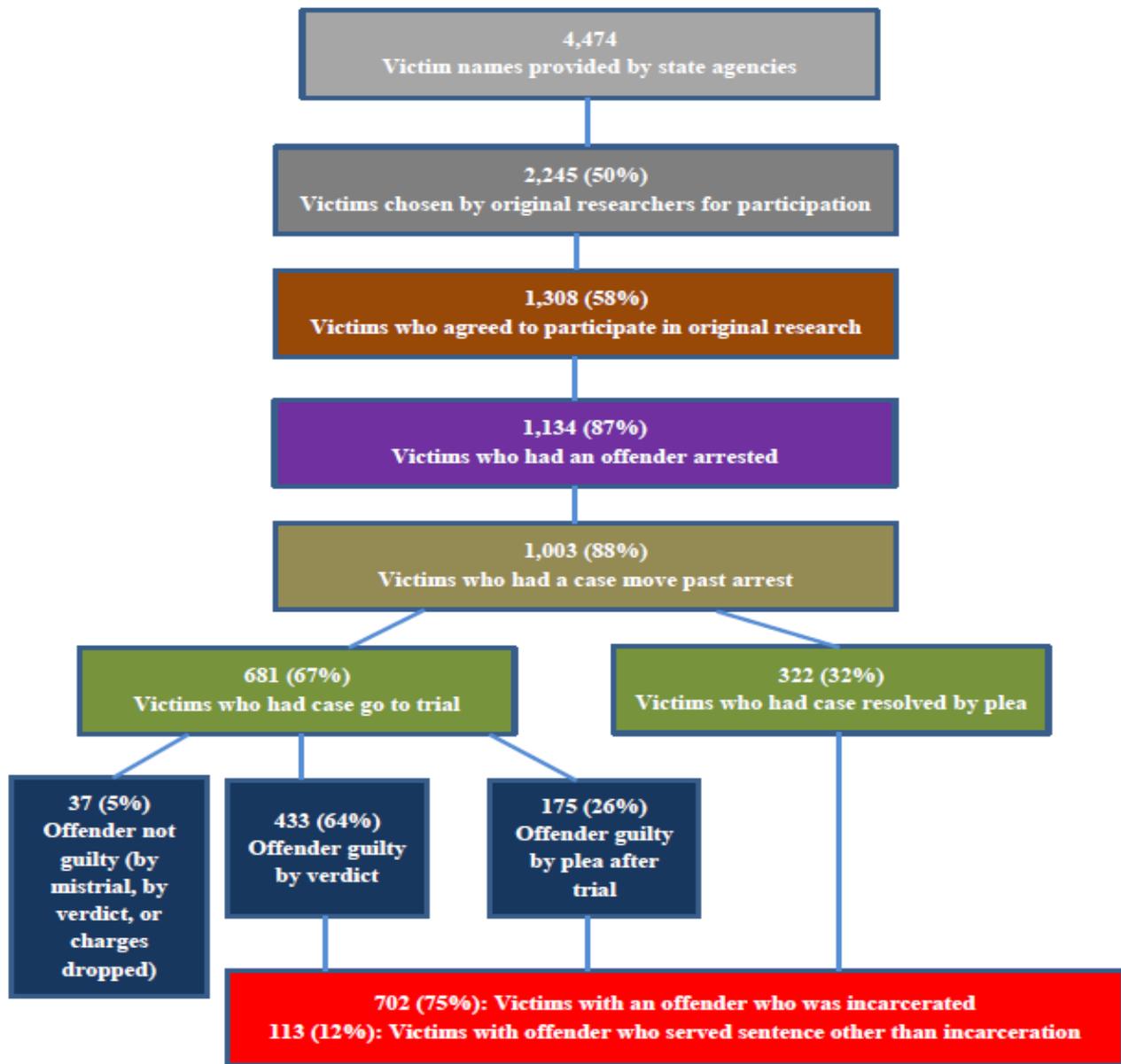
taken, 24% experienced the victimization 1-2 years prior to the survey, 29% of the victims experienced the victimization 2-3 years prior to the survey, and 39% experienced the victimization 3 or more years before responding to the survey.<sup>10</sup>

The relationship between the victim and the offender varies as well in the dataset. Approximately 56% of the victims in the survey reported that the offender was a stranger to the victim and about 44% of the victims in the survey reported that they knew the person who perpetrated the crime. About 2.3% of the victims surveyed do not know the identity of the offender and therefore, do not know if the offender was a stranger or was known to the victim. Of those victims who knew the offender, 12% of the sample reported that the offender was a relative (the question does not specify if relative includes spouse of the victim). Of those, 3% of the victims reported that the offender was a boyfriend or girlfriend, 9.6% of the victims reported that the offender was a friend, 2% of the victims reported that the offender was a co-worker, 5% of the victims reported that the offender was a neighbor, and 11% reported a relationship with the offender not otherwise listed. About 58% of the sample did not answer this question because the offender was a stranger or the victim does not know the identity of the offender.

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<sup>10</sup> In preliminary analysis of the data, I tested whether the time since the crime impacted the victim's satisfaction in any significant way. It did not, so it was not included in the final models.

**Figure 2. Sample Tree: Victim Interaction with the Criminal Justice System**



In terms of victim interaction with the criminal justice system, all 1,308 victims in the sample reported the crime to the police. (See Figure 2). In 1,134 cases (87%), an arrest was made in the case; in 155 cases (12%) no arrest was made. About 1% of the victims in the sample did not know if an arrest had been made in the case. In 681 cases

(60% of the cases in which an offender moved past arrest), the case went to trial. In 322 cases (32% of the cases in which an offender moved past an arrest), charges were filed against the defendant and the defendant entered a plea agreement. In 18 cases (2% of the cases in which an offender was arrested), the case was dropped after the arrest was made. In 10% of the cases in which an offender was arrested, the victim did not know the outcome following arrest.

Of the 681 cases in which the offender was arrested and went to trial, the majority of the offenders were found guilty of the charges (433 or 64%). (See Figure 2). Less than 1% of the victims reported that the charges against the offender were dropped after the trial began, less than 1% of the victims reported that the trial ended in a mistrial, about 2% of the victims reported that the offender was found not guilty at trial, and about 26% of the victims reported that the offender pled guilty after the trial began. Of the 930 cases in which there was a plea or there was a guilty verdict at the trial, the majority of the victims (702 or 75%) reported that the offender was sentenced to incarceration. (See Figure 2). Approximately 113 victims (or 12% of the victims who had an offender that was found guilty) reported that the offender served a sentence outside of incarceration.

Several of the data points in the sample provide a picture of the demographic characteristics of the victims. In 66% of the sample, the respondent to the survey was the primary victim, i.e. the crime actually occurred to the person who was responding to the survey. In 34% of the sample, the respondent to the survey was a secondary victim, i.e. the crime did not actually happen to the person who was responding to the survey, but rather the respondent was victimized as the result of their relationship to the primary victim. All homicide victims in the survey, for example, are represented by a secondary

victim since the primary victim is deceased. Likewise, all victims that were under the age of 18 were represented in the survey by a secondary victim.

The victims in the sample ranged in age from 12 years old to 82 years old. If the victim was under the age of 18 (1.1% of the population), the survey respondent was the victim's parent or guardian. The average age of the victims in the sample was 42.82 years old. In terms of the sex of the victims, 41.7% of the sample was male and 58.3% of the sample was female. The victim's race is also measured in the sample, with 71.3% of the sample self-identifying as White or Caucasian. 24.2% of the sample population identified as Black or African-American, less than 1% of the sample population identified as Hispanic or Asian, and about 3% of the population identified as a race not otherwise identified.

The sample also measured the victim's income level, employment status, and education level as measures of the victim's socioeconomic status. About 8% of the sample reported earning \$5,000 or less per year, 12% reported earning between \$5,001 and \$10,000, 28.1% reported earning \$10,001 and \$25,000, 31% reporting earning between \$25,001 and \$50,000, and 20.3% of the sample reported earning over \$50,000. Approximately 8% of the sample is missing on this measure. From an educational perspective, about 5% of the population completed only 8<sup>th</sup> grade or below, 13% of the population completed some high school, 36% of the population reported being high school graduates, 28% of the population reported having some college education, 12% of the population reported being a college graduate, and 6.7% of the population reported having a graduate degree. Less than 1% of the population is missing. The data also captures a range of employment statuses, from the victim identifying as "disabled and not

able to work” to the victim identifying as “employed full-time”. Approximately 62.5% of the sample reported being employed full-time, 8.5% of the sample reported being employed part-time, 7% reported being unemployed, 10% reported being retired from employment, 3% reported being a student, 5% reported keeping house, 5% reported being disabled and unable to work, and less than 1% reported an employment status not otherwise mentioned. Less than 1% of the data is missing on this measure.

As stated previously, the data were collected for the purpose of determining whether a state with a constitutional amendment mandating victims’ rights resulted in higher levels of compliance with victims’ rights and victim satisfaction than states where there was no constitutional amendment. Two of the states in which surveys were conducted were classified as “strong” states, indicating that the state had passed and ratified a state constitutional amendment ensuring a series of rights for crime victims. Five hundred (500) victims in the sample were identified by corrections agencies or crime victim compensation agencies in strong states (38%), 384 in one of the “strong” states and 116 in the other “strong” state. The other two states identified by the original researchers were classified as “weak” states, indicating that a state constitutional amendment ensuring victims’ rights in the criminal justice process had not passed. Eight hundred thirteen (813) victims in the sample were identified by corrections agencies or crime victim compensation agencies in weak states (62%), 408 in one “weak” state and 400 in the other “weak” state. While only two states have constitutional amendments, all four states have similar statutory rights for victims.

### **Data Limitations**

These data have several limitations. As stated previously, the victims for the sample were chosen by the correctional agencies and the crime victims' compensation agencies in each of the four states from which crime victims were sampled. It is unclear what methodology was used first by the agency to identify the victims and second, by the research team to narrow the original pool from the 4,474 names provided by the agency to the final 2,245 participants. It is assumed that the original researchers chose corrections and crime victims' compensation agencies so that they would be inclusive both of crime victims whose cases were fully adjudicated with a finding of guilt and those who may not have had more experience with the system other than a police report.<sup>11</sup> However, since it is not clear how the sample was chosen, we cannot be certain whether there is sampling bias. Second, because cases are limited to victims who reported to the police and those who agreed to participate in an extensive survey and interview and, since research shows that the majority of crime victims do not report to police, there is an inherent bias to the data. The crime victims who are included in this survey are more engaged with the criminal justice process, and they have willingly participated in a survey about their experience. Excluded are victims who disengaged from the criminal justice process for a variety of potential reasons, including psychological trauma, profound dissatisfaction, and distrust of the system based on prior

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<sup>11</sup> Crime victim compensation agencies are government offices established in every state and the District of Columbia to provide financial reimbursement to crime victims who have experienced out of pocket expenses related to the crime. To file for compensation, a victim need only to have filed a police report; no offender identification or accountability is necessary. Because crime victim compensation agencies are centralized in a state, unlike law enforcement agencies, they are a good location from which to survey victims who reported the crime to police but may not have experienced more of the criminal justice process. However, victims surveyed based on crime victim compensation data are likely to have experienced some compensable loss, whether physical, psychological, or property loss. This sample likely does not include those victims with no compensable loss.

experiences as a victim or an offender, or exclusion by the criminal justice officials. While the data describe the victim's psychological impact, as reported by the victim, the data do not provide snapshots of the psychological impact associated with any particular period of the process.

While the overall percentage of victims who do not report the crime to the police has decreased from the early 1990s the percentage of crime victims who choose not to engage the criminal justice system remains persistently high (Langton, et al, 2012). Demographic factors that were revealed in the recent Bureau of Justice Statistics analysis provide important information about who is or is not likely to be included in the study population. First, women are more likely not to report the crime to police than men (55% of crimes against women were unreported to police vs. 49% of crimes against men were unreported to the police). That finding that suggests that crimes against women are likely to be underrepresented in the population sample. There are only minimal differences between racial groups in terms of crime reporting. Victims who identify as Black or Hispanic are slightly more likely to report than victims who identify as White (Langton, et al, 2012).

Perhaps most notable to this analysis are the pervasive factors across all types of crime and throughout all demographic characteristics that victims of any crime who were victimized by a perpetrator that they knew were less likely to report to the police. The most common reason that a victim does not report a violent victimization to the police is that the victim perceives that the police will not believe that the crime is serious enough to warrant attention or that the police would not or could not help. The number of victims in this category has doubled since 1994 (Langton, et al, 2012). This factor

becomes significant to this analysis because the most disenfranchised populations, i.e. the populations that have the lowest level of confidence in the criminal justice system, are less likely to be included in this study population. Additionally, 60% of people who were victimized by a casual acquaintance and 62% of victims victimized by a well-known acquaintance are not likely to make a report to law enforcement. And often, victims cite a desire to protect the offender or a desire to protect themselves from reprisal from the offender or the offender's family as reasons for not making a police report (Langton, et al, 2012). The sample that was convened in this study is therefore far more likely than the general population of crime victims to have been victimized by a stranger and far more likely to have begun the process with a baseline of safety and confidence in the criminal justice system.

In another study conducted by the Police Foundation, which sampled women serving sentences in jail, who were also victims of crime in the time period immediately preceding their incarceration, found that only 18% of the victimizations were reported to the police (Kruttschnitt and Carbone-Lopez, 2009). Of the number of women who reported the victimization to the police, only about half reported being satisfied at all with the police response; the other half reported being not satisfied at all with the response, citing most often that the "police didn't do enough or follow through" with the call for assistance (Kruttschnitt and Carbone-Lopez, 2009)<sup>12</sup>. While this sample is unique and not generalizable to a larger population of victims, the findings of the study contribute to

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<sup>12</sup> Note that while the percentage of victims satisfied with the police in this study is only 50%, that percentage is far higher than the average of victims who are satisfied with the prosecutor. In the Kilpatrick, Beatty, & Howley study, no more than 30% of the victims interviewed reported satisfaction with the prosecution in any one of several areas, e.g. prosecutorial preparation of the case, prosecutorial efforts to ensure that the victim was notified or included in the processes.

the literature regarding victims' willingness to engage the criminal justice system. Perhaps one of the most serious implications of these findings is that once the criminal justice system is engaged and victim satisfaction is low, there is a decreased probability that the victim will engage police services, or the criminal justice system, in the future. Among those women who did not call the police to report their victimization, the most common answer as to why they did not engage police response had to do with help seeking outside of the police, i.e. the women felt that there were other, more effective ways for them to get help for their victimization (Kruttschnitt and Carbone-Lopez, 2009).

In sum, because the data are culled from a nonprobabilistic convenience sample, results can only be generalized to a similar population, i.e. those violent crime victims who chose to engage the criminal justice system with at least a report to the police. Thus, other segments of the victim population are going to be necessarily under or unrepresented in this study (Bias, 2010). However, convenience samples are not unusual in surveys of crime victims, due to the difficulty in reaching all crime victims and the difficulty eliminating bias based on those who are willing to participate.

Another issue related to convenience sampling is the respondent's perceived trust in the researcher, or whether the researcher has credibility with the potential sample group (Yick and Berthod, 2005). Credibility refers to perceptions of the researcher's or sponsoring agency's level of authority and trustworthiness. Credibility and legitimization can be conceptualized in two ways. Ascribed credibility refers to the position assigned to an individual due to a perceived attribute such as age, gender, credentials, and race. For victims of crime, the respondent may be wary of any researcher associated with the criminal justice system or may be exceedingly trustful of a researcher that they perceive

as being associated with the criminal justice system, depending on the victim's perceived treatment. In one particular study of Asian-American crime victims, the researchers had to overcome personal cues such as age, marital status, level of education, occupational status, and perceived hierarchy to gain the credibility and legitimacy needed to conduct the survey (Yick and Berthod, 2005). In the NCVS data, there is no way to control for the perceived legitimacy of the researcher based on their nearness to the system, but it is fair to say that the victim would likely perceive that the researcher had a positive relationship with the criminal justice system since the victim was chosen by an agency representative and referred to these researchers (Kilpatrick, et al, 1996).

On the plus side, these data improve the research in the field in several important ways. First, the data are focused on measures of victim inclusion, victim participation, victim notification, victim impact, and victim safety, all of which are not generally assessed in other studies of the criminal justice system. Second, the NCVS data are drawn from victims of several different violent crimes, not one particular crime as in the case of many data sets, most of which focus on sexual assault or domestic violence (Weiss, 2001; Reyns and Englebrect, 2010; Camacho and Alarid, 2008). The data in this sample includes victims across most types of violent crime, as well as the primary victims and the secondary victims in cases where the primary victim is deceased as a result of the crime or is between the ages of 12-17.

## **Variables**

The variables used in this analysis are described below. Descriptive statistics are reported in Tables 1 and 2.

**Dependent variable.** The dependent variable used in this analysis is whether the victim was satisfied with the criminal justice process. In the sample, there are four variables that measure the victim’s level of satisfaction at different points in the criminal justice process, i.e. the victim’s level of satisfaction with the police, the victim’s level of satisfaction with the prosecutor, the victim’s level of satisfaction with the judge, and the victim’s level of satisfaction with the criminal justice system as a whole. Descriptive statistics for each variable are reported in Table 1.

	<b>N</b>	<b>Range</b>	<b>Mean</b>	<b>SD</b>	<b>Missing</b>
Whether the victim was satisfied with the police	1104	1 (Not satisfied): 129 (12%) 2 (Somewhat dissatisfied): 92 (8%) 3 (Somewhat satisfied): 298 (27%) 4 (Very satisfied): 585 (53%)	3.21	1.018	204 (16%)
Victim satisfied with prosecutor	1058	1 (Not satisfied): 186 (18%) 2 (Somewhat dissatisfied): 102 (10%) 3 (Somewhat satisfied): 325 (31%) 4 (Very satisfied): 445 (42%)	2.97	1.105	250 (19%)
Victim satisfied with judge	952	1 (Not satisfied): 174 (18%) 2 (Somewhat dissatisfied): 72 (8%) 3 (Somewhat satisfied): 265 (28%) 4 (Very satisfied): 441 (46%)	3.02	1.127	356 (27%)
Victim satisfied with system in total	1101	1 (Not satisfied): 355 (32%) 2 (Somewhat dissatisfied): 207 (19%) 3 (Somewhat satisfied): 317 (29%) 4 (Very satisfied): 222 (20%)	2.37	1.132	207 (27%)
Average Satisfaction Scale	911	1.00-1.99: 135 (15%) 2.00-2.99: 231 (25%) 3.00-3.99: 406 (45%) 4.00: 139 (15%)	2.93	.851	397 (30%)

All four of the original variables were measured on a scale themselves, with “1” indicating that the victim was not at all satisfied with that element of the criminal justice system, “2” indicating that the victim was somewhat dissatisfied with that element of the criminal justice system, “3” indicating that the victim was somewhat satisfied with that element of the criminal justice system, and “4” indicating that the victim was very satisfied with that element of the criminal justice system. All four variables have some missing data, ranging from 15.6% missing where satisfaction with the police is measured to 27.2% missing when satisfaction with the judge is measured.<sup>13</sup> When measuring satisfaction with the police, 11.7% of the sample reported being not at all satisfied with the police, 8.3% reported being somewhat dissatisfied with the police, 27% reported being somewhat satisfied, and 53% reported being very satisfied with the police. 15.6% of the data is missing. All victims in the sample had an opportunity to interact with the police, even if the interaction was limited to reporting the crime.

With regard to the prosecutors, 17.6% of the victims sampled reported being not at all satisfied with the prosecutors, 9.6% reported being somewhat dissatisfied with the prosecutors, 30.7% reported being somewhat satisfied with the prosecutors, and 42.1% reported being very satisfied with the prosecutors. 19.1% of the data were missing. With regard to the judge, 18.3% of the victims reported being not at all satisfied with the judge, 7.6% reported being somewhat dissatisfied with the judge, 27.8% reported being somewhat satisfied with the judge, and 46.3% reported being very satisfied with the

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<sup>13</sup> The number of victims that indicated their level of satisfaction with the judge is less than the number of victims who indicated their level of satisfaction with other agents in the criminal justice system. This discrepancy could be because there was a greater number of victims who were not exposed to the judge, i.e. victims for whom the offender was not arrested, or victims for whom the offender accepted a plea or the case was dropped early in the process, are not likely to have significant experience with the judge.

judge. 27.2% of the data were missing. As stated earlier when describing the sample, and illustrated in Figure 1, 88% of the sample (or 1,134 cases) had the experience of having an offender arrested. Of those, 1,003 victims (or 88%) definitively had some experience with a prosecutor and a judge because there was either a trial (681 cases) or a negotiated plea (322 cases). For the remaining 131 cases, it is unclear whether there was an experience with the prosecutor or the judge because the victims reported that the case was either dropped following an arrest (which may or may not have included some experience with the prosecutor or the judge) or the victim did not know the outcome of the prosecution, which also does not describe their experience with the prosecutor or the judge. It is therefore unclear from the sample whether the data are missing because the victim declined to answer the question or because the case is missing, i.e. the victim did not have the opportunity to interact with the prosecutor or the judge. It is probable that there are some of each case.

With regard to the criminal justice system as a whole, 32.2% of the victims surveyed reported being not at all satisfied, 18.8% of the victims surveyed reported being somewhat dissatisfied, 28.8% of the victims reported being somewhat satisfied with the criminal justice system, and 20.2% of the victims reported being very satisfied with the criminal justice system. About 15.8% of the data are missing. By looking at an overview of the frequency tabulations of all four individual variables in Table 1, it is clear that while the victims surveyed did not express particular dissatisfaction with any one actor in the system, their dissatisfaction with the system as a whole was much greater, i.e. 51% of the victims surveyed reported dissatisfaction with the system as a whole, whereas only 26% reported dissatisfaction with the judge, 27% reported dissatisfaction with the

prosecutor, and 20% reported dissatisfaction with the police. I have included this “system” satisfaction variable in the model to capture the victim’s overall experience with the system. Drawing from Herman’s and Campbell’s work (cited previously), it is possible that a victim may have an overall experience (good or bad) that is not necessarily attributable to any one system actor.

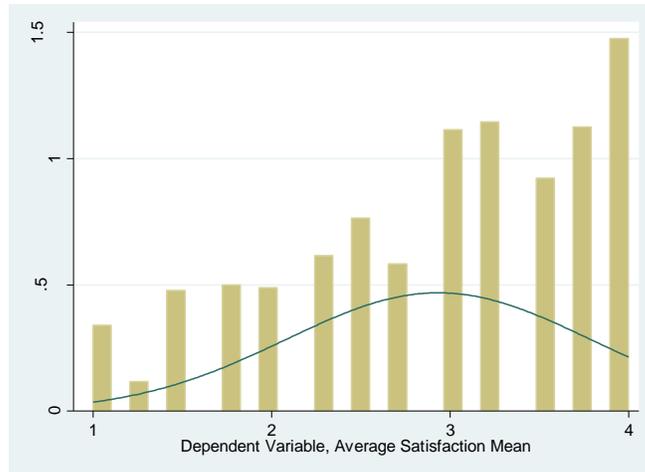
In my analysis, I use the individual system satisfaction variables when isolating satisfaction for any one part of the system. However, for the main models, I created a scale variable to measure the victim’s overall satisfaction with the criminal justice system. The Average Satisfaction Scale variable is a continuously measured scale variable which measures the mean level of satisfaction for the victim. (See Table 1)<sup>14</sup>.

A reliability test and a principle components factor analysis was conducted to assess whether the individual satisfaction variables were suitable to be combined into a single scale. The factor analysis produced four common factors and an Eigenvalue of 1 or greater on the first factor (2.362). All variables loaded onto the first factor at a level of at least .654 or above (victim’s satisfaction with the police) and ranged to .814 (the victim’s satisfaction with the prosecutors). The Chronbach’s Alpha is .788. Once the Average Satisfaction Scale variable is created, the variable range is from 1 to 4, with the mean level of satisfaction being 2.934. Approximately 30% of the data were recorded as missing, indicating that the victim did not respond to any the questions asked. See Figure 3 for a bar graph of the dependent variable and 4 for a histogram of the error term.

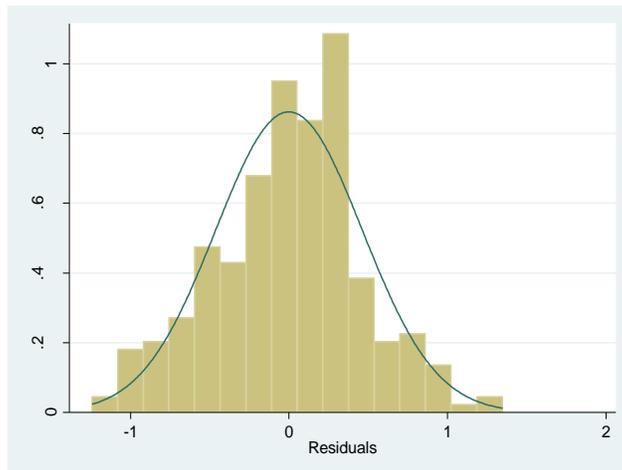
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<sup>14</sup> The scale was created using listwise deletion of cases. For each case in which there was missing data, listwise deletion removed the entire case. For this reason, there are only 911 cases that have a dependent satisfaction scale measure.

**Figure 3. Bar Chart of Dependent Variable**



**Figure 4. Histogram of Error Term**



**Table 2. Descriptive Statistics of Independent Variables**

Variable Name		N	Range	Mean	Standard Deviation	Missing
<b>Procedural Justice Variables</b>						
Ethicality	Police-Polite	1248	1 (Yes): 1122 (89.9%) 0 (No): 126 (10.1%)	.899	.3014	60 (4%)
Accuracy Representation	Police-Informed of Investigation	1263	1 (Yes): 749 (59.3%) 0 (No): 514 (40.7%)	.5930	.4915	45 3%
Accuracy Representation	Police-Informed of Arrest	1123	1 (Yes): 1000 (89%) 0 (No): 123 (11%)	.8905	.3124	185 (14%)
Representation	Police-Gave Information about Services	1256	1 (Yes): 727 (57.9%) 0 (No): 529 (42.1%)	.5788	.4939	52 (4%)
Accuracy Correctability	Prosecution-Case went to trial	1021	1 (Yes): 681 (66.7%) 0 (No): 340 (33.3%)	.6667	.4715	287 (22%)
Accuracy Correctability	Prosecution-Case resolved by plea	1021	1 (Yes): 322 (31.5%) 0 (No): 699 (68.5%)	.3154	.4649	287 (22%)
Representation Accuracy	Prosecution-Consulted on Sentencing	886	1 (Yes): 335 (37.8%) 0 (No): 551 (62.2%)	.3781	.4552	422 (32%)
Representation Ethicality	Prosecution-Victim Impact Statement Delivered	1308	1 (Yes): 477 (36.5%) 0 (No): 831 (63.5%)	.3154	.4649	0
Representation	General system-Victim Advocate was adequate	711	1 (Yes): 528 (74.3%) 0 (No): 183 (25.7%)	.7426	.4375	597 (46%)
Representation Accuracy	General System-Efforts to keep the victim informed were adequate	1113	1 (Yes): 732 (65.8%) 0 (No): 183 (25.7%)	.6577	.4747	195 (15%)

**Table 2 (cont'd). Descriptive Statistics of Independent Variables**

	Variable Name	N	Range	Mean	Standard Deviation	Missing
<b>Procedural Justice Variables</b>						
Representation	General System-Efforts to give the victim input were adequate	1089	1 (Yes): 611 (56.1%) 0 (No): 478 (43.9%)	.5611	.4965	219 (16.7%)
Representation	General System-Services provided to the victim were adequate	943	1 (Yes): 485 (51.4%) 0 (No): 458 (48.6%)	.5143	.5001	365 (28%)
<b>Distributive Justice Variables</b>						
Distributive	Fairness of the verdict or plea bargain	684	1 (Yes): 381 (55.7%) 0 (No): 303 (44.3%)	.5570	.4971	624 (48%)
Distributive	Fairness of the sentence	702	1 (Yes): 348 (49.6%) 0 (No): 354 (50.4%)	.4957	.5003	606 (46%)
Distributive	Fairness of the trial	668	1 (Yes): 455 (68.1%) 0 (No): 213 (31.9%)	.6811	.4664	640 (49%)
Distributive	Whether a sentence of prison or jail was given to the offender	815	1 (Yes): 702 (86.1%) 0 (No): 113 (13.9%)	.8613	.3458	493 (38%)
<b>Demographic Variables</b>						
Demographic	Age of victim	1305	13-76	41.2	12.180	3 (<1%)
Demographic	Whether the victim was employed	1305	0 (Not employed): 340 (26%) 1 (Employed): 965 (74%)	.7395	.4391	3 (<1%)

**Table 2 (cont'd). Descriptive Statistics of Independent Variables**

	<b>Variable Name</b>	<b>N</b>	<b>Range</b>	<b>Mean</b>	<b>Standard Deviation</b>	<b>Missing</b>
Demographic	Whether the victim had some college education	1304	0 (High school or below): 609 (46.7%) 1 (Some college or above): 695 (53.3%)	.533	.4991	4 (<1%)
Demographic	Whether the victim was White	1308	1 (White): 932 (71.2%) 0 (NonWhite): 376 (28.8%)	.7125	.4528	0
Demographic	Whether the victim lives above poverty (as defined by income above \$25,000)	1197	0 (Less than \$25,000): 583 (41.7%) 1 (More than \$25,001): 614 (51.3%)	.4871	.5	111 (8%)
Demographic	Whether the victim was Female	1308	0 (Male): 545 (41.7%) 1 (Female): 763 (58.3%)	.5833	.4932	0
<b>Control Variables</b>						
Control	Whether the victim was a survivor of homicide	1308	1 (Homicide): 392 (30%) 0 (Other Crime): 916 (70%)	.2997	.4583	0
Control	Whether the victim was a survivor of rape	1308	1 (Rape): 143 (10.9%) 0 (Other Crime): 916 (89.1%)	.1093	.3122	0
Control	Whether the respondent was the primary victim	1305	0 (Secondary victim): 444 (34%) 1 (Primary victim): 861 (66%)	.3402	.474	3 (<1%)
Control	Whether the victim lived in a state with a Constitutional amendment	1308	0 (Weak state): 808 (61.8%) 1 (Strong state): 500 (38.2%)	.3823	.4861	0

**Table 2 (cont'd). Descriptive Statistics of Independent Variables**

	<b>Variable Name</b>	<b>N</b>	<b>Range</b>	<b>Mean</b>	<b>Standard Deviation</b>	<b>Missing</b>
Control	Victim's Relationship to the Offender	1278	1 (Stranger): 719 (56.3%) 0 (Knew Offender): 559 (43.7%)	1.56	.496	30 (2%)
Control	Level of psychological impact <i>With 0 indicating no psychological impact and 8 indicating maximum psychological impact</i>	1218	0: 159 (13.1%) 1: 179 (14.7%) 2: 157 (12.9%) 3: 123 (10%) 4: 145 (11.9%) 5: 128 (10.5%) 6: 151 (12.4%) 7: 98 (8%) 8: 78 (6.4%)	3.53	2.48	90 (7%)

**Independent procedural justice variables.** As reported in Table 2, there are twenty-eight independent variables drawn from the dataset to test the research hypotheses, including control variables, four variables related to distributive justice and twelve variables measuring specific components of procedural justice. Of this latter group, four capture the extent to which procedural justice was afforded to the victim by the police: whether the victim felt that the police were polite, whether the police provided information to the victim on services available, whether the police kept the victim informed of the police investigation, and whether the police informed the victim of the arrest. These variables track directly to whether the victim was afforded a sense of dignity and respect, i.e. ethicality, in the police process, whether the victim was afforded representation, and whether the victim felt that the process had accuracy. Each is a binary variable (1=yes, 0=no). I ran a Phi coefficient for variable association among all four police procedural justice variables. All four variables had little or weak association to each other. I also ran a Pearson's bivariate correlation between each police variable and the dependent satisfaction variable. Each was significantly and positively related to the satisfaction variable, indicating that an increase in procedural justice offered by the police corresponds to an increase in the victim's level of satisfaction. (See Appendix A for a complete correlation matrix.)

An additional four (4) variables are related to the way in which procedural justice was afforded to the victim by the prosecution: whether the case went to trial, whether there was a plea, whether the prosecutor consulted the victim on the sentence, and whether the victim delivered a victim impact statement at the sentencing of the offender. Whether or not there was a trial is important for procedural justice because the trial

process represents a transparent process subject to accuracy and correctability. The variable is a dummy variable measured at a “1” if the victim experienced a trial and “0” if the victim did not experience a trial process. As stated previously, approximately 63% of the sample of victims whose offender was arrested had a case that went to trial; 37% of victims did not have a case that went to trial.

The variable measuring whether or not there was a plea agreement accepted in the process is important specifically as a comparison to the variable that measures whether or not there was a trial. A plea agreement, i.e. an outcome and sentence which is negotiated between the prosecutor and the defense attorney, represents an adjudicatory process in which the victim has very little input. Of all areas of the criminal justice system, the plea agreement process remains one of the most opaque, and one in which the rights of a victim vary widely from state-to-state and are very difficult to enforce. The variable is a dummy variable measured at a “1” if the victim’s case ended in a plea agreement and “0” if the victim’s case did not end in a plea agreement. Approximately 32% of the sample experienced a plea agreement process, either prior to or after the trial process had begun; the remaining 68% of the sample experienced the process in another way.

Whether or not the prosecutor consulted the victim on the sentence is a variable which tracks to representation, and also to accuracy. In a plea agreement or in a trial that ends in a guilty verdict, the prosecutor recommends a sentence to the judge. Often these sentence recommendations, and the actual sentences, are influenced heavily by sentencing guidelines. However, the act of consulting the victim on the sentence has the effect of affording procedure to the victim, offering the victim’s voice a place in the process and making the sentencing process more transparent. For this variable, of those

who were sentenced and who answered the question, 38% of the victims reported that the prosecutor did consult them on the sentence to be given and 62% of the victims reported that the prosecutor did not consult them on the sentence.

Whether the victim delivered a victim impact statement also tracks to representation, but also ethicality. The victim impact statement is often the only formal method of participation in the criminal justice system that the victim experiences. A victim impact statement is a statement that is delivered at the sentencing of the offender (either at a sentencing after a plea agreement or a sentencing after a guilty verdict at trial) that describes the impact of the crime on the victim, financially, psychologically, and physically. The victim is likely to feel a greater sense of representation, i.e. that the victim's interests are equally represented in the decision making, if the prosecutor consulted the victim on the sentence recommendations before it was decided (as mentioned above) and if the victim delivered a victim impact statement at the trial. The variable in the original data set was measured as a "0" if the victim reported not delivering an impact statement, "1" if the victim reported delivering a written impact statement, "2" if the victim reported delivering an oral impact statement, "3" if the victim reported delivering both a written and oral impact statement, "5" if the victim was not sure, "6" if the victim refused to answer the question, and "9" if the question was not answered. For this analysis, I recoded the variable into a dummy with "0" representing victims who did not affirmatively state that they delivered an impact statement and "1" representing those victims that did affirmatively state that they delivered a victim impact statement. Since my hypotheses are based on whether the victim was afforded procedure, the important element is whether the victim affirmatively reported delivering the

statement. Approximately 36.5% of the victims surveyed affirmatively reported delivering a statement. The remaining 63.5% of the sample did not affirmatively report delivering an impact statement.

Using a Phi coefficient to measure variable association, I concluded that while the plea and trial variables have a strong, negative association, the other prosecution-related procedural variables were not associated to each other. A Pearson's bivariate correlation analysis reveals that all four prosecution-related procedural justice variables are significantly and positively related to the dependent variable, indicating that when procedural justice was afforded to the victim by the prosecutor, the victim's level of satisfaction increased.

The last four (4) procedural justice variables measure the way in which procedural justice was afforded to the victim through the criminal justice process generally: whether the victim felt that the efforts to keep the victim informed throughout the criminal justice process were adequate, whether the victim felt that the efforts to allow the victim input into the process were adequate, whether the victim felt that the support services were adequate, and whether the victim was advocate assigned to the case was adequate. In the original dataset, all variables are measured on a scale from "1" to "4", with "1" being "completely inadequate" and "4" being more than adequate. To maintain consistency with the other procedural justice measures, I recoded these variables into a dummy, measuring at "0" if the victim believed the component to be inadequate and "1" if the victim believed the component to be adequate.

The efforts of the actors in the criminal justice process to keep the victim informed and to provide the victim with input afford the victim representation in the process, but also serve to create accuracy since the victim can observe that the process is transparent. The adequacy of victim services in the process and the competence of the victim advocate both represent the degree to which the victim believes that the system is making an effort to acknowledge the victim's independent interests in the criminal justice system, i.e. representation, and increase the status recognition of the victim, i.e. ethicality.

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Using a Phi coefficient analysis, I examined the associations between all four system-wide procedural justice variables. All four variables were weakly and positively associated to each other. I also conducted a Pearson's bivariate correlation analysis between each of the system-wide procedural justice variables and the dependent satisfaction scale. All four had significant and positive correlations with the dependent variable.

**Distributive justice variables.** In addition to measures of procedural justice, I also included variables to represent components of distributive justice. These variables are also reported in Table 2. Recall that one of the justifications for denying victims a

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<sup>15</sup> There is one important point of reference for this sample and the variables which measure the support services available to the victim and the satisfaction of the victim advocate. Both variables are measuring system-based, rather than community-based, services. In this sample, the victim advocates that are referenced are victim advocates (or victim-witness staff) that are embedded in the prosecutor's offices. The support services that are measured in the sample are support services that are available through referrals by the criminal justice system. At the time that the surveys were conducted, community-based services were not prevalent, except in the cases of sexual assault or domestic violence. Further, it is possible that victims who had a case resolved by plea agreement or who had a case dismissed prior to trial did not have an interaction with a victim advocate. It is certain that the 11.9% of the sample who did not have an arrest in the case did not interact with a victim advocate at all, unless there was a special circumstance.

greater role in the criminal justice process is the argument that they will skew the sentencing toward more punitive outcomes. Also recall that in the literature reviewed previously, there is some empirical evidence that distributive justice is important to victims (Hickman and Simpson, 2003). For that reason, I included four measures of distributive justice in this analysis: variables measuring whether the verdict, trial, and sentence were fair (from the victim's perspective) and a variable measuring whether the offender served a sentence of incarceration. Compared to the variable measuring the sentencing outcome, which is discussed below, these "fairness" measures are not optimal indicators of distributive justice. Distributive justice is generally operationalized as an outcome, e.g. arrest or sentence (Hickman and Simpson, 2003). Thus, it is possible that these measures of fairness –especially those that focus on the fairness of the trial are gauging a process rather than an outcome. Because there are no alternative measures available in the existing data, I will use these measures as "proxy" indicators of distributive justice with the recognition that they are imperfect representations.

The original variable in the dataset that measures the sentence given to the offender includes six answer possibilities: fine only, probation only, jail with the possibility of parole, jail without the possibility of parole, and death. Because the imposition of prison or jail is theoretically important as a measure of distributive justice, I recoded the sentence variable to measure at a "0" if the offender received a sentence other than a term of imprisonment and a "1" if the offender received a term of imprisonment. Of the offenders who were convicted of an offense, 75% received a term of imprisonment; 12% of convicted offenders received a sentence other than a term of imprisonment. Correlation analysis reveals a positive and significant relationship with

the dependent variables. Victim satisfaction appears to increase when the offender received a prison sentence, compared with less punitive outcomes.

Three additional variables measure the victim's perceived level of fairness with the trial, the verdict or plea, and the sentence. All three variables are measured in the original dataset on a scale from 1 to 4, with "1" indicating that the victim felt that the portion of the process was completely unfair and "4" indicating that the victim felt that the particular portion of the process was more than fair. To measure the impact of distributive justice overall on the victim's level of satisfaction, I recoded the three original fairness variables into three dummy variables which collapse the victim's perception of fairness into "adequately fair," which includes the observations that were measured at a "3" or "4" in the original dataset, or "inadequately fair," which includes the observations that were measured at a "1" or "2" in the original dataset. This recode allows for all distributive justice variables to be coded as a "1" or "0." Analysis of the Phi coefficients revealed an association between the three distributive justice measures. They also are significantly and positively correlated with victim satisfaction.

**Control variables.** After a review of the data contained in the sample, I decided to include six variables in the model to control for case and victim-related factors that are theoretically likely to impact the victim's level of satisfaction. The first of those variables is the type of crime committed against the victim. As stated previously, all of the respondents in the sample were victims of violent crimes, including physical assault, sexual assault, robbery, homicide, kidnapping, stalking, and motor vehicle related crime. However, there is reason to believe that certain types of victimization are treated differently than others by criminal justice authorities.

For survivors of homicide, the survey respondents are secondary victims of crime. These victims are likely to be the angriest and the group most interested in retribution against the offender. Literature which found an empirical link between an emotion and a sense of justice suggests that homicide survivors may experience a sense of justice differently. Additionally, since the secondary victims were not harmed by the crime itself but instead by their relationship to the primary victim, they are likely to experience interactions with the offender differently, as there is no neurobiological traumatic response that will be linked to the offender. To test the impact of homicide on the victim's level of satisfaction, I created a dummy variable which measures at a "0" if the victim experienced a crime other than homicide and "1" if the victim experienced homicide. Thirty percent (30%) of the sample did experience a homicide compared with seventy percent (70%) who experienced a different crime.

For survivors of sexual assault, the survey respondents are primary victims of crime who have experienced a gender-based crime, and one of the most psychologically impactful violent crimes (Campbell, et al, 2012; Langton and Truman, 2014). Additionally, it is well-settled that sexual assault victims have a unique experience both as a stigmatized survivor of sexual assault in society and in the criminal justice system (Lafree, 1982; Campbell, 2006; Campbell, et al, 2012). For all of these reasons, the experience of sexual assault victims is likely to be different than that of other victims. To test the impact of being a sexual assault victim on the victim's level of satisfaction, I created a dummy variable that measures at a "0" if the victim was a victim of a crime other than sexual assault (89% of the sample) and at a "1" if the victim experienced sexual assault (11% of the sample). Note that the generalizability of findings to sexual

assault victims as a group is limited. The victims in this sample are inherently different, and likely more satisfied, than those victims who chose to report but were not taken seriously by the police, or whose case was dropped by the prosecutor. The literature suggests that only 28% of sexual assault cases are reported to police. Of those, between 18-44% of sexual assault cases are referred by law enforcement to prosecutors, and only between 14-18% of those cases referred are prosecuted (Mennicke, et al, 2014; Campbell, 2008; Campbell, et al, 2012; Campbell, 2006). In this sample, half of the sexual assault victims reported being physically injured, which would have made them more believable to law enforcement, and of the 143 victims of sexual assault in the sample, 116 victims had a case in which the offender was found guilty, either through a plea or a trial (Mennicke, et al, 2014; Campbell, 2006). It is probable, then, that the rape victims in this sample are more satisfied as a group than rape victims as a larger population.

Another set of control variables that may impact the victim's level of satisfaction are the variables related to the level of psychological impact on the victim of crime that occurred as the result of the victimization. The dataset has several measures of psychological impact (mentioned previously), all measured as a "0" if the victim did not report that psychological symptom and "1" if the victim did report experiencing that psychological symptom. To measure the impact of the victim's psychological symptoms of trauma on the victim's level of satisfaction, I created a scale variable out of eight individual variables: whether the victim had flashbacks, whether the victim feels or has felt anxious as the result of the crime, whether the victim reported having less emotion since the crime, whether the victim has bad memories of the crime, whether the victim reports feeling numb as the result of the crime, whether the victim lost interest in

previously enjoyable activities, whether the victim reported being on guard as the result of the crime, and whether the victim reported having family problems as a result of the crime. A factor analysis of the eight individual variables revealed that the eight components are appropriate for a scale variable. The Chronbach's Alpha of the scale is .797, suggesting an acceptable level of internal consistency. All eight variables load onto the first factor, which has an Eigenvalue of 3.30, at above .5. The eight variables are summed to create a continuously measured scale which ranges from 1-8. Descriptive statistics for the scale variable are included in Table 2. A Pearson's bivariate correlation analysis reveals that the psychological impact scale is significant and negatively related to the victim's satisfaction, indicating that a higher level of psychological impact will create less satisfaction with the criminal justice system. This variable is theoretically important because of the extensive research described previously regarding the importance emotion on the victim's sense of justice.

The fourth control variable in the model is whether the respondent to the survey was a primary, i.e. the crime occurred to them, or secondary, i.e. the crime occurred to someone else but the respondent was injured as the result of their relationship to the primary victim. Theoretically, primary victims will have a lower level of satisfaction controlling for all other factors because they will have a more emotional response to the criminal justice system. To control for this possibility, I included the variable in the model, which measures at a "1" if the respondent was the primary victim and "0" if the respondent was the secondary victim. Sixty-six percent (66%) of the sample were primary victims and 34% of the sample were secondary victims.

The fifth control variable included in the model is a variable measuring whether the victim knew the offender, coded as a “1” if the offender was a stranger to the victim, and coded as a “0” if the offender was known to the victim. The relationship of the victim to the offender should affect the victim’s level of satisfaction, with the victim wanting harsher punishment (and being less satisfied when it is not received) for offenders who are strangers. Alternatively, heightened emotion may result if there was a prior victim-offender relationship regardless of the procedural or distributive justice afforded to the victim. There is also significant literature that suggests different experiences for victims who knew the offender than for victims who did not know the offender. Some research suggests that victims who knew the offender are not taken as seriously by the police and prosecutors for certain crimes. Approximately forty-four (44%) of the sample reported a prior relationship to the offender; fifty-six (56%) of the sample reported that the offender was a stranger.

The sixth and final control variable included in the model is whether the victim was located in a “strong state”, i.e. a state which has a constitutional amendment protecting victims’ rights, or whether the victim was located in a “weak state”, i.e. a state with no constitutional amendment protecting victims’ rights. The results of the study from which these data originated suggest that there is an increase in the implementation of victims’ rights in states where there is a constitutional amendment. Theoretically, this increase in the implementation of victims’ rights will result in an increase in the victim’s level of satisfaction. To control for this effect, I included the variable in the model.

**Demographic variables.** To test the impact of the victim’s demographic characteristics, I included six demographic variables in the equation. As stated

previously in this dissertation, crime victims are not likely to identify as one cohesive sub-group, but rather are likely to be impacted by the demographic sub-group associations that they had prior to the crime. For example, female victims are likely to identify more strongly as females than as crime victims. Additionally, the criminal justice system is also likely to treat victims of crime differently based on their sub-group characteristics. And, victim expectations of the criminal justice system are not likely to be consistent across all demographic categories. To control for these effects, I included demographic variables measuring the victim's age, sex, race, income, education, and employment in the models.

The variables measuring age and sex are coded identically to how they were coded in the original dataset. Age is a continuously measured variable with a range of 12 years old for the youngest victim to 82 years old for the oldest victim, with the mean age of 43 years. Sex is a dummy variable measured at "0" if the victim was male and "1" if the victim was female, with the sample fairly evenly split between male and female victims.

The victim's race is also included in the model but has been recoded to allow for an easier interpretation of the variable. In the original dataset, race was measured in five different categories, with approximately seventy-one (71%) of the sample self-identifying as White or Caucasian. Due to the lack of diversity among victims who identified as a race other than White (5% of the sample identified as a race other than White or Black), I recoded the variable to a "1" if the victim identified as White or Caucasian or "0" if the victim identified as a race other than White or Caucasian.

Education, income, and employment were also measured in the original dataset in five or more categories each. I recoded all three variables into dummy variables. For the income variable, victims who earned less than \$25,000 per year was coded as a “1” and identified as low-income. Victims who earn more than \$25,000 per year (about 51% of the sample) are coded as a “0”.<sup>16</sup> For the education variable, I recoded all victims who identified as having any college education into a “1” (about 53% of the sample) and all victims who identified as having no college experience as a “0” (about 47% of the population). For the employment variable, I recoded all victims who identified as having some employment outside of the home as a “1” (74% of the sample) and all victims who identified as having no employment outside of the home as a “0” (about 26% of the sample). All descriptive statistics for demographic variables are reported in Table 2.

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<sup>16</sup> When the data was collected in 1994, the income poverty level was set at \$15,150. However, the original categories of income in the sample, did not permit a recoding along that income line, into a “poverty” and “above-poverty” category. I ran the models with the income variable recoded as “poverty”, which included all victims who earned less than \$10,000 per year as a “1” and all other victims as a “0”. I then recoded the variable as “low income”, which included all victims who earned less than \$25,000 per year as a “1” and all other victims as a “0”. There was no difference in the outcome of the regressions based on the distinctions.

## **Chapter 5**

### **Results and Discussion**

In this Chapter, I present the models used to test each hypothesis as well as the results from each model. As discussed previously, each hypothesis will be tested using OLS regression, as the dependent variable is a continuous scale variable. The initial analysis will focus on the primary hypothesis of the dissertation, i.e. whether the components of procedural justice create a higher level of satisfaction for the victim. Building on this initial analyses, the remaining hypotheses will test how distributive justice, crime type, and the victim's race and sex, interact with procedural justice to impact the victim's level of satisfaction.

**Hypothesis 1: Victim satisfaction with the criminal justice process will be positively related to the level of procedural justice that the victim receives throughout the process.**

Supported by the previously cited literature, the first hypothesis projects that the victim's satisfaction will be affected by the elements of procedural justice that the victim experienced throughout the criminal justice system. Procedural justice is measured by variables which evaluate the extent to which the victim had a voice in the process (representation), whether the victim was afforded status recognition by the criminal justice system actors (ethicality), whether the process was transparent (accuracy), and whether the process could be reviewed if errors were made (correctability). Demographic and control variables of age, employment, education level, sex, race, income, whether the victim was a primary or secondary victim, the offender relationship to the victim, whether the victim was a survivor of rape, whether the victim was a

survivor of homicide, the extent of the victim's psychological impact, and whether the victim lived in a strong or weak state also were included in the analysis.

**Table 3: Whether Procedural Justice Matters, by Police and Prosecution Factors, OLS regression, limited, full, and parsimonious models.**

	<i>Model 1: Police-only</i>		<i>Model 2: Prosecution- only</i>		<i>Model 3: Full model</i>		<i>Model 4: Parsimonious model</i>	
	<i>b</i>	SE	<i>b</i>	SE	<i>b</i>	SE	<i>b</i>	SE
<i>Police factors</i>								
Polite	.94***	.11	-	-	.09	.12	.11	.12
Informed victim of investigation	.71***	.07	-	-	.15†	.08	.13	.08
Informed victim of arrest	.39***	.10	-	-	.17	.12	.18†	.11
Informed victim of services	.15**	.06	-	-	.17*	.08	.13†	.08
<i>Prosecution factors</i>								
Consulted victim on sentence	-	-	.50***	.08	.25***	.07	.24***	.06
Trial	-	-	.52***	.08	.15*	.07	.16*	.07
Impact statement delivered	-	-	.12	.08	-.09	.07	-	-
<i>System wide factors</i>								
Victim advocate adequate	-	-	-	-	.21*	.09	.23**	.08
Victim input adequate	-	-	-	-	.56***	.08	.54***	.08
Victim adequately informed	-	-	-	-	.25*	.10	.27**	.09
Victim services adequate	-	-	-	-	.15*	.08	.15*	.08
<i>Demographic variables</i>								
Victim age	.004†	.002	.004	.003	.002	.003	.003	.002
Female victim	.07	.06	.17*	.08	.07	.07	.08	.07
Victim employed	.11	.07	-.06	.10	.02	.08	-	-
Victim college	-.02	.06	.07	.08	-.01	.06	-	-
Victim poverty	-.05	.06	-.10	.08	-.03	.07	-	-
Whether the victim is white	.13†	.07	-.08	.09	-.01	.07	-.01	.06
<i>Control variables</i>								
Victim of rape	.29**	.11	.22	.14	.19†	.11	.15	.10

Victim of homicide	-.03	.12	.21	.16	.05	.12	-	-
Psychological impact	-.03*	.01	-.06***	.02	-.05***	.01	-.05***	.01
Offender relationship to victim	.03	.06	.02	.08	.05	.06	-	-
Primary victim	-.03	.11	-.22	.15	-.05	.11	-	-
Victim in a strong state	-.01	.06	.25**	.08	.05	.07	.02	.06
Intercept	1.18	.20	2.36	.23	1.55	.23	1.52	.19
Adjusted R-square	.3284		.1339		.4746		.4888	
N	854		728		413		440	
*** $p < .001$ ** $p < .01$ * $p < .05$ † $p < .10$								

Because not all victims had the opportunity to experience the range of the system, the first model reports results from a regression of the victim's level of satisfaction with the police on procedural justice variables afforded by the police. These findings are reported in Table 3, Model 1. In this model all four police-related procedural justice variables have a positive and significant impact on victim satisfaction. Older victims were more satisfied than younger victims and White victims were more satisfied than Non-white victims. Rape is positively and significantly related to the victim's level of satisfaction, indicating that victims who identified as being sexually assaulted were more satisfied than victims of other crimes. The psychological impact scale also has an important impact on satisfaction; specifically, as the psychological impact of the crime increases, satisfaction decreases. The adjusted R-square of this model is .3284, indicating that thirty-three (33%) of the variability in victim satisfaction is explained.

The second model included only procedural justice variables related to the prosecution. These findings are reported in Table 3, Model 2. In this model, the variable indicating whether the victim delivered a victim impact statement has no effect on satisfaction. However, the variables measuring whether the prosecutor consulted the victim on the sentence and whether there was a trial are both significantly and positively related to the dependent variable. If there was a trial, and if the victim was consulted by the prosecutor on the sentence, the victim had a higher level of satisfaction than if there was no trial or if the prosecutor did not consult with the victim about the sentence. The only demographic variable that is significant is the victim's gender, i.e. females are more satisfied with the prosecution process than are male victims. Psychological impact remains significant and negatively related to the dependent variable. Also, in this model, victims who live in a strong state are more satisfied than victims who live in a state with no constitutional amendment. The adjusted R-squared of this limited equation is .1339, indicating that 13% of the variance in the dependent variable is explained by this model (lower than in the police model).

After separate analyses of the police and prosecution, I regressed the scaled measure of victim satisfaction on all procedural justice variables and all demographic and control variables to test the hypothesis that procedural justice components throughout the criminal justice process increase the victims level of satisfaction. These results are reported in Table 3, Model 3. Two of the four measures of police procedural justice remained positive and significant. If a victim was kept informed by the police of the progress of the investigation, the victim was more satisfied with the overall criminal justice process than if the victim was not kept informed. Similarly, if the police

provided the victim with information about support services that were available, the victim reported a level of satisfaction higher than if the police did not provide that information.

Both prosecution-related procedural justice variables that were significant in the limited model remained significant in the full model. If the case was adjudicated by a trial and if the prosecutor consulted the victim on the sentence sought, the victim was more satisfied than if there was no trial or no consultation. Whether the victim delivered a victim impact statement remained unimportant to the victim's level of satisfaction.

The full model also included respondents' overall assessments of procedural justice across the criminal justice system. All four variables were positive and significant. Thus, when victims felt represented by the victim advocate, felt that information provided was sufficient, felt that their opportunity for input was sufficient, and felt that the support services provided to them were adequate, the victim was more satisfied than those victims who were not provided opportunity for input, or given consistent information, adequate services, and an adequate victim advocate.

Surprisingly none of the demographic variables were significant in the full model. Only one of the control variables (the level of the psychological impact reported by the victim) was significant, such that the greater the psychological impact of the crime, the less satisfied was the victim. The adjusted R-squared of the model is .4746, indicating that forty-seven (47%) of the variance in the dependent variable is explained by the model. Of the three models, this full model explained a larger amount of the variability in the victim's level of satisfaction.

Because a number of the variables in the full model were unrelated to the dependent variable, I created a parsimonious model. All variables that were insignificant in the previous models were removed. In the parsimonious model (Table 3, Model 4), the system-wide procedural justice variables and prosecution variables remained significant and positively related to the dependent variable. Regarding the police related variables, however, there were slight changes. Recall that in the full model, satisfaction was related to whether the victim was provided with information about victim services by the police and whether the victim was provided with information about the investigation. In Model 4, the victim being provided with information about support services remains significant, but whether the victim is kept informed of the police investigation has no impact on the victim's level of satisfaction.

The parsimonious model also included the demographic and control variables that were previously significant in any of the equations, i.e. age, sex, race, whether the victim was a victim of rape, the level of the victim's psychological impact, and whether the victim lived in a strong state. Of the demographic and control variables in the parsimonious model, only the level of the victim's psychological impact retained significance. The level of psychological harm remained an important predictor of the victim's satisfaction. There was no loss of predictive capacity with the reduced model. In fact, the adjusted R-squared is slightly greater for the parsimonious model (.49) compared with the full equation (.47).

**Discussion of findings:** In support of Hypothesis 1, procedural justice positively influenced whether the victim was satisfied with the criminal justice system. And, similar to the research cited earlier, there is support for analyzing procedural justice as

components rather than as one concept (Hauerstein, et al, 2001). In both the full and the parsimonious models, the majority of procedural justice elements were important to the victim's satisfaction (8 of the original 11 variables remained significant in both the full and parsimonious models). However, it is evident from the results that the procedural justice concept of ethicality, i.e. whether the victim is provided with dignity and status recognition through the criminal justice process, does not impact the victim's level of satisfaction unless it is coupled with another component of procedural justice, such as representation or accuracy. Rather, the victim appears more interested in the type of procedural justice that affords him or her a view of or a voice in the criminal justice process. A trial, a variable that is significant in all three models in which it was included, is the formal, public proceeding that, to the average American, represents a clear, transparent, accurate and correctable, method of resolving the case. The variables that measure whether the victim was consulted on the sentence, whether the victim was provided input into the case, whether the victim felt that the victim advocate was adequate, and whether the victim believed that support services were advocate suggest that the element of representation is also an important element of procedural justice. The final two significant procedural justice-related variables, i.e. whether the victim was provided information by the police (either about the arrest or the investigation) and whether the victim believed that they were provided adequate information throughout the process, suggest that the element of accuracy is important to the victim as a stand-alone concept, and not just in conjunction with impartiality or correctability. While the trial may represent the public process imbued with balance and transparency, providing the victim information at various points in the process helps the victim to feel as if he or she

is “seeing” the process, or that the process is transparent and understandable, but is less public than the trial process.

However, it is also evident from these findings is that victims are interested in representation that does not include an active, public participation in the process. The one variable that measured the victim’s active and public participation in the criminal justice process, i.e. whether the victim delivered a victim impact statement, was insignificant in all models. That is a surprising finding, given the literature regarding the importance of voice. It may be that the variable is capturing something other than representation. It is possible that the stress, pressure, and trauma of having to deliver a victim impact statement, often in front of the offender, moderates the effect of the representation. This finding appears to support Herman’s qualitative analysis depicting the negative impact of the confrontational process. This is also an important contribution to the literature on the victim’s experience because it is counter to the arguments that are advanced by proponents of restorative justice, who assert that victims will be more satisfied with a restorative process where they are able to take an active and central role over a traditional, adversarial process where their role is limited. It appears from these findings that victims may be seeking a more moderated role in the process that affords them the ability to access information and provide input, but without the central and public participation that restorative justice proponents advance and victims’ rights opponents believe that victims desire.

The lack of an effect associated with the victim’s demographic profile is surprising. Variables that measured the victim’s employment, education level, and income level were insignificant in all models. Given the literature about the disparate

impact of the criminal justice system on victims of differing socioeconomic statuses, it was anticipated that these variables, as well as the victim's race might affect satisfaction. However, race was only important during the law enforcement phase during which White victims are more satisfied than Non-white victims. When the prosecution and system-wide variables are added into the model, race becomes insignificant.<sup>17</sup> It is possible that the dataset's other limitations, i.e. that the data only includes victims whose crime was reported to the police and victims who chose to participate in the study, created a selection bias that eliminated many of the dissatisfied Non-White victims from the original analysis, i.e. victims who tend to be mistrustful of police. However, the results also appear to suggest that procedural justice at the prosecution stage and in the aggregate eliminates the race effect. When White victims and Non-White victims' experiences with procedural justice are taken into account, race does not have a direct effect on satisfaction.

Two other interesting findings involve the impact of gender and age. Gender was positive and significantly correlated with the dependent variable, suggesting that female victims of crime are more satisfied with the criminal justice system. But gender was only significant in the prosecution model. Age was significant and positively related to the dependent variable, suggesting that older victims are more satisfied than younger victims, but was only important to the victim's satisfaction during the reporting and investigative process; when age is included as a variable in the full model or even in the model measuring only satisfaction with the prosecutorial process, it is insignificant.

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<sup>17</sup> The lack of diversity within the Non-White category makes drawing conclusions difficult. The Non-White category includes those victims who identified as Black or African-American, Hispanic, Asian, and other. However, only 69 cases (or 5%) in the dataset identified as something other than Black/African-American or White/Caucasian.

In terms of control variables, whether the victim was a primary or secondary victim, the victim's relationship to the offender, the type of crime committed, whether the victim lived in a "strong" or "weak" state with respect to victims' rights laws, whether the victim was a survivor of sexual assault, or whether the victim was a survivor of homicide had no impact on victim satisfaction in both the full and the parsimonious models. The only control variable that had an effect across all models measured the level of the psychological impact on the victim. The greater the psychological harm experienced by the victim, the less he or she is satisfied with the criminal justice system. This implies that victims who are psychologically distressed are not finding relief through procedural justice. It may be that such victims require other types of services to feel satisfied, i.e. counseling and therapy, which are traditionally beyond the scope of the criminal justice process. However, given the importance of system-based victim advocates, it is possible that the more vigorous use of community-based victim advocates would address that impact.

Other control variables were significant when only the police or only the prosecution was measured. In the former model, whether the victim was a victim of sexual assault was a significant variable and positively related to the dependent variable, suggesting that victims of sexual assault were more satisfied with the reporting and investigative component of the criminal justice process than victims in the model that were not victims of sexual assault. However, in the model which measures the prosecutorial process, being a victim of sexual assault is not an important factor to the victim's satisfaction. Again, this is a surprising finding given the literature that describes the negative experiences of victims of sexual assault in the criminal justice system,

particularly with law enforcement. However, the previous research explores only the experience of sexual assault victims, rather than comparing their experiences to the general population of crime victims. It is possible, then, that the experiences of the general victim population are less satisfying than the experience of sexual assault victims. It is also possible that the limitations of the dataset skew the outcome. Only 143 of the total 1308 victims in this dataset were victims of sexual assault and, as described above, the victims included in this dataset reported the crime to police and agreed to participate in the survey after their cases were resolved. Those factors indicate that this dataset may be measuring victims of sexual assault who are more trusting in the system than the general population of sexual assault victims, most of whom never report the crime to the police and many of whom describe the police as non-responsive following a report (Campbell, 2006; Campbell, et al, 2012; Campbell, 2008). This finding suggests direction for future research.

In the prosecution-only model, whether the victim was in a “strong” state was a significant element of the victim’s satisfaction, i.e. if the victim identified as residing in a strong state, the victim had a higher level of satisfaction than if the victim identified as being in a weak state. These findings suggest that, during the prosecutorial process, the impact of a Constitutional amendment in the state has a positive impact on the victim’s level of satisfaction separate and apart from elements of procedural justice. Although this outcome was not hypothesized (the variable is treated as a control within the models), it is consistent with expectations. The victims’ rights laws and the victims’ rights amendments that are in place largely operate on and impact the adjudicatory process, i.e. the right of the victim to deliver a victim impact statement, the rights of the victim during

a plea agreement, the right of the victim to be present for hearings and trial, and the right of the victim to consult with the prosecutor on case decisions. While every state is different in how they operationalize victims' rights throughout the criminal justice system, the vast majority of laws, particularly during the period when this survey was completed, impacted the prosecutorial process. Drawing from the findings of the original research, it appears that the increased implementation of victims' rights laws that was found in states with a constitutional amendment independently impacts the victim's satisfaction.

**Hypothesis 2a: Victim satisfaction with the criminal justice system will be positively related to the level of distributive justice included in the equation.**

To test this hypothesis, I regressed victim satisfaction on the three measures of distributive justice, i.e. whether the victim felt that the trial was fair, whether the victim felt that the sentence was fair, and whether the offender was given a sentence of incarceration. Results are reported in Table 4. The variable measuring trial fairness depicts the victim's perception of distributive justice during the formal adjudicative proceeding. The sentence fairness variable measures the victim's perceptions of distributive justice with the other punishment given. Whether the victim feels that the sentence is fair could be completely divorced from whether the victim feels that the trial was fair. It is completely possible for the victim to feel that the trial was fair, but that the sentence was not fair, or vice versa. Both variables were measured as dummy variables, with "0" indicating that the victim felt that the fairness was inadequate and "1" indicating that the victim felt that the fairness was adequate.<sup>18</sup> The third distributive justice variable

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<sup>18</sup> After running correlations on the three fairness variables, it was revealed that the variable that measured whether the verdict was fair was correlated with the variables measuring whether the

in this model is the variable measuring whether a sentence of incarceration was given to the defendant. Different from the previous two distributive justice variables, this variable is an objective measure of distributive justice. The variable measuring incarceration was measured at a “0” if the offender received no period of incarceration and “1” if the offender received a period of incarceration.

<b>Table 4: Whether Distributive Justice Matters, With and Without Procedural Justice., OLS regression, distributive justice only, full, and parsimonious models.</b>						
	<i>Distributive justice only (Hypothesis 2a)</i>		<i>Distributive and procedural justice (Hypothesis 2b)</i>		<i>Distributive and procedural justice (Parsimonious model)</i>	
	<i>b</i>	SE	<i>b</i>	SE	<i>b</i>	SE
<i>Police factors</i>						
Polite	-	-	.02	.11	-	-
Informed victim of investigation	-	-	.14†	.08	.26***	.06
Informed victim of arrest	-	-	.21†	.11	.28*	.09
Informed victim of services	-	-	.11	.08	-	-
<i>Prosecution factors</i>						
Consulted victim on sentence	-	-	.07	.07	-	-
Trial	-	-	-	-	-	-
Impact statement delivered	-	-	-.13*	.07	-.06	.05
<i>System wide factors</i>						
Victim advocate adequate	-	-	.21**	.09	.34***	.07
Victim input adequate	-	-	.28** *	.08	.42***	.06
Victim adequately informed	-	-	.11	.10	-	-

sentence was fair and whether the trial was fair at .6 or above. To correct for collinearity in the model, I ran the model without the variable measuring whether the verdict was fair. Whether the sentence was fair and whether the trial was fair were not highly correlated.

Victim services adequate	-	-	.03	.08	-	-
<i>Distributive justice factors</i>						
Whether the sentence was fair	.76***	.07	.43** *	.07	.45***	.06
Whether the trial was fair	.49***	.06	.63** *	.09	.51***	.07
Offender sentenced to jail	.11	.09	.04	.10	-	-
<i>Demographic variables</i>						
Victim age	.002	.002	.00	.003	-	-
Female victim	.04	.06	-.01	.07	-	-
Victim employed	.03	.07	-.06	.08	-	-
Victim college	.08	.06	.08	.06	-	-
Victim income	-.05	.06	-.05	.06	-	-
Whether the victim is white	-.01	.06	-.01	.07	-	-
<i>Control variables</i>						
Victim of rape	.33**	.11	.17	.11	.15†	.09
Victim of homicide	.17	.11	.21†	.11	.13†	.05
Psychological impact	-.03*	.01	-.02	.01	-.004	.01
Offender relationship to victim	.09*	.05	.10	.06	.02	.05
Primary victim	-.15	.10	-.14	.10	-	-
Victim in a strong state	.05	.06	.02	.07	-	-
Intercept	2.04	.17	1.48	.25	1.51	.13
Adjusted R-square	.5137		.6934		.6603	
N	426		271		321	
*** $p < .001$ ** $p < .01$ * $p < .05$ † $p < .10$						

The results reported in Table 4, Model 1 indicate that two of the three distributive justice variables are important contributors to victim satisfaction, which indicates that distributive justice—at least as distributive justice is related to the victim’s perception of

fairness—have a positive impact on the victim’s level of satisfaction in the criminal justice system. Stated differently, those victims who believed that the trial and the sentence were fair had a higher level of satisfaction with the criminal justice system. However, the variable measuring whether the offender was sentenced to a term of imprisonment was insignificant in the model, indicating that it is not important to the victim whether the offender is sentenced to a term of incarceration. This finding nuances the overall conclusions regarding distributive justice. While the concept of distributive justice is important to the victim, i.e. they want the sentence and trial to be fair, the concept of retributive justice is not important to their satisfaction, i.e. it is not important for there to be a harsh sentence.

In terms of demographic and control variables, the results of the distributive justice model were similar to the results of the previous models. None of the demographic variables were significant. The victim’s race, sex, income, education level, employment status, and age did not impact the victim’s level of satisfaction.

The measure of the victim’s psychological impact was significant in the model, as it was in the procedural justice model. For victims reporting a more profound psychological impact, the satisfaction with the criminal justice system was lower. Victims living with psychological harm are not satisfied with distributive justice, just as they are not satisfied by measures of procedural justice. However, in this model, and unlike in the previous models, whether the victim was a sexual assault survivor was both significant and positively related to the criminal justice system. That is, sexual assault survivors are more satisfied with the criminal justice system when distributive justice is higher. The second key difference between the distributive justice model and the

procedural justice model was the significance of the variable measuring the relationship between the victim and the offender. When measuring only procedural justice, the relationship between the victim and the offender was unimportant. In the distributive justice model, this variable is significant and positively related to the dependent variable. This indicates that victims who did not know the offender are more satisfied when distributive justice measures are high.

**Discussion of Findings.** Overall, Hypothesis 2a is mostly supported. For victims of crime, the level of distributive justice in the criminal justice system does matter. However, the results are nuanced. Of the three distributive justice measures in the model, only those elements that measured fairness were significant. The measure of retribution, i.e. whether the offender served a sentence of incarceration, did not affect satisfaction. This suggests that victims of crime are not interested in the harshness or severity of the punishment, but are rather interested in whether the system is administered fairly.

The findings related to the demographic variables are also intriguing. None of the variables measuring education, employment, age, race, income, or sex are significant. It is less surprising that victims of rape are more satisfied with distributive justice outcomes than victims of other crimes, or that victims who were victimized by strangers are more satisfied with the criminal justice system than those who were victimized by someone that they knew. Given the severity of the crime and the lack of emotional ambiguity surrounding the offender, the focus on distributive justice is an expected response. And, it is not at all unanticipated that the psychological impact of the crime continues to be significant in all equations. The more impacted a person is by the crime, the less satisfied they are likely to be with any outcome of the criminal justice system.

**Hypothesis 2b: Procedural justice measures and their impact on victim satisfaction will remain significant when distributive justice measures are included in the equation.**

To test this hypothesis, I regressed victim satisfaction on the twelve procedural justice variables used to test Hypothesis 1 and the three distributive justice variables used to test Hypothesis 2a. All six demographic variables and all six control variables previously tested also were included in the model. Results are reported in Table 4, Model 2. The results of this model demonstrate that five of the eleven procedural justice variables have an impact on victim satisfaction when distributive justice variables are included. Whether the victim's case was adjudicated by trial (which was significant in the earlier models) was dropped from the model due to collinearity. The distributive justice variables measuring fairness remained significant in the analysis; however, the variable measuring whether the offender received a sentence of incarceration remained inconsequential.

To create a more parsimonious model, I dropped all variables that were insignificant in the previous model. These results are reported in Table 4, Model 3. In the parsimonious model, I included two police procedural justice variables (whether the police informed the victim of the investigation and whether the police informed the victim of the arrest), one prosecution-related procedural justice variable (whether the victim delivered a victim impact statement), and two system-wide procedural justice variables (whether the victim believed the input allowed was adequate and whether the victim believed that the victim advocate was adequate). I included only the distributive justice variables related to fairness, dropping the variable measuring whether the offender was sentenced to a term of incarceration. I also dropped all demographic variables in the

parsimonious model and included only control variables related to whether the victim was a victim of rape, whether the victim was a survivor of homicide, the level of the victim's psychological impact, and the relationship of the victim to the offender.

Police procedural justice variables: Victim satisfaction remains strongly related to whether the police informed the victim of the progress of the investigation and whether the police informed the victim of an arrest. When these elements of procedural justice are afforded to the victim, the victim is more satisfied, controlling for the impact of distributive justice.

Prosecution variables: As stated earlier, whether the victim delivered a victim impact statement and whether the victim was consulted on the sentence were the only prosecution-related procedural justice variables that remained significant. Although victim consultation was positive and significant in the first model, it loses significance in the parsimonious model. Unlike in the procedural justice model tested in Hypothesis 1, when distributive justice variables are included, the victim impact statement variable becomes significant and negatively related to victim satisfaction. In the parsimonious model, the victim impact statement variables again becomes insignificant.

General system procedural justice variables: In the procedural justice only model tested in Hypothesis 1, three of the four system-wide procedural justice elements were positive and significantly related to the victim's satisfaction. When distributive justice variables were included in the model, however, only the adequacy of the victim advocate and the victim's level of input affected victim satisfaction. Both variables remained positive and significantly correlated with satisfaction in the parsimonious model as well.

Demographic and control variables: None of the demographic variables are significant in these models. (See Table 4, Models 2 and 3). However, victim satisfaction is related to crime type. Specifically, when the victim was murdered, the secondary victims of homicide are more satisfied than victims of other crimes. This effect and sexual assault victimization are significant and positively related to the victim's level of satisfaction in the parsimonious model (Table 4, Model 3). Notably, in these models the impact of psychological harm is insignificant when controlling for distributive justice.

Distributive justice variables: Two of the three distributive justice variables remain significant and positively related to the victim's level of satisfaction when controlling for procedural justice. As in the model testing Hypothesis 2a, the variables measuring fairness were important but the variable measuring incarceration was not important. Both fairness variables were significant in the parsimonious model (Table 4, Model 3).

**Discussion of Findings.** As hypothesized, procedural justice remains important to the victim's level of satisfaction even when distributive justice measures are included in the analysis. However, it is clear from the results that specific elements of procedural justice matter more than others. Of the ten procedural justice elements that were included in the full model, five are significant. (Recall that the trial variable was dropped from the model due to collinearity.) See Table 4, Model 2. This suggests that victim satisfaction depends on the components of procedural justice and when it was administered. For example, of the police variables, only those that measured whether the victim was notified of the investigation and the arrest had a positive effect on satisfaction. While those variables certainly indicate status recognition of the victim, it is more likely that

both variables are measuring the extent to which the victim feels represented in the investigation and the transparency of the investigation, which tracks to accuracy. Whether the victim felt that the police were polite and whether the police informed the victim of services available were not significant and both measure of ethicality. For both significant variables, the victim is engaging with the police, rather than just receiving information or experiencing an attitude (whether positive or negative). The process of keeping the victim informed affords the victim a sense of participation or representation in the process. They also provide a window into an otherwise opaque process which can provide the victim with a sense of participation in itself, a belief that the process is progressing.

Similarly, of the two prosecution related procedural justice variables, the variable that measures whether the victim delivered a victim impact statement is the only variable that affected the victim's satisfaction. The direction of the effect was unanticipated, negative instead of positive. When the victim provided a victim impact statement, he or she was less satisfied with the criminal justice system than if he or she did not give a victim impact statement. Whether the victim was consulted on the sentence, which also measures representation and also represents the victim's interest in the sentence, has no effect.

While these findings may be counter-intuitive at first glance, they make sense when considered more carefully. It is likely that the active (and often public) process of giving a victim impact statement is stressful and potentially psychologically retraumatizing. According to the research by Campbell discussed earlier, the process of retelling the assault can be as traumatizing as experiencing the assault, as the brain reacts

in the same way to both (Campbell, 2006; Campbell, et al, 2012). Other significant variables keep the victim engaged in the process, e.g. providing information about the status of the investigation or the arrest, but do so in a way that does not require the active (and public) participation of the victim. The variable which measures whether the victim was consulted on the sentence (which was insignificant in this full model but was significant when only procedural justice variables were included in the analysis) may overlap with some of the distributive justice variables. For instance, when the distributive justice variables measuring fairness were added to the model, whether the victim was consulted on the sentence became unimportant to the victim's level of satisfaction.

In terms of the general system-related procedural justice variables, a similar pattern is evident. Of the four measures, two were significant. Both are measures of the extent to which the victim was represented in the process. While the remaining insignificant variables do track to representation as well, they may also be measuring accuracy, or a type of representation that is not as important to the victim.

Findings for distributive justice mirror the findings from Hypothesis 2a. Controlling for procedural justice does not negate the importance of distributive justice for victims, a finding that supports the study by Simpson and Hickman discussed earlier. Indeed, it is also clear that distributive justice matters to victims. Fairness of the process and sentence affect satisfaction, but severity of punishment does not.

Consistent with earlier analyses, none of the demographic variables are significant in the full model, suggesting that the victim's level of satisfaction is not dependent on the victim's race, age, income level, education level, sex, or employment status. While the

level of the victim's psychological impact was significant in the procedural justice model, when distributive justice variables are included, the level of the victim's psychological impact loses significance. While this finding may seem unanticipated, it suggests that the combination of distributive and procedural justice serves to mitigate the effect of psychological harm.

The other two control variables that were significant in this equation were the variables related to the type of crime committed. Victims who were survivors of homicide and victims who were survivors of sexual assault are more likely to have a higher level of satisfaction with the criminal justice system than victims who were victims of other crime. As discussed previously, these data are limited to victims who self-selected into the study, and victims who chose to engage with the criminal justice system. The vast majority also had a robust experience with the criminal justice system. 1,134 victims, or 87% of the sample, had an offender that was arrested. Six hundred eighty one, or 67%, of the victims in the model experienced a trial, with another 322 victims, or 32% having an offender that accepted accountability through a plea. This sample does not adequately represent the typical experiences of crime survivors who either chose not to engage the criminal justice system, or even the experience of survivors who engaged the criminal justice system and had a case that was not thoroughly investigated or prosecuted.<sup>19</sup>

Survivors of homicide (about 30% of the model) are likely to experience the most extensive version of the criminal justice system, given the severity of the crime, as well

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<sup>19</sup> Of the 1,034 victims in this study whose offenders were arrested, only 18 (1.76%) victims had the case dropped. Of the 681 victims whose offenders went to trial only 37 cases (5%) ended in something other than a guilty verdict.

as the most likely to be offered the most extensive services available and have the most resources, since they are often the smallest group of victims in any community. The same is true for survivors of sexual assault. While the criminal justice system is often criticized for not handling sexual assault cases properly (often by declining to investigate, arrest, or prosecute), and the majority of sexual assault victims decline to participate in the criminal justice process, due in large part to the negative perception of the criminal justice system, those victims are not well represented by these data. These data disproportionately include victims whose cases were reported, investigated, an arrest was made, and a trial process was conducted. In fact, in 702 cases (or 86% of the data), there was a sentence of jail or prison.<sup>20</sup> That is a finding that is disproportionate to the universe of crimes that occur daily. For that reason, it is unsurprising that these victims are the most satisfied. Perhaps these victims were expecting the worst result and the process and outcome was better than anticipated. Unfortunately, these data do not allow an exploration of the victims' initial expectations.

**Hypothesis 2c: Distributive and procedural justice will have an interactive effect on victim satisfaction. When procedural justice is high, distributive justice will have less influence on satisfaction than when the measures of procedural justice are low.**

To test this hypothesis, I first attempted to create one procedural justice scale and one distributive justice scale that would be multiplied to produce interaction terms. However, the procedural justice variables could not be scaled.<sup>21</sup> As a result, I created a

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<sup>20</sup> 95% of the sexual assault cases in the dataset had an offender that went to prison.

<sup>21</sup> For the distributive justice scale, I conducted a reliability and factor analysis on the variables that measured whether the trial was fair, whether the verdict was fair, whether the sentence was fair, and whether the offender served a period of confinement. While the Chronbach's Alpha for this scale was a .742 and the Eigenvalue of the first factor a 2.194, all four variables did not load onto the first factor at a sufficient level to warrant consideration of the scale as appropriate. As a

total of twenty-two separate interaction variables, creating an interaction term for each procedural justice variable and the fairness scale and each procedural justice variable and the variable measuring whether the offender was sentenced to a term of incarceration. I then included all twenty-two interaction terms in the model with all previous variables. Results are shown in Table 5, Model 1. Of the twenty-two interaction terms included in the equation, only four were significant in the full model and three in the parsimonious model. A matrix of interaction terms and their significance is included in Table 6. Findings are reported in Table 5, Model 2. These results suggest that the interactive effects of distributive and procedural justice on victim satisfaction are limited and depend on specific elements of procedural and distributive justice rather than the broad concepts of either.

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result, I created a distributive justice scale comprised of only the three fairness variables. The Chronbach's Alpha is .825 and all three variables loaded onto the first factor at above a .8. The Eigenvalue of the first factor is 2.154.

For the procedural justice scale, I conducted a reliability and factor analysis on all twelve variables that measured procedural justice in the model. The Chronbach's Alpha was only a .424 which is an insufficient level of internal consistency to warrant a scale creation. I then attempted to create three separate scales: one scale including only the police-related procedural justice variables, one scale including only the prosecution-related procedural justice variables, and one scale including only the system-wide procedural justice variables. The Chronbach's Alpha for any one scale did not exceed .5, which is insufficient internal consistency to warrant scale creation. The third option that I attempted for the procedural justice variables was to create a scale for each element of procedural justice that was represented by the variable. While the Chronbach's Alpha was sufficient on all attempted scales, all factors did not load onto the scales at a level that would warrant scale creation.

<b>Table 5: Distributive and Procedural Justice Interaction Model. OLS regression, full and parsimonious models.</b>				
	<i>Hypothesis 2c: Full model</i>		<i>Hypothesis 2c: Parsimonious model</i>	
	<i>b</i>	SE	<i>b</i>	SE
<i>Police factors</i>				
Polite	.97**	.35	.64***	.16
Informed victim of investigation	.40*	.19	.32***	.07
Informed victim of arrest	- .55	.37	-	-
Informed victim of services	- .05	.20	-	-
<i>Prosecution factors</i>				
Consulted victim on sentence	.17	.21	-	-
Trial	-	-	-	-
Impact statement delivered	- .42*	.19	- .07	.06
<i>System wide factors</i>				
Victim advocate adequate	- .10	.14	-	-
Victim input adequate	.16	.12	-	-
Victim adequately informed	.03	.12	-	-
Victim services adequate	.02	.12	-	-
<i>Distributive justice factors</i>				
Distributive justice scale	.47***	.15	.39***	.03
Offender sentenced to jail	-	-	-	-
<i>Demographic factors</i>				
Victim age	.001	.002	-	-
Female victim	.02	.07	-	-
Victim employed	- .03	.08	-	-
Victim college	.03	.06	-	-
Victim income	- .01	.06	-	-
Whether the victim is white	.01	.07	-	-
<i>Control factors</i>				
Victim of rape	.12	.11	.24*	.10
Victim of homicide	.21†	.11	.27*	.11
Psychological impact	- .02†	.01	- .02	.01
Offender relationship to victim	.09	.06	-	-
Primary victim	- .19†	.10	- .17†	.10
Victim in a strong state	.03	.07	-	-
<i>Interaction variables</i>				
DJScale*Trial	-	-	-	-
DJScale*Prosecutor Consulted Sent.	-.17**	.05	-.03	.03
DJScale*Victim impact stmt given	.07	.05	-	-
DJScale*Police_Polite	-.06	.09	-	-
DJScale*Police_Infomed Investig.	-.09	.07	-	-

DJScale*Police_Informed Arrest	.01	.10	-	-
DJScale*Police_Info Vic Services	-.03	.06	-	-
DJScale*Advocate Adequate	-.03	.03	-	-
DJScale*Input Adequate	-.02	.03	-	-
DJScale*Information Adequate	.06	.04	-	-
DJScale*Services Adequate	.001	.03	-	-
JailGiven*Trial	-.62	.53	-	-
JailGiven*Prosecuor Consulted Sent	.23	.22	-	-
JailGiven*VIS delivered	.16	.20	-	-
JailGiven*Police_Polite	-1.01**	.39	-.63***	.14
JailGiven*Police_Informed Inves.	-.12	.20	-	-
JailGiven*Police_Informed Arrest	.70†	.37	.22*	.11
JailGiven*Police_Info Vic Services	.15	.21	-	-
JailGiven*Advocate Adequate	.17*	.07	.18***	.03
JailGiven*Input Adequate	.10	.09	-	-
JailGiven*Information Adequate	.02	.10	-	-
JailGiven*Services Adequate	-.01	.08	-	-
Intercept				
	1.76	.53	1.44	.15
Adjusted R-square				
	.7045		.6543	
N				
	266		301	
*** $p < .001$ ** $p < .01$ * $p < .05$ † $p < .10$				

Of the main effect procedural justice elements entered into the model, three were significant in the full model and only two remained significant in the parsimonious model (whether the victim felt that the police were polite, whether the police kept the victim informed of the investigation, and whether the victim delivered a victim impact statement). One procedural justice variable was dropped from the model due to collinearity (trial). Interestingly, in this model, the variable measuring whether the police were polite is significant and positively related to the dependent variable; however, this variable was not significant in any previous model. In another departure from previous

models, whether the victim felt that the victim advocate was adequate was insignificant, but was significant in all other equations.

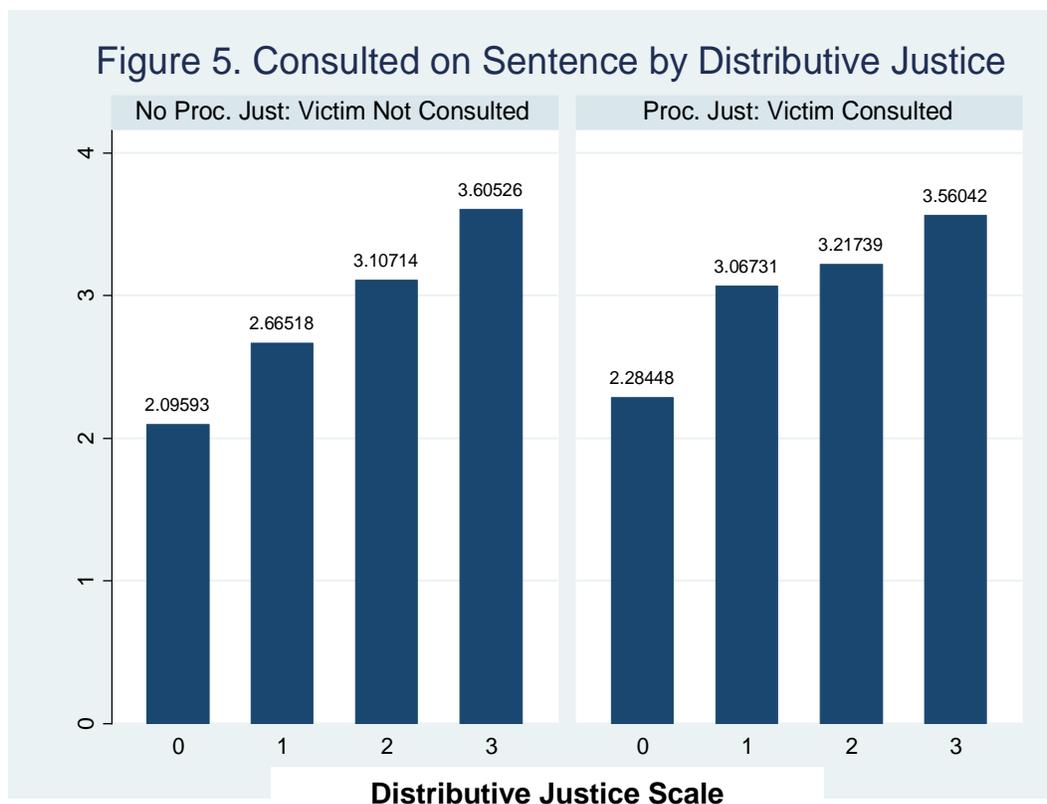
Of the distributive justice effects that were included in the model, the distributive justice scale remained significant, but the variable measuring whether the offender served a sentence of incarceration was dropped from the model due to collinearity. However, the inclusion of the interaction terms creates an interesting finding. Three of the four significant interactions include the variable which measures confinement. (See Table 6). It appears from these results that this element of distributive justice may be important only when it interacts with certain components of procedural justice.

<b>Table 6: Distributive and Procedural Justice Interaction Effects Matrix</b>		
	<i>Distributive Justice (fairness) scale</i>	<i>Jail Given</i>
<i>Whether there was a trial</i>	-	-
<i>Prosecution consulted victim on the sentence</i>	-.17**	-
<i>Victim delivered a victim impact statement</i>	-	-
<i>Police were polite</i>	-	- 1.01** († -.63****)
<i>Police informed victim of the investigation</i>	-	-
<i>Police informed victim of the arrest</i>	-	.70† (.22*)
<i>Police informed victim of victim services available</i>	-	-

<i>Victim felt that the victim advocate was adequate</i>	-	.17* (.18****)
<i>Victim felt that opportunity to provide input was adequate</i>	-	-
<i>Victim felt that information was adequate</i>	-	-
<i>Victim felt services were adequate</i>	-	-
*** $p < .001$ ** $p < .01$ * $p < .05$ † $p < .10$		

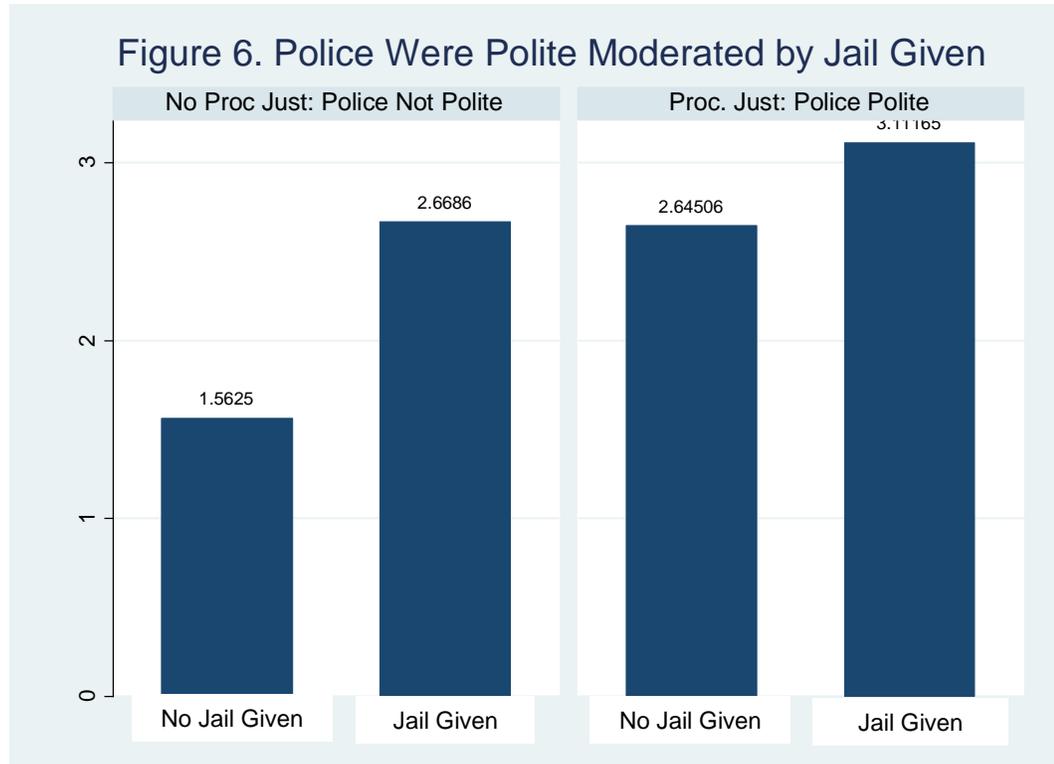
Interaction Effects. Despite the previously discussed literature suggesting a robust interaction between distributive and procedural justice, only one interaction of significance emerged from the analysis (Hauenstein, et al, 2001). Specifically, the interaction between whether the victim was consulted on the sentence and the distributive justice scale is significant, suggesting that the effect of this procedural justice variable on satisfaction is moderated by whether the victim believed the process to be fair. For victims who scored a “0” on the distributive justice scale (indicating that they did not feel that the trial, the verdict, or the sentence was fair), the mean level of victim satisfaction was 2.096 when they were not consulted on the sentence (the procedural justice, or focal variable, of this interaction) and 2.284 when they were consulted on the sentence. For victims who scored a “3” on the distributive justice scale (indicating that they felt that the trial, the verdict, and the sentence were all fair), the average satisfaction level was 3.605 for those victims who were not consulted on the sentence and 3.560 for those victims who were consulted on the sentence. Stated another way, for those victims who did not receive this procedural justice element, i.e. being consulted on the sentence, whether or not they perceived fairness throughout the process made a 1.509 point difference in their

level of satisfaction. For victims who were consulted on the sentence, and therefore did receive procedural justice, whether or not they perceived fairness throughout the process made a 1.276 point difference in their level of overall satisfaction with the criminal justice system. For this interaction, where there was lower (or no) procedural justice, distributive justice mattered slightly more to their satisfaction level. Consistent with Hypothesis 2c, distributive justice had less of an impact where procedural justice was high and more of an impact where procedural justice was low. While this interaction is significant in the full model, it loses significance in the parsimonious model. See Figure 5 for a graph of these findings.



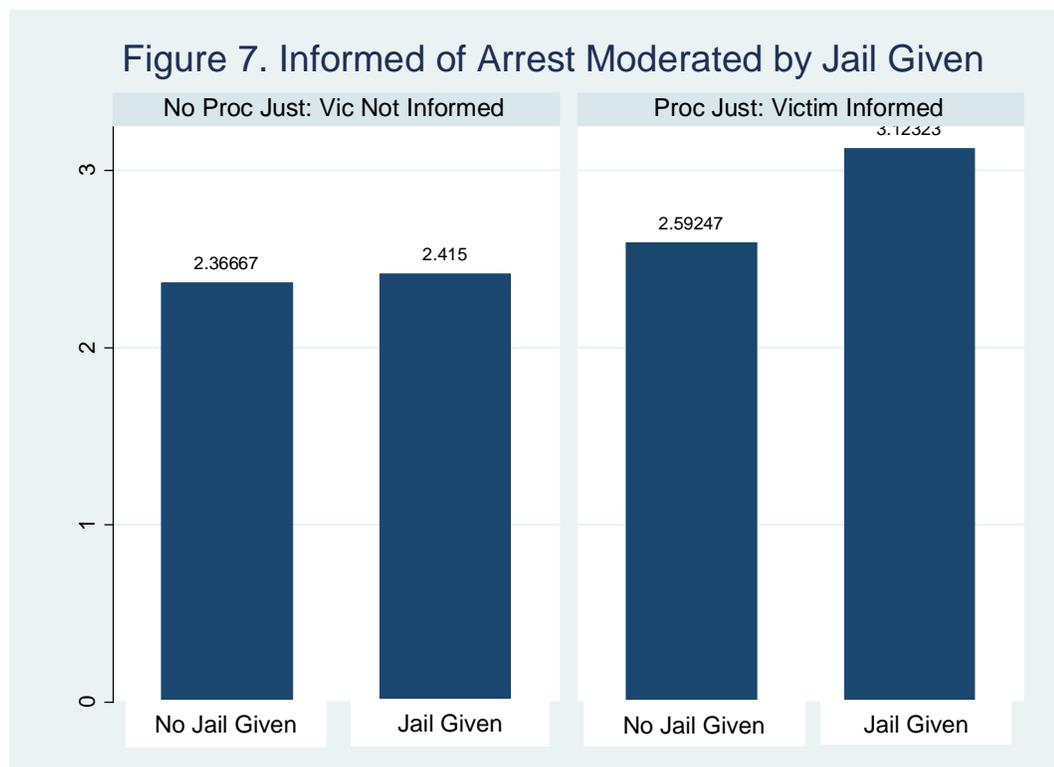
The remaining significant interaction terms all include the variable measuring whether the offender served a term of imprisonment. Recall that in all of the previous models, whether the offender served a term of imprisonment did not impact the victim's

level of satisfaction. However, when I included interaction terms to test the impact of procedural justice elements, as moderated by the incarceration variable, three of the eleven variables were significant. All three interactions remained significant in both the full and the parsimonious model. The first measures the interaction between the incarceration variable and whether the victim felt that the police were polite. For victims that had an offender who did not receive a sentence of jail or prison, the mean level of victim satisfaction was 1.5625 for those victims who reported that the police were not polite (the procedural justice, or focal variable, of this interaction) and 2.6686 for victims who reported that the police were polite. For victims who had an offender who did serve a sentence of prison or jail, the average satisfaction level was 2.6451 for those victims who reported that the police were not polite and 3.112 for those victims who reported that the police were polite. Victims who did not receive procedural justice recorded a satisfaction level 1.107 points higher if the offender went to prison or jail than if the offender did not. For victims who reported that the police were polite, and therefore did receive procedural justice, their satisfaction level was .467 points higher if the offender went to jail or prison than if the offender did not. See Figure 6 for a graph of these findings. Both of these interactions support Hypothesis 2a.

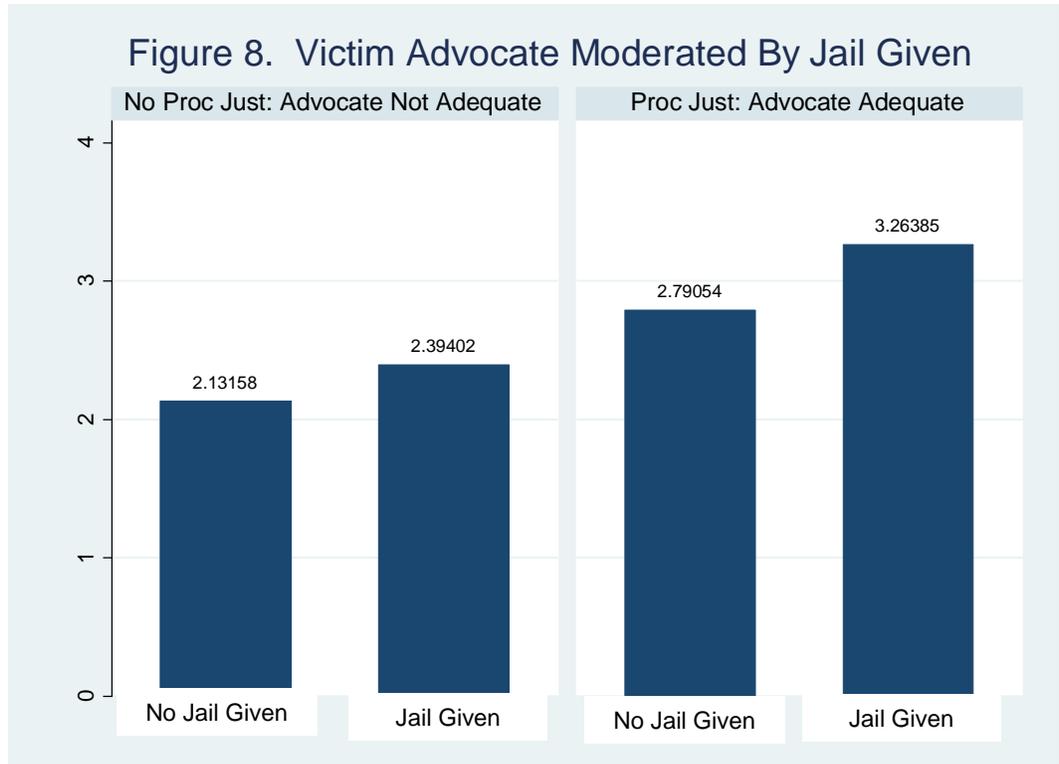


The remaining interactions suggest a different relationship between distributive justice and procedural justice. For instance, when an offender did not receive a sentence of jail or prison, the victim's level of satisfaction was 2.3667 when the police did not inform them of an arrest and 2.592 when the police did inform of them of an arrest. When the offender did serve a sentence of prison or jail, the satisfaction level was 2.415 for those victims who were not informed of an arrest and 3.123 for those victims who were informed of an arrest. Stated another way, for victims who did not receive procedural justice whether or not the offender served a sentence of prison or jail made a .048 point difference in their level of satisfaction, *or virtually no difference*. For victims who did receive procedural justice, whether or not the offender served a sentence in prison or jail made a .531 point difference in their satisfaction with the criminal justice system. For this interaction, where there was no procedural justice, distributive justice

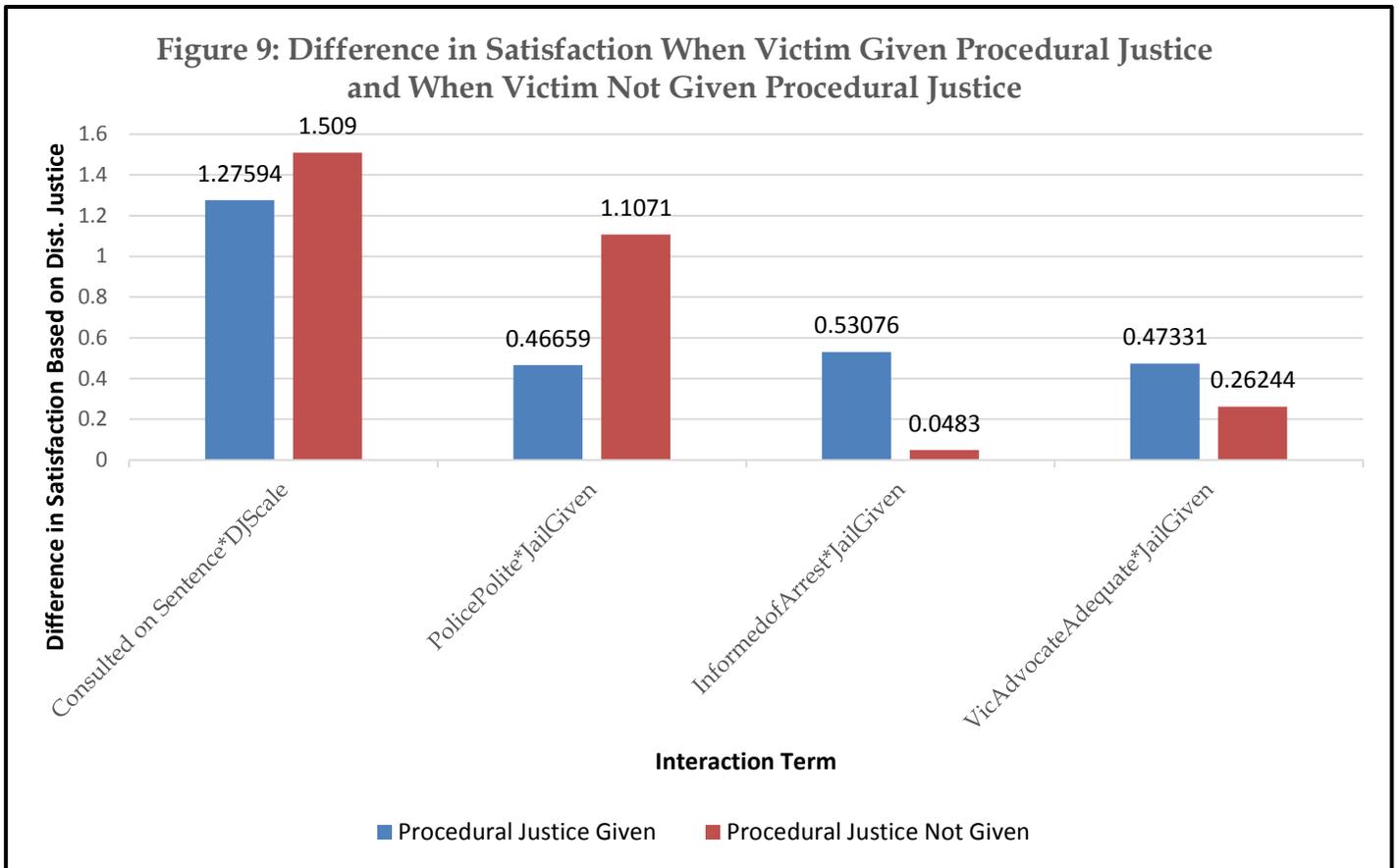
(whether or not the offender served a period of confinement) mattered nearly not at all. Distributive justice had more of an impact where procedural justice was high and less of an impact where procedural justice was low. While this interaction, similar to the interaction before, is a procedural justice element being moderated by the possible sentence of incarceration, the direction of the interaction is opposite the previous finding and does not support the hypothesis. Notably, and supportive of the primary thesis of this dissertation, victims who were afforded procedural justice have a higher level of satisfaction with or without the element of distributive justice than those victims who were not afforded this element of procedural justice. See Figure 7 for a graph of these findings.



Finally, the last interaction reveals that when the victim did not receive procedural justice (in this case, an adequate victim advocate), whether or not the offender served a sentence of prison or jail made a .2782 point difference in their level of satisfaction. For victims who reported that the victim advocate was adequate, and therefore did receive procedural justice, whether or not the offender served a sentence in prison or jail made a .4733 point difference in their level of overall satisfaction with the criminal justice system. For this interaction, where there was lower (or no) procedural justice, distributive justice (whether or not the offender served a period of confinement) mattered less. Distributive justice had more of an impact where procedural justice was high and less of an impact where procedural justice was low. While this finding is contrary to expectations, it is consistent with the previous interaction. Also similar to the previous interaction, victims who have been afforded procedural justice report a higher level of satisfaction regardless of distributive justice. See Figure 8 for a graph of these findings.



To summarize, the findings from the interaction model were mixed. Only four of the twenty-two interaction terms were significant in the full model, and of those, only three remained significant in the parsimonious model. Whereas the hypothesis predicts that the victim’s reliance on distributive justice would decrease as the level of procedural justice afforded to him or her increased, only two of the four significant interaction terms supported that hypothesis. The remaining two interactions were counter to that prediction, i.e. where there are elements of procedural justice afforded to the victim, distributive justice becomes more significant. As in the previous hypotheses, results are far more specific than global and are better discussed in terms of the individual variables included in the actual interaction. See Figure 9 for a summary of these effects.



**Hypothesis 3: Procedural and distributive justice will have differing impacts on victims based on race, gender, and crime type.**

As stated earlier in this dissertation, “public order successes have been achieved at great cost to politically powerless communities” (Schulhofer, et al, 2011). In the United States, it is well settled that racial, ethnic, and gender sub-groups are not treated the same by the criminal justice system. It then follows that perceptions of fairness and justice, and predictors of satisfaction, may not be the same either. When contacting the police for assistance in non-emergency situations, people who identified as White felt that the police were helpful 94% of the time and felt that the police provided a satisfactory response 91% of the time. However, 83% of people who identified as Black

felt that the police were helpful and 79% of people who identified as Black felt that the police provided a satisfactory response in the same type of non-emergency report, suggesting that there is a significant difference in the way people perceive the police response, based on their race (Durose and Langton, 2013). The literature on the impact of race and ethnicity in the court system is also robust, with significant research finding that offenders identifying with a marginalized race or ethnicity are more likely to be detained prior to trial, are more likely to receive an upward departure in sentencing guidelines, and that these effects at any one point in the system can create a cumulative effect which results in harsher treatment throughout the entire criminal justice process (Zatz, 2000). Based on prior personal experience, or prior observations, victims who identify as a non-majority race may anticipate the same type of disparity in their experiences.

As stated previously, victims of crime cannot be counted as one distinct sub-group. To the contrary, victims of crime identify more strongly with their sex, race, and ethnicity than they do as a crime victim. Thus, victims of crime often know of offenders, or have been offenders in previous interactions with the criminal justice system, and those experiences color the perceptions of justice that the victim will experience in this interaction. Further, these experiences with the criminal justice system often leads to a crime victim perceiving that status recognition by the majority race, ethnicity, or sex may only come in the form of distributive justice. Distributive justice, in these instances, may act as a proxy for validation from the majority communities.

We additionally know that while a victim's racial or ethnic sub-group does not significantly impact whether the victim experiences psychological (or socio-emotional)

problems as the result of the crime, other factors such as gender, crime type, and relationship of the victim to the offender do make a difference in this area (Langton and Truman, 2014).<sup>22</sup> Women are likely to be treated differently than men by criminal justice system actors, sometimes more leniently in response to the male-dominated criminal justice system wanting to take care of them (Albonetti, 1987; Albonetti, 1997; Mustard, 2001; Engen, et al, 2003). In other instances, women offenders are treated more harshly when they do not fit the stereotypical feminine paradigm (Smith, 2005). As a result of this disparate treatment, and as a result of a traditionally marginalized status, women are likely to experience justice differently than men, favoring process over outcomes, and equality, neutrality, and harmony when outcomes are distributed. (Kulik, et al, 1996; Sweeney and McFarlin, 1997). The question is if these disparate treatments (usually tested when the offender is a member of a racially or ethnically marginalized sub-group, or if the offender is a woman) influence the victim's level of satisfaction with the criminal justice system.

Since demographic variables pertaining to the victim are not significant in the previous models (Tables 3, 4, and 5), we know that victim group identity does not have a

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<sup>22</sup> 57% of non-Hispanic White victims, 58% of non-Hispanic black victims, 54% of Hispanic victims, and 56% of victims who identified as a race other than Hispanic, White, or Black experienced socio-emotional problems as the result of victimization. Even when characteristics of the crime are controlled, e.g. relationship of the victim to the offender and crime type, the race of the victim has no significant impact on whether there is a significant psychological impact. Approximately 70% of victims of robbery and victims of sexual assault reported experiencing moderate to severe socio-emotional distress in the aftermath of crime. Approximately 60% of victims who were victimized by a relative or intimate partner reported experiencing moderate or severe socio-economic impact, compared to approximately 30% of victims who were victimized by a stranger or other known offender. And, approximately 72% of female victims of violence experience psychological or socio-economic problems, compared to 44% of male victims (Langton and Truman, 2014).

direct impact on the victim's level of satisfaction. However, it is likely that the different experiences of victims based on their race and gender will result in certain elements of distributive and procedural justice being more or less important. For example, literature discussed earlier in this dissertation found that women are more likely than men to frame success by the processes used to achieve that success rather than the outcome. Men, however, tend to be more outcome oriented. In other literature, there is empirical support for the finding that distributive justice, i.e. an arrest of the offender, is important to victims of marginalized racial or ethnic groups, likely because that show of distributive justice helps to cement the status recognition of a typically under recognized population. The hypotheses below specify which types of justice will matter more to victims based on their race or gender.

**Hypothesis 3a: Ceteris paribus, procedural justice measures will have a greater effect on female victim satisfaction than male victim satisfaction.**

Gender is recognized widely as a factor that influences personal experience with the criminal justice system, both as a victim and as an offender. Generally, research has revealed that women favor process over outcomes and that they are treated differently than men by officials in the process (Albonetti, 1997; Mustard, 1997; Sweeney and McFarlin, 1997). For that reason, it is hypothesized that procedural justice measures will have a greater impact on female victim satisfaction than it does on male victim satisfaction. To test this hypothesis, I first conducted an Independent Samples t-test of victims who were identified by the interviewer as Female and victims who were identified by the interviewer as Male. The test revealed that the means of satisfaction between the two groups were significantly different from each other, with Female victims having a satisfaction score .17136 points higher than male victims. I then ran a

regression for men and a regression for women, regressing the dependent satisfaction scale on all significant procedural justice elements from earlier models and the distributive justice scale with relevant control variables. See Table 7 for the results of this regression. For women, three of the five measures of procedural justice were significant (whether the victim was informed of an arrest, whether the victim was informed throughout the investigation, and whether the victim had input into the process) and all were positively related to satisfaction. For men, four of the five procedural justice variables were significant. All of the variables that were important to females were also important to male victims. In addition, the adequacy of the victim advocate (a measure of representation) also was a significant predictor of male satisfaction (but not for females). The fifth procedural justice measure in the model was whether the victim delivered a victim impact statement. Delivering a victim impact statement is unrelated to satisfaction for both men and women.

<b>Table 7: What Drives Satisfaction: Male vs. Female Victims. OLS regression, with Z score</b>					
	<i>Male Only</i>		<i>Female Only</i>		<i>Z score</i>
	<i>b</i>	SE	<i>b</i>	SE	
<i>Police factors</i>					
Informed victim of investigation	.23*	.10	.30** *	.07	- .53
Informed victim of arrest	.44**	.16	.18†	.10	1.33
<i>Prosecution factors</i>					
Impact statement delivered	-.13	.09	-.05	.07	2.60
<i>System wide factors</i>					
Victim advocate adequate	.53***	.11	.13	.08	3.0
Victim input adequate	.42***	.11	.41** *	.08	.09
<i>Distributive justice factors</i>					

Distributive justice scale	.26***	.04	.38** *	.03	-2.34
<i>Control variables</i>					
Victim of rape	-.30	.37	.14	.09	
Victim of homicide	.16†	.10	.14	.09	
Psychological impact	-.01	.02	-.01	.01	
Offender relationship to victim	-.09	.09	.07	.06	
Victim in a strong state	.07	.10	.06	.07	
Intercept	1.39	.18	1.54	.13	
Adjusted R-square	.65		.73		
N	148		223		
*** $p < .001$ ** $p < .01$ * $p < .05$ † $p < .10$					

To compare the coefficients across models, I conducted a test of coefficients to determine a  $z$  statistic for each procedural justice variable in the model (Paternoster, et al, 1998). The  $z$  statistic revealed that the coefficients are statistically different on the measure of whether the victim advocate (a measure of representation) was adequate. Men are more impacted by that measure of procedural justice than women. In fact, the adequacy of the victim advocate is not a significant predictor of satisfaction for women at all.

Based on these findings, it appears that this hypothesis is unsupported by the data. While there are limited differences between men and women on procedural justice measures at all, it appears that at least one element of procedural justice (as measured in this study) may be more important for men than it is for women.

**Hypothesis 3b: Ceteris paribus, distributive justice measures will have greater effect on male victim satisfaction with the criminal justice process than female victim satisfaction.**

As stated previously, an independent samples t-test reveals a significant difference in satisfaction by gender. This hypothesis posits that distributive justice has more of an impact on men than it does on women. As in the last model, I tested this hypothesis by running two separate regressions and comparing the coefficients across models. See Table 7 for results. The coefficients measuring the effect of the distributive justice scale are significantly different from each other. However, the effect of distributive justice (the scale variable that measures fairness) is more associated with female satisfaction with the criminal justice system than male satisfaction. This finding is contrary to the hypothesis regarding gender differences but does support empirical findings discussed earlier that suggest distributive justice matters, particularly for female victims of domestic violence (Hickman and Simpson, 2003).<sup>23</sup>

**Hypothesis 3c: Ceteris paribus, procedural justice measures will have greater effect on White victim satisfaction with the criminal justice system than it does on Non-white victim satisfaction.**

As stated previously, this hypothesis is based on literature that reports race and ethnicity differences in how offenders and crime victims are treated by and perceive criminal justice system actors. To begin exploring this hypothesis, I conducted an Independent Samples t-test of victims identified as White and victims identified as Non-White. The test revealed that the means of satisfaction between the two groups were significantly different from each other, with White victims reporting higher levels of satisfaction overall than Non-white victims. After establishing that the sub-groups are

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<sup>23</sup> While the importance of distributive justice to domestic violence victims is discussed earlier in this dissertation, I do not test this specific relationship in this study.

statistically different from each other in terms of their satisfaction, I conducted separate regressions for White and Non-White victims, regressing the dependent satisfaction scale on all significant procedural justice variables, the distributive justice scale, and the relevant control variables from previous equations. Results are reported in Table 8. Four of the five procedural justice variables were significant for White victims; only the variable measuring whether the victim was informed of an arrest was unimportant. For Non-White victims, only two measures of procedural justice (whether the victim was informed of an arrest and of the investigation) were important to the victim’s satisfaction. For the variable that mattered to both groups of victims (whether the victim was informed of the investigation), there was no significant difference between the coefficients of the two groups. The only procedural justice variable that differed significantly between the groups captured whether the victim had an adequate opportunity for input (representation). For White victims, this is a significant predictor of satisfaction and it had a greater impact for White victims than for Non-white victims. These findings offer limited support for Hypothesis 3c.

<b>Table 8: What Drives Satisfaction: Non-White vs. White Victims. OLS regression, with Z score</b>					
	<i>Non-White Only</i>		<i>White Only</i>		<i>Z score</i>
	<i>b</i>	SE	<i>b</i>	SE	
<i>Police factors</i>					
Informed victim of investigation	.24**	.10	.30** *	.08	-.45
Informed victim of arrest	.46***	.14	.19	.12	1.55
<i>Prosecution factors</i>					
Impact statement delivered	.02	.09	-.12	.07	1.23
<i>System wide factors</i>					

Victim advocate adequate	.15	.10	.37	.08	-1.70
Victim input adequate	.16	.11	.49** *	.08	-2.44
<i>Distributive justice factors</i>					
Distributive justice scale	.44***	.04	.29** *	.03	2.97
<i>Control variables</i>					
Victim of rape	-.22	.25	.12	.10	
Victim of homicide	.08	.09	.14	.07	
Psychological impact	-.03	.02	-.01	.01	
Offender relationship to victim	-.03	.09	.03	.06	
Victim in a strong state	-.01	.10	.12†	.06	
Intercept					
	1.61	.18	1.48	.13	
Adjusted R-square					
	.72		.68		
N					
	119		252		
*** $p < .001$ ** $p < .01$ * $p < .05$ † $p < .10$					

**Hypothesis 3d: Ceteris paribus, distributive justice measures will have greater effect on Non-white victim satisfaction with the criminal justice system than it does on White victim satisfaction.**

Based on the knowledge that there is a significant difference in satisfaction levels based on race, I draw from the literature to hypothesize that distributive justice should have a greater effect on Non-white victim satisfaction than it does on White victim satisfaction. Like the previous hypothesis, I tested this hypothesis by running two separate regressions and calculating a  $z$  statistic for the distributive justice scale across the two groups. Results are reported in Table 8. The coefficient for the scale is positive

and significant for both groups, suggesting that distributive justice is an important contributor to satisfaction with the criminal justice system for both racial groups. However, the  $z$  statistic revealed a significant difference between the two coefficients. While distributive justice is linked to satisfaction for all victims, the magnitude of the effect is greater for Non-whites. Thus, hypothesis 3d is supported.

## **Chapter 6**

### **Summary and Conclusions**

I began this dissertation seeking to explore the victim's experience with the criminal justice system and identifying ways in which criminal justice actors could make evidence-based changes to existing processes that would increase the victim's level of satisfaction, and encourage higher rates of reporting, with limited impact on the offender. I hypothesized that the application of Tyler's procedural justice framework was an important framework in which to structure the role of the victim because it creates a vehicle for increasing system legitimacy and cooperation without relying on system outcomes. Overall, this analysis supports the use of the procedural justice framework but does so in a nuanced way, using specific procedural justice components as bases for possible policy change. This analysis also contributes to the literature about the victim's experience by lifting up important findings about case-related characteristics that other literature may have addressed differently.

#### **Limitations**

While the conclusions in this analysis are an important contribution to both theory and policy, the work is limited. One major difficulty with this dataset that has been mentioned previously is the lack of racial diversity in the dataset. 932 victims in the dataset, or 71%, identified as White. Of the remaining 376 victims in the dataset, 318 (or 24%) identified as Black or African-American. The remaining 59 victims identified as Hispanic, Asian, or Other. The dataset does not represent the racial diversity of the criminal justice system (Truman & Langton, 2014; Steffensmeier & Demuth, 2000; Kochel et al, 2011).

A second major difficulty with using this dataset to generalize to victims of crime at large is the fact that the dataset includes only victims who have reported the crime to police. Acknowledging, as has been discussed earlier in this dissertation, that victims who have reported the crime to police are a fraction of the victims who experienced criminal victimization and that race, sex, socioeconomic status, and crime type are likely factors in a victim's decision to report, the analysis of satisfaction may be skewed in favor of those who have had a more favorable experience, and in favor of victims who identify with a majority sub-group. Therefore, these findings should be interpreted with caution and not generalized to all crime victims.

### **Theoretical and Policy Implications**

Representation, one of the six core components of procedural justice, is the extent to which a party is allowed to control a decision making process (Tyler, 1990). Earlier in this dissertation, I hypothesized that the element of representation would have a positive impact on the victim's level of satisfaction. To form this hypothesis, I drew from the literature which demonstrated the importance of voice, the psychological healing that comes from having a sense of control over a process after the loss of control caused by crime, and the science of neurobiology that demonstrates the difficulty of interacting with a confrontational system without an advocate (Herman, 2005; Campbell, 2006; Campbell, et al, 2012; Lind, et al, 1990; Gonzalez and Tyler, 2009). The findings of this analysis support that hypothesis. The variables in these models that measured representation had a consistent, positive influence on the victim's level of satisfaction. The one refinement of this finding is that the delivery of a victim impact statement, which is the formalized vehicle for the victim to have a role in the criminal justice system, has

either no impact on the victim's level of satisfaction or, in the one model where the victim impact statement was significant, has a negative impact on the victim's satisfaction.

This finding is a substantial contribution to the theoretical literature, but is also a significant finding for policymakers. Variables related to representation are consistently important to the victim's satisfaction which suggests to policymakers that the inclusion of more representation for victims, either through an advocate or independent attorney, or through the opportunity to provide formal input, could have a notable impact on the victim's satisfaction and desire to engage and cooperate. However, policymakers need also to heed the warning that a public and adversarial role in the process may not be the positive force for victims that it is intended to be. It is possible that the formal and public vehicle for satisfaction that the criminal justice system relies on to incorporate the victim into the process is negative because of the stress, pressure, and trauma that is associated with a public and active confrontation with the offender, even if the victim is only speaking to the court in front of the offender. Herman's work, cited extensively before, suggests that the adversarial confrontations with the offender have a demonstrative negative impact on the victim's psychology (Herman, 2005). The finding related to the victim impact statement supports Herman's work in that way, and provides an important theoretical finding.

Another important consequence of this finding is its relevance for the expansion of restorative justice. Restorative justice proponents have long suggested that the restorative model was the way forward for crime victims, and that through use of the restorative model, victims of crime demonstrated a decrease in psychological trauma

symptoms such as fear or anger (Strang, 2002). However, this study finds that forcing the victim into an intimate and confrontational setting with the offender may actually have a negative influence on the victim's level of satisfaction. It is somewhat difficult to state that these are counter findings to those advanced by restorative justice advocates. Victims in this sample were engaged in an adversarial process, rather than a conciliatory process, as they would be in a restorative conference. However, the results challenge some of the basic premises of restorative justice and therefore warrant renewed discussion of whether restorative justice should be expanded. Citing again to Herman's work on the psychological experiences of trauma survivors, it may be that the inclusion of the victim in the decision of whether to move the process into a restorative one would make a tremendous impact. First, the victim would be given a voice in that early decision and second, the victim would be able to gain a sense of control over the decision making that matches the level of decision making authority granted to the government and the offender. In the meantime, however, as we seek to make modifications to the traditional system that processes the vast majority of offenders, active and vigorous representation for victims would be an essential component.

The other procedural justice component that was consistently significant throughout nearly all models was the element of accuracy, or the quality of the decision making and the transparency of the process. The variables in this model that tracked to whether the victim was being provided information, and the variables that measured the transparency of the public processes, were found to create a positive reaction in the victim's level of satisfaction. These findings are important to the literature in several ways. First, the provision of information to the victim in a reliable and consistent manner

will likely be enough, in many instances, to create a positive reaction in the victim. Providing information is a relatively easy task, particularly in an era of electronic information sharing. Information sharing also does not include, in many cases, changes to statute. What it does require, however, is a culture shift on the part of agents in the criminal justice system. Currently, police and prosecutors have adapted to having no client. Both entities work for the “state”, or the local or federal government. Absent the elected or appointed official at the top of that hierarchy, there is no one person to whom either agency has to answer on any one case. Discretion is vast. Transparency, the flow of information, and open discussion would, in many cases, create or enhance a positive victim experience. In the models, victims were satisfied with merely being provided information about the investigation or about the arrest. Providing the victim with information throughout the process are simple and solutions that are easily implemented.

Tyler’s treatise about criminal justice suggests that, for offenders or potential offenders, implementation of procedural justice will supersede the importance of outcomes or punishment. This dissertation asserted that, for victims, the implementation of procedural justice would supersede the victim’s need for distributive justice, or any one harsh outcome or punishment. I asserted earlier that, in the absence of procedure, distributive justice (often operationalized by the verdict and the sentence) becomes important because it is the only way the victim is able to receive community validation that they were harmed and that the offender should be held accountable. While it is not possible to say that distributive justice will always remain important to victims, even if procedural justice is perfectly implemented. What is certain is that, for now, distributive

justice does matter to victims, even when procedural justice is implemented. This finding is significant to the expansion of Tyler's theory.

An additional finding of substantial importance to the distributive justice discussion is the discovery that victims of crime are not interested in the use of harsh, retributive justice to create a more satisfying system. In none of the models was the variable measuring whether the offender was sentenced to a term of incarceration a significant element of the victim's satisfaction. In nearly all models, however, the victim's perception that the trial and the sentence was fair were important to the victim's satisfaction. This finding is a key contribution to the literature because it counters those suggestions by victims' rights opponents that the intention of the victim's full incorporation into the system as an equal party is to create a more retributive, and harsher, system of justice. While this analysis does support the importance of distributive justice, it supports only the conclusion that fairness matters, not retribution. Victims appear to be reaching for the validation of their community and accountability of the offender, a finding which is supportive of Herman's work, but not any specific type of retribution. However, the adversarial system which encourages denial of facts and responsibility creates a situation in which the only type of validation that the victim is able to receive is from a harsh sentence. It appears from this study that the victim would much rather be granted validation through process fairness, representation, and adequate information rather than through a harsh sentence.

Aside from the noteworthy findings about procedural justice, a major theme from this dissertation is that the victim's psychological health—and the trauma that crime causes—has a major impact on whether the victim is or is not satisfied with the criminal

justice process. In nearly all models, the victim's level of psychological impact was an important factor in the victim's level of satisfaction. The victim's level of psychological impact had a significant and negative impact on the level of satisfaction with the criminal justice system. At first glance, it may appear as if the psychological impact of the crime is outside of the span of control or scope of the criminal justice process. However, this finding may actually have important implications for criminal justice policy and training curricula that is used to inform police, prosecutors, and judges. First, this finding lends support to the practice of more fully and completely incorporating trained and professional victim advocates into the process, beginning with the victim's point of entry into the process and continuing through the end of the victim's point of exit from the process. In nearly all models, the adequacy of the victim advocate played an important role in the victim's level of satisfaction. That finding is important especially because, in this sample, the victim advocates were providing service in an extremely limited capacity. That is, the sample of crime victims surveyed for this research received system-based victim services (meaning that the advocates were limited in the extent to which they were able to advance the victim's interests) and the services were limited to the prosecution phase. In this sample, these limitations were not likely to be problematic, given the robust criminal justice experience of the majority of this sample. However, for the typical crime victim, early and consistent victim advocacy would likely be able to mitigate much of the psychological trauma, assist the victim in the stabilization of their neurobiology, assist the victim in achieving the validation of their community at the earliest stage of impact and encourage a more efficient and less harmful cooperation with the criminal justice system (Campbell, et al, 2012; Herman, 2005). Given the consistent

positive importance of the victim advocate in nearly all models and the consistent negative influence of the traumatic impact of the crime, a professional victim advocate that enters the process with the victim could very possibly mitigate the impact of that trauma and create an attendant impact on the victim's willingness to cooperate with the criminal justice system.

Second, this finding suggests an important criteria for future training curricula of criminal justice officials. Drawing from Herman's important research into how the adversarial criminal justice system impacts the victim's experience, it is important for police, prosecutors, and judges to understand the impact of trauma and to understand how the adversarial process may exacerbate that trauma. Knowledge of the victim's experience, and how the neurobiology of trauma may interact with the adversity of the process, is important to helping the officials manage the victim's case in a way that is most beneficial for the case. For example, if law enforcement officers and prosecutors are aware that the psychology of trauma could be impacting the victim's ability and motivation to continue cooperating with the case, they can be armed with skills to mitigate the symptoms and respond to them effectively, as well as explain them to a jury. This type of cooperation between the system and the victim, which has virtually no impact on the defendant or the defendant's rights, will likely result in a victim that is better able to work effectively with the system actors for a better case result.

Finally, given the source of the data used in this analysis, it would be remiss to close this dissertation without mentioning the importance of the legislative and policy changes that have already been implemented in all states. These data were collected for the purpose of determining whether the passage of a state constitutional amendment

contributed to greater implementation of the statutes and to an increase in the victim's level of trust in the system (Kilpatrick, et al, 1996). The original research found support for these hypotheses. In this analysis, I included a variable measuring whether the victim lived in a strong state in each model. In most models, i.e. models that included only police variables and variables that measured procedural justice with distributive justice, the variable was insignificant. However, in one of the first models, which measured only the level of the victim's satisfaction with the prosecutorial process, the variable was significant and positively related to the dependent variable, suggesting that the implementation of a constitutional amendment and the attendant full implementation of the laws, had a positive impact on the victim's level of satisfaction with the criminal justice system.

As I mentioned previously, during the time that these data were collected, most, if not all, of the statutes were applied to the victim's role in prosecution. In the last twenty years, legislation has been implemented which increases the victim's rights in the investigative process, allows for more thorough input by the victim in the correctional process, and increases the victim's rights to have an advocate or even an attorney through the criminal justice process. It is likely that, if these data were collected today, the strength of the state's legal protections for victims would have a more pervasive impact on the victim's level of satisfaction. Indeed, this conclusion would indicate a strong argument for increased legislative remedies of the types discussed above. Implementation of those remedies may create a dramatic increase in the victim's level of cooperation, sense of legitimacy in the system, and satisfaction.

### **Directions for Future Research**

This dissertation provides important insight into the theoretical literature surrounding the victim's experience, procedural justice, and distributive justice, including how those three areas interact to create a more positive experience for victims. This dissertation also raises significant questions and points to directions for future research in these areas. The first question that emerges from this work concerns the actual intention of the victim in the criminal justice process, i.e. what the victim wants from the process. This research supports the previously cited findings that procedural justice is important to victim satisfaction, and also that distributive justice is important to victim satisfaction. However, it also raises questions about what types of procedural and distributive justice matter. It is clear from these findings that victims do not want and are not satisfied with harsh, retributive sentencing alone. It is also clear that, while representation is an important procedural justice element for victim satisfaction, victims are not drawn to active, public participation in the system. Future research is needed to further explore these concepts, to better frame a picture of what will create greater victim satisfaction.

Similarly, this dissertation suggests a key finding about the application and use of victim impact statements as a vehicle for the victim's voice. Victim impact statements were one of the first victims' rights to be implemented through statute and are now almost universally accepted as a core right of crime victims. Victim impact statements have also been the one victims' right that has been empirically tested, but those tests involve an analysis of how the victim impact statement impacts the offender rather than how the victim impact statement impacts the victim. The findings of this work reveal that the victim impact statement may have a negative impact on the victim's satisfaction, rather than the positive impact that it is intended to have. Given the centrality of the

victim impact statement to victims' rights, further analysis is needed to determine whether victim impact statements are an appropriate vehicle for victim inclusion in the criminal justice process and, if they are, what about the victim impact statement is driving the negative reaction from crime victims.

Another substantial finding of this study is the importance of the victim advocate to the victim's satisfaction. Representation consistently emerged from the findings as an important predictor of the victim's level of satisfaction and in nearly all models, the victim advocate was one of the strongest predictors of satisfaction, i.e. if the victim described the victim advocate as adequate, the victim was more likely to have an increased level of satisfaction than if the victim advocate was not adequate. This finding suggests that the level of competence of the advocate is important, as is the extent to which the advocate is free to promote the victim's interests. As stated previously, the victim advocates that were available to victims in this dataset included only victim-witness staff that worked in the prosecutor's offices. These system-based advocates are extremely limited in the manner to which they can interact with the victim, and support the interests of the victim. Rather, these advocates are limited to supporting the victim's interests within the context of the system in which in they work. Future research in this area could further explore the role of the advocate, the benefits of having one advocate that follows the victim from entry into the system through conclusion with the system, and the training, skills, and knowledge that are important for an effective advocate.

Another important area of future research which has emerged from this dissertation is an analysis that includes the quality of the interactions between the victim and the criminal justice system actors. The dataset used in this analysis was a substantial

dataset, in that it included several measures of victim interaction with the criminal justice system, e.g. whether the victim received certain information, whether certain actors were polite, whether the victim was afforded the ability to provide input, or whether the victim was consulted on important decisions. However, all of these measures involved a “yes” or “no” answer, and were able to tell us little about the quality of the victim’s interaction with that criminal justice system actor. When conducting preliminary analyses of the data, it was not uncommon to find a negative association or correlation between the victim’s satisfaction and whether the police were polite. At first glance, that correlation seems unexplainable. However, further analysis of the content and quality of that interaction may reveal essential information about how the police and prosecutors are interacting with the victims.

And, finally, this dissertation reveals that a more thorough look of the crime victim’s experience in the criminal justice system would be an important. While conducting the literature review, it was apparent that where there is research into victim satisfaction, victim cooperation, and victim participation, that literature most often focuses on sexual assault victims or domestic violence victims. Most, if not all, of the research details the negative and difficult experiences of both types of crime victims, which led to the assumption that sexual assault victims were going to be more dissatisfied in the system than other types of crime victims. Without ignoring the significant limitations of this dataset with regard to sexual assault victims, the finding of this analysis suggested that sexual assault victims were more satisfied than other crime victims. Since we know that the experiences of sexual assault victims are notoriously difficult, is it possible that being a “general crime victim”, i.e. a violent crime victim

without access to specialized advocates and services, could be more dissatisfying than being a victim of sexual assault? This is an important question and one that deserves additional research.

I began this dissertation to explore whether Tom Tyler's theory on procedural justice has a similar level of importance to crime victims than it does to offenders. That is, where offenders are motivated to obey the law if the laws are promulgated and applied with consistency, impartiality, accuracy, correctability, representation and ethicality for all people who are impacted by the law, victims will be more satisfied by a system that includes the same elements of procedural justice. The secondary analyses of this work sought to understand if and to what extent distributive justice impacts the victim's satisfaction and to what extent both procedural and distributive justice are impacted by the victim's sub-group identity or crime type. It is clear from these findings that procedural justice as applied to victims is an important framework for future exploration. As the title suggests, procedural justice appears to be at least some of what matters to crime victims.

### Appendix A: Correlation Matrix

	Dep: Average Satisfaction	Police were polite	Police gave VS information	Police informed of investigation	Police informed of arrest	Delivered vic impact stmt	Prosecution consulted vic on sent	Whether there was a trial
Dep: Average Satisfaction	1							
Police were polite	.243**	1						
Police gave VS info	.168**	.070*	1					
Police informed of investigation	.463**	.271**	.209**	1				
Police informed of arrest	.276**	.136**	.063*	.362**	1			
Delivered vic impact stmt	.162**	.076**	.213**	.181**	.039	1		
Pros consulted vic on sent.	.253**	.025	.127**	.110**	.044	.188**	1	
Whether there was trial	.156**	-.004	.039	.068*	.007	.008	.009	1
Whether advocate was ok	.471**	.055	.250**	.275**	.176**	.146**	.199**	.054
Whether services were ok	.385**	.072*	.393**	.285**	.180**	.162**	.156**	.097**
Whether efforts to provide input were ok	.580**	.148**	.161**	.385**	.176**	.195**	.239**	.108**
Whether efforts to keep vic informed ok	.566**	.170**	.189**	.534**	.297**	.153**	.182**	.113**
Sentence was fair	.599**	.118**	.083*	.265**	.109**	.099**	.233**	.091**
Trial was fair	.653**	.136**	.049	.331**	.199**	.093*	.191**	.091**
Was jail given	.211**	.025	.113**	.165**	.098**	.089*	.103**	.048
Homicide victim	-.002	-.022	.152**	.046	.014	.059*	.068*	.070*
Sexual assault victim	.117**	.009	.130**	.045	-.042	.081**	.084*	-.057
Strong state	.138**	-.037	.289**	.116**	.077**	.316**	.083*	-.043
Psychological Impact Scale	-.124**	-.103**	.222**	-.065*	-.070*	.140**	.122**	.012
Offender was a stranger	.065	.025	-.038	.000	.073*	-.038	-.062	.045
Primary vs. secondary vic.	.018	-.010	.155**	.061*	.009	.111**	.116**	.046
Income/Poverty	-.108**	-.035	.101**	-.030	-.039	-.115**	-.100**	.002
Race/White	.079*	.007	-.085**	.032	.053	.081**	.113**	-.042
Education/ College	-.047	-.012	.004	-.002	-.059*	-.104**	-.013	.021
Employment/ Employed	.008	.001	-.023	-.016	.063*	.063*	.032	.000
Sex/ Female	.098**	.028	.140**	.056*	-.060*	.154**	.104**	-.038
Age	.032	.082**	-.101**	.041	-.002	-.020	-.091**	.075*

Appendix A: Correlation Matrix								
	Whether advocate was adequate	Whether services were adequate	Whether efforts to provide input were adequate	Whether efforts to keep victim informed were adequate	Sentence was fair	Trial was fair	Was jail given	Homicide victim
Dep: Average Satisfaction								
Police were polite								
Police gave VS info								
Police informed of investigation								
Police informed of arrest								
Delivered vic impact stmt								
Pros consulted vic on sent.								
Whether there was trial								
Whether advocate was ok	1							
Whether services were ok	.520**	1						
Whether efforts to provide input were ok	.399**	.385**	1					
Whether efforts to keep vic informed ok	.388**	.418**	.567**	1				
Sentence was fair	.262**	.224**	.378**	.294**	1			
Trial was fair	.291**	.302**	.440**	.424**	.536**	1		
Was jail given	.078	.011	.198**	.246**	.162**	.197**	1	
Homicide victim	.075*	.037	.030	.077*	-.018	.002	.254**	1
Sexual assault victim	.074*	.095**	.071*	.090**	.079*	.070	.097**	-.229**
Strong state	.137**	.099**	.114**	.162**	.051	.079*	.229**	.028
Psychological Impact Scale	-.008	-.027	-.068*	-.046	-.096*	-.161**	.079*	.160**
Offender was a stranger	.045	.002	.027	.002	.070	.060	.052	-.035
Primary vs. secondary vic.	.095*	.049	.037	.092**	.014	.057	.275**	.810**
Income/Poverty	-.067	-.008	-.085**	-.010	-.128**	-.169**	-.017	.070*
Race/White	.056	.047	.063*	.012	.130**	.144**	-.021	-.200**
Education/ College	-.019	-.046	-.030	-.002	-.085*	-.126**	.027	.094**
Employment/ Employed	.070	.042	-.025	-.045	.051	.072	-.074*	-.091**
Sex/ Female	.132**	.106**	.057	.065*	.052	-.022	.153**	.221**
Age	-.029	-.018	.048	.055	.013	.005	.082*	.256**

Appendix A: Correlation Matrix

	Sexual assault victim	Strong state	Psychological Impact Scale	Offender was a stranger	Primary vs. secondary victim	Income/Poverty	Race/White	Education/College	Employment/ Employed	Sex/Female	Age
Dep: Average Satisfaction											
Police were polite											
Police gave VS info											
Police informed of investigation											
Police informed of arrest											
Delivered vic impact stmt											
Pros consulted vic on sent.											
Whether there was trial											
Whether advocate was ok											
Whether services were ok											
Whether efforts to provide input were ok											
Whether efforts to keep vic informed ok											
Sentence was fair											
Trial was fair											
Was jail given											
Homicide victim											
Sexual assault victim	1										
Strong state	.224**	1									
Psychological Impact Scale	.196**	.256**	1								
Offender was a stranger	-.185**	-.045	-.122**	1							
Primary vs. secondary vic.	.023	.103**	.172**	-.124**	1						
Income/Poverty	.055	.002	.162**	-.107**	.063*	1					
Race/White	.060*	.023	-.092**	.069*	-.162**	-.254**	1				
Education/ College	-.026	-.104**	.018	-.052	.099**	.263**	-.038	1			
Employment/ Employed	-.045	-.046	-.106**	.058*	-.091**	-.194**	.047	-.157**	1		
Sex/ Female	.261**	.202**	.287**	-.143**	.255**	.088**	-.033	-.007	-.097**	1	
Age	-.219**	-.090**	-.133**	.003	.213**	-.076**	.056*	.055*	-.311**	.022	1

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